

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: Demolish dwelling and erect 5 apartments with associated parking and landscaping (Revised Scheme).

LOCATION: Ana Capri, Havelet, St. Peter Port.

APPLICANT: Ana Capri Ltd

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: 20/02/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 06/11/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: DRP Architecture: 3139-DR-002A, 101, 102, 103A, 104A, 105, 200, 201, 202, 203, 300, 301 & 302

Application Ref: FULL/2023/2196

Property Ref: A407320000

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.No development, including demolition, shall begin on site until a detailed method statement for demolition and excavation at the site has been submitted to and agreed in writing by the Authority demonstrating how the adjoining protected building, presently known as Villa Fallaise, will be protected during the demolition works. Following demolition and excavation, and prior to any other works occurring at the site, a statement for the ongoing protection of the adjoining building and details of the abutment of that building and the new building hereby approved shall be submitted to and approved by the Authority. The works shall be carried out only in accordance with the agreed details.

Reason - To ensure the protection of the adjacent protected building during the course of works.

5.No railings shall be installed on site until large scale details of those railings, including clarification of any barrier proposed adjacent to the entrance to Unit 3, have been submitted to and agreed in writing by the Authority. The development shall be carried out only in accordance with the agreed details.

Reason - The information provided with the application does not include full details of the proposed features. This condition is imposed to make sure that the building is of satisfactory design and does not have any adverse impact on the character of the area.

6.No development shall begin on site until large scale details of the planters, privacy screens and edge protectors to the perimeter of each roof terrace have been submitted to and agreed in writing by the Authority. The features approved for each terrace shall be installed and remain in situ for the lifetime of the development, in accordance with the agreed details prior to occupation of the associated unit.

Reason - The information provided with the application does not include full details of the proposed features. This condition is imposed to make sure that the features are of satisfactory design so as to ensure there would be no adverse impact on the character of the area or on the amenity of adjacent properties or other properties within the development.

7.No planting or laying of hardsurfacing shall be undertaken at the site 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 hard surfaced areas;
- ii) full details of tree, hedge and other planting shown on the approved plans;
- iii) planting schedules, noting the species, sizes, numbers and densities of plants;
- iv) finished levels or contours; and
- v) all existing trees, hedges and other landscape features, indicating clearly those to be removed.

Reason - To make sure that a satisfactory landscaping scheme for the development is agreed, in order to help assimilate the development into its surroundings and to protect the amenity of adjoining properties.

8.The landscaping scheme shall be fully completed, in accordance with the details agreed under the terms of the above condition, 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 - To make sure that the appearance of the completed development is satisfactory and to help assimilate the development into its surroundings and to protect the amenity of adjoining properties.

9.Prior to the first occupation of any part of the development, the provision for cycle storage and visitor cycle parking, together with the inset ramp connecting the storage to road level, shall be installed in accordance with the approved plans. The provision for cycles shall be retained at all times.

Reason - To encourage the use of bicycles as an alternative to the car.

10. The development hereby permitted shall be carried out in accordance with the Site Waste Management Plan submitted as part of this application, and no part of the development shall be occupied or brought into use until there has been submitted to the Authority a report providing verification that the development has been carried out fully in accordance with the agreed Site Waste Management Plan. Where there has been any variation from the Site Waste Management Plan as originally submitted, the report shall highlight and detail the reasons for this.

Reason: To ensure that the development is managed to minimise waste during the demolition of any existing buildings or structures or during construction, that existing materials are reused, recycled or disposed of either on or off site, and that residual waste will be dealt with appropriately, in accordance with the aims and objectives of Policy GP9.

Expiry Date: This permission will cease to have effect on 19/02/2027 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

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/2023/2196
Property Ref: A407320000
Valid date: 06/11/2023
Location: Ana Capri Havelet St. Peter Port Guernsey GY1 1BB
Proposal: Demolish dwelling and erect 5 apartments with associated parking and landscaping (Revised Scheme).

Applicant: Ana Capri Ltd

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.

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in writing by the Authority demonstrating how the adjoining protected building, presently known as Villa Fallaise, will be protected during the demolition works. Following demolition and excavation, and prior to any other works occurring at the site, a statement for the ongoing protection of the adjoining building and details of the abutment of that building and the new building hereby approved shall be submitted to and approved by the Authority. The works shall be carried out only in accordance with the agreed details.

