

THE LAND PLANNING AND DEVELOPMENT (GUERNSEY) LAW, 2005
AND THE LAND PLANNING AND DEVELOPMENT (GENERAL PROVISIONS)
ORDINANCE, 2007

NOTIFICATION OF GRANT OF PLANNING PERMISSION

PROPOSALS: Erect two dwellings and associated works.

LOCATION: St Martins Court, Rue Maze, St. Martin.

APPLICANT: PZP Properties

This permission is granted under the terms of Sections 15 and 16 of the Land Planning and Development (Guernsey) Law, 2005 (the 'Law').

Date of Grant of Permission: 19/01/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 30/10/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Tyrrell Dowinton - 2384 03.01B, 03.02B, 03.03, 03.04, 03.05 & 03.06.
Tyrrell Dowinton letter dated 12/12/2023

Application Ref: FULL/2023/1956

Property Ref: J000810000

Conditions and reasons:-

1.All development authorised by this permission must be carried out and must be completed in every detail in accordance with the written application, plans and drawings referred to above. No variations to such development amounting to development may be made without the permission of the Authority under the Law.

Reason - To ensure that it is clear that permission is only granted for the development to which the application relates.

2.The development hereby permitted shall be begun within 3 years from the date of grant of this permission.

Reason - This condition reflects section 18(1) of the Land Planning and Development

(Guernsey) Law, 2005 which states that planning permission ceases to have effect unless development is commenced within 3 years of the date of grant (or such shorter period as may be specified in the permission).

3.The development hereby permitted and all the operations which constitute or are incidental to that development must be carried out in compliance with all such requirements of The Building (Guernsey) Regulations, 2012 as are applicable to them, and no operation to which such a requirement applies may be commenced or continued unless (i) plans relating to that operation have been approved by the Authority and (ii) it is commenced or, as the case may be, continued, in accordance with that requirement and any further requirements imposed by the Authority when approving those plans, for the purpose of securing that the building regulations are complied with.

Reason - Any planning permission granted under the Law is subject to this condition as stated in section 17(2) of the Land Planning and Development (Guernsey) Law, 2005.

4.Notwithstanding the information submitted, the first floor windows in the east elevation shall be glazed with obscure glass to a minimum of Level 3 on the Pilkington scale (or equivalent) and shall thereafter be retained at all times.

Reason - To minimise the effect of the development on the privacy and amenities of nearby residents.

5.No development, excluding demolition and site works, shall begin until a landscaping scheme, to include those details specified below, has been submitted to and agreed in writing by the Authority:

- i) the treatment proposed for all ground surfaces, including hard areas;
- ii) full details of tree and hedge planting;
- iii) planting schedules, noting the species, sizes, numbers and densities of plants;
- iv) finished levels or contours;
- v) elevations of the timber sheds; and
- vi) all existing trees, hedges and other landscape features, indicating clearly those to be removed.

Reason - To make sure that a landscaping scheme for the development is agreed, in order to help assimilate the development into its surroundings.

6.The landscaping scheme shall be fully completed, in accordance with the details agreed under the terms of condition 5, in the first planting season following the first occupation of any part of the development or completion of development whichever is the sooner, or in accordance with a programme previously agreed in writing by the Authority. Any trees or plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by trees or plants of a size and species similar to those originally required to be planted.

Reason - In the interests of visual amenity.

7.The solar thermal panels and electric car charging points shall not be installed until details of their siting and construction has been submitted to and agreed in writing by the Authority. Thereafter the development shall not be occupied until the solar panels, electric car charging points, mechanical heat recovery systems, air tightness, U values and all other sustainable design features set out in the Tyrrell Dowinton Associates Ltd letter dated 12/12/2023 have been installed/completed/made operational.

Reason - In the interests of sustainable development, these features having been proposed to address the requirements of Island Development Plan Policy GP9.

Expiry Date: This permission will cease to have effect on 18/01/2027 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

With regards to condition 5, it is recommended that the landscape scheme includes a total of 3 to 4 trees in the planters adjacent to the proposed bin store and parking space 1 of the proposed dwellings. The trees should be significant trees of a suitable species such as English Oak *Quercus Robur* or Sweet Chestnut *Castanea sativa*.