Reason - To ensure the protection of the adjacent protected building during the course of works.

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Reason - The information provided with the application does not include full details of the proposed features. This condition is imposed to make sure that the building is of satisfactory design and does not have any adverse impact on the character of the area.

6. No development shall begin on site until large scale details of the planters, privacy screens and edge protectors to the perimeter of each roof terrace have been submitted to and agreed in writing by the Authority. The features approved for each terrace shall be installed and remain in situ for the lifetime of the development, in accordance with the agreed details prior to occupation of the associated unit.

Reason - The information provided with the application does not include full details of the proposed features. This condition is imposed to make sure that the features are of satisfactory design so as to ensure there would be no adverse impact on the character of the area or on the amenity of adjacent properties or other properties within the development.

7. No planting or laying of hardsurfacing shall be undertaken at the site 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 hard surfaced areas;
- ii) full details of tree, hedge and other planting shown on the approved plans;
- iii) planting schedules, noting the species, sizes, numbers and densities of plants;
- iv) finished levels or contours; and
- v) all existing trees, hedges and other landscape features, indicating clearly those to be removed.

Reason - To make sure that a satisfactory landscaping scheme for the development is agreed, in order to help assimilate the development into its surroundings and to protect the amenity of adjoining properties.

8. The landscaping scheme shall be fully completed, in accordance with the details agreed under the terms of the above condition, 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 - To make sure that the appearance of the completed development is satisfactory and to help assimilate the development into its surroundings and to protect the amenity of adjoining properties.

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Reason - To encourage the use of bicycles as an alternative to the car.

10. The development hereby permitted shall be carried out in accordance with the Site Waste Management Plan submitted as part of this application, and no part of the development shall be occupied or brought into use until there has been submitted to the Authority a report providing verification that the development has been carried out fully in accordance with the agreed Site Waste Management Plan. Where there has been any variation from the Site Waste Management Plan as originally submitted, the report shall highlight and detail the reasons for this.

Reason: To ensure that the development is managed to minimise waste during the demolition of any existing buildings or structures or during construction, that existing materials are reused, recycled or disposed of either on or off site, and that residual waste will be dealt with appropriately, in accordance with the aims and objectives of Policy GP9.

INFORMATIVES

OFFICER'S REPORT

Site Description:

The property is located on the south-east side of Havelet, abutting that road, with levels reducing away from the roadside. The property comprises a single

dwellinghouse, 2 storey at the roadside and 3½ storey within the site. Residential properties are located to the north and across the road to the north-west, and a hotel to the south. A parking area is provided adjacent to the south boundary, of sufficient size to provide a single standard parking space.

The property is located within a Conservation Area and Main Centre Inner Area in the Island Development Plan. The properties to the north, south and across the road to the north-west are protected.

Relevant History:

FULL/2023/0273 Demolish dwelling and erect 5 apartments with associated parking and landscaping. Refused 05/06/2023, for the following reasons:

1. The proposed replacement building fails to make an equal or enhanced contribution to the character of the Conservation Area relative to the existing building at the site, and does not conserve or enhance the special character of that Conservation Area. The proposed development would be contrary to Policies GP4 (Conservation Areas), GP8 (Design) and GP9(b) (Sustainable Development) and would not meet the statutory duty in respect of Conservation Areas.
2. The proposed development would alter the composition of the building group along Havelet and would have an adverse effect on the setting and therefore the special interest of nearby protected buildings, contrary to Policies GP5 (Protected Buildings), GP8 (Design) and GP9(b) (Sustainable Development) and would not meet the statutory duty in respect of protected buildings.
3. The proposed development does not achieve a good standard of architectural design which respects the character of the local built environment, contrary to Policy GP8a)&c) (Design).
4. The submitted application does not include sufficient information to demonstrate that the health and well-being of neighbours of the development by means of providing adequate daylight, sunlight and private/communal space has been considered, or that the development will not have unacceptable impacts on the amenities of neighbouring properties. The proposed development would be contrary to Policies GP8(d) (Design) and GP9(b) (Sustainable Development).
5. The submitted application does not include a Site Waste Management Plan, contrary to the requirements of Policies GP9 (Sustainable Development) and MC2 (Housing in Main Centres and Main Centre Outer Areas).
6. As the proposal does not meet all relevant policies of the Island Development Plan, the presumption in favour of residential development contained within Policy MC2 (Housing in Main Centres and Main Centre Outer Areas) is rebutted.