Effect of planning permission:

Section 18 of the Land Planning and Development (Guernsey) Law, 2005 ('the Law') defines the effect of the planning permission hereby granted, namely:

- (1) Planning permission ceases to have effect unless the development permitted by it is commenced within a period of three years immediately following the date on which it is granted (or such shorter period as may be specified in the permission).
- (2) Planning permission enures for the benefit of the land concerned and of every person for the time being having an interest in it.
- (3) Any conditions subject to which planning permission is issued are enforceable in accordance with the provisions of Part V of the Law.
- (4) Planning permission for the erection of a building is only permission to use it for the purpose specified in the permission or, subject to any restriction so specified, for any other purpose for which it is designed.
- (5) Planning permission is only permission to carry out the development specified in it (subject to any conditions so specified), and does not imply the giving of any

other approval or consent required under this Law or any other enactment or under any rule of law.

Right of appeal against planning decisions:

Your attention is drawn to the provisions of Section 68(1) of the Land Planning and Development (Guernsey) Law 2005, which provides a right of appeal, on the merits against a decision to grant planning permission subject to conditions (except a building condition), to the Planning Tribunal, which is independent of the States of Guernsey. An appeal to the Planning Tribunal under section 68 of the Law against this decision must be made before the expiry of the period of six months beginning with the date on which the Authority made this decision. The official Appeal Notice Forms are available on the States of Guernsey website at www.gov.gg/planningpanel and must be completed with all enclosures in multiples as requested and received within the six months deadline.

Copy of representations made:

In reaching this decision the Authority took into account any written consultations made under Section 11(1) of the Land Planning and Development (General Provisions) Ordinance, 2007 ('the Ordinance'). A copy of any consultation responses made under section 11 will be included with this decision in accordance with section 19 of the Ordinance.

Other Remarks:

Please note that any work which abuts or affects the public highway requires prior approval by Traffic and Highway Services. Please contact Traffic & Highway Services (highways@gov.gg) for further advice. You must also ensure that any access/es to the development are constructed to meet the existing road/footway levels in accordance with their requirements.

This document is not a Building Licence and confers no approval under the Building Regulations.

A separate Building Control Licence may be required and it is the responsibility of the developer to ensure that ALL necessary consents are obtained and that any pre-commencement conditions are discharged prior to development being commenced.

A J ROWLES

Director of Planning
Planning Service



PLANNING APPLICATION REPORT

Application No: FULL/2023/1956
Property Ref: J000810000
Valid date: 30/10/2023
Location: St Martins Court Rue Maze St. Martin Guernsey GY4 6LL
Proposal: Erect two dwellings and associated works.

Applicant: PZP Properties

RECOMMENDATION - Grant: Planning Permission with Conditions:

1. All development authorised by this permission must be carried out and must be completed in every detail in accordance with the written application, plans and drawings referred to above. No variations to such development amounting to development may be made without the permission of the Authority under the Law.

Reason - To ensure that it is clear that permission is only granted for the development to which the application relates.

2. The development hereby permitted shall be begun within 3 years from the date of grant of this permission.

Reason - This condition reflects section 18(1) of the Land Planning and Development (Guernsey) Law, 2005 which states that planning permission ceases to have effect unless development is commenced within 3 years of the date of grant (or such shorter period as may be specified in the permission).

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Reason - To minimise the effect of the development on the privacy and amenities of nearby residents.

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Reason - In the interests of sustainable development, these features having been proposed to address the requirements of Island Development Plan Policy GP9.

INFORMATIVES

With regards to condition 5, it is recommended that the landscape scheme includes a total of 3 to 4 trees in the planters adjacent to the proposed bin store and parking space 1 of the proposed dwellings. The trees should be significant trees of a suitable

species such as English Oak *Quercus Robur* or Sweet Chestnut *Castanea sativa*.

OFFICER'S REPORT

Site Description:

The site consists of a hard surfaced car park forward of and associated with the St Martin's Court Apartments and is situated to the south of La Rue Maze. The site is within the St Martin Local Centre.

Relevant History:

10/03/2021 – FULL/2020/1989 – Permission granted to erect two semi-detached dwellings.

28/03/2017 – FULL/2017/0001 – Permission granted to erect two semi-detached dwellings.