The building, together with the roadside railings, was first protected in 1974, and was transferred to the protected buildings list in 2009, with the introduction of the Land Planning and Development (Guernsey) Law, 2005. Following review of the Protected Buildings List in 2022, the building was however found not to meet the Criteria for the Selection of Buildings for the Protected Buildings List (Conservation Advice Note 6), 2016. Consequently the building was removed from the protected buildings list and is no longer a protected building.

Existing Use(s):

Residential Use Class 1

Brief Description of Development:

This application follows a previous refusal to demolish the existing dwelling and erect 5 apartments, which was refused for the reasons set out above.

The current application remains for demolition of the existing dwelling and erection of 5 apartments, 1no 1 beds and 4no 2 beds. Parking for a single vehicle would be retained in the existing location, together with cycle hoops for visitor parking. The garden space to the rear of the site would be retained for the bottom apartment and the upper apartments (Units 2, 3 &4) would be served by roof terraces.

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

MC2	Housing in Main Centres
GP4	Conservation Areas
GP5	Protected Buildings
GP8	Design
GP9	Sustainable Development
IP6	Transport Infrastructure and Support Facilities
IP7	Private and Communal Car Parking
IP9	Highway Safety, Accessibility and Capacity

Representations:

Two letters of representation received raising the following points:

- The existing building has an inherent architectural and historic quality and value, and does not detract from the character of the Conservation Area or setting of the nearby protected buildings, any replacement must therefore be of a particularly high standard of design and make an equal and enhanced contribution to the special character of the Conservation Area;
- The mass and bulk of the proposed building would not respect or enhance the character of the Conservation Area and would introduce a discordant element

into the street scene which would detract from the traditional rhythm and form of the other buildings;

- The proposed design does not take into account the unique roof form of the existing building, which is a prominent sight in this area;
- The development would compromise the only public viewpoint in Havelet looking down the valley to the castle, contrary to the comments made in the St Peter Port Conservation Area Appraisal, Part 2, Study of the Hillside Town which seeks to conserve view corridors and glimpsed views. An application was recently refused under FULL/2023/0053 on a similar basis;
- Parking provision is inadequate for the number of units proposed, especially given the heavily oversubscribed nature of on street parking in the vicinity;
- No provision is made for secure, covered cycle storage;
- The shadow analyses provided are not clear, in respect of impacts at different times;
- The proposal would result in overbearing, overshadowing and overlooking of adjacent properties, particularly the property to the north;
- Implementation would result in a lengthy and disruptive period of demolition and construction works, generating noise, dust and road closures to the detriment of the adjoining properties. It is requested that a Construction Environmental Management Plan be required.

Consultations:

None.

Summary of Issues:

Principle of development;

Design and impact on the character of the Conservation Area;

Impact on the setting of nearby protected buildings;

Amenity of the proposed units;

Provision of access and parking;

Impact on neighbour amenity;

Sustainable development.

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).

Principle of development

Policy MC2 (Housing in Main Centres and Main Centre Outer Areas) supports residential development where, as in this case, the proposal would result in a mix and type of units which addresses identified housing requirements in the Island. That policy however requires a proposal to comply with all other relevant policies of the Plan and provision of a Site Waste Management Plan. These elements are addressed below.

Impact on the character of the Conservation Area

The application site lies within the St Peter Port Conservation Area and forms part of the Hillside Town, as described within the St Peter Port Conservation Area Appraisal (SPP CAA). Policies GP4 (Conservation Areas), GP8 (Design) and GP9b (Sustainable Development) apply in relation to development within Conservation Areas, and the statutory duties of the Law must be met, and the material considerations of the Law must be taken into account.

The application includes the demolition of the existing building at the site. Whilst the existing building is no longer protected, by virtue of its positioning relative to the roadside and adjacent properties, building form and proportions, it does form a feature within the Conservation Area. Policy GP4 only allows for the demolition of such buildings where the replacement building makes an equal or enhanced contribution to the character of the Conservation Area.

Part 2 of the CAA is a study of the Hillside Town, which includes assessment from a number of public views. The application site is visible in views to the