Existing Use(s):

Residential

Brief Description of Development:

Planning permission is requested to erect two semi-detached 2½ storey dwellings fronting onto the highway with 4 associated car parking spaces. The dwellings would comprise of a 3 bedroom dwelling and a 4 bedroom dwelling. To accommodate the dwellings it is proposed to alter the layout of the car park and landscaped planters for the existing St Martin's Court Apartments. The dwellings are proposed to be finished with rendered walls, white uPVC fenestration and a natural slate roof.

Relevant Policies of any Plan, Subject Plan or Local Planning Brief:

Policy LC2: Housing in Local Centres

Policy GP1: Landscape Character and Open Land

Policy GP8: Design

Policy GP9: Sustainable Development

Policy IP6: Transport infrastructure and support facilities

Policy IP7: Private and Communal Car Parking

Policy IP9: Highway Safety, Accessibility and Capacity

Representations:

Three objections were received in response to the application, the main points are as follows:

- Scale, height and siting of the development and its impact on the character and appearance of the area.
- Impact on neighbouring properties including overshadowing, overbearing, loss of privacy and noise.
- When neighbouring properties were constructed in 2000 they were subject to restrictions in height, siting, the use of the roof space and the installation of dormer windows and rooflights.
- Overdevelopment of the site and the surrounding area.
- If the development is granted the roadside wall should be maintained at its current height to reduce overlooking of neighbouring properties.

Consultations:

None

Summary of Issues:

The main issues in deciding this application are:

1. The principle of housing development on this site.
2. Design and impact of the development on the appearance and character of the area.
3. The impact of the development on the amenity of people living in the area.
4. Whether the development would result in a satisfactory living environment for the occupiers of the new dwellings.
5. Road safety and traffic management.

Assessment against:

- 1 - Purposes of the law.**
- 2 - Relevant policies of any Plan, Subject Plan or Local Planning Brief.**
- 3 - General material considerations set out in the General Provisions Ordinance.**
- 4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).**

Policy LC2 makes provision for a limited amount of housing in Local Centres to enable community growth and to reinforce them as sustainable centres where the scale of such development does not undermine the aims and objectives for the Main Centres. Housing development in Local Centres is required to be appropriate to and complement the scale, setting and character of the Local Centre concerned and be compatible with the level of existing and planned services and facilities available in the Local Centre.

The application remains broadly the same as the permissions approved in 2017 (FULL/2017/0001) and 2020 (FULL/2020/1989). There has been no material change in planning policies since the previous permissions. As a result, the density of the development, mix and type of dwellings and parking provision for the proposed dwellings remains acceptable.

The scale and traditional design of the dwellings reflect the design of existing properties in the area. Although the dwellings are sited closer to the highway than neighbouring dwellings, it is acknowledged that the depth of frontages of properties to the south of La Rue Maze varies. The staggered design of the dwellings breaks up the front building line and it is noted that due to the limited depth of the plot, if the dwellings were set back further from the highway this would affect the quality of the accommodation provided. Overall, the siting, scale and design of the dwellings is appropriate and would have no significant adverse effects on the character and appearance of the area.

With regards to the impact on the amenities of neighbouring residents, it was previously concluded that the distance between the first floor windows on the proposed dwellings and neighbouring dwellings to the rear (south) elevation (approximately 20m) and the front (north) elevation (approximately 18m) together with the relative orientation of the dwellings is sufficient to safeguard the amenities of neighbouring residents. The distance between the proposed dwellings and neighbouring dwellings to the north would be sufficient to prevent any undue overshadowing. The proposal is unlikely to have any significant adverse effects on the amenities of neighbouring residents.

Information has been submitted to demonstrate that the design has taken into account the use of energy and resources, in accordance with Policy GP9.

With regards to the comments in the representations about planning restrictions during the building of neighbouring properties in 2000. Planning applications in 2000 were considered under previous and now superseded planning policy and any planning restrictions that may have been in place in 2000 are not relevant to the consideration of this current application. With regards to the height of the roadside wall, the proposed plans indicate the existing 2m high wall to be retained.

All material considerations as set out in the Land Planning and Development (Guernsey) Law, 2005 and the Land Planning and Development (General Provisions) Ordinance, 2007 have been taken into account in the assessment of this application.

It is recommended that the application is approved.

Date: 12/01/2024

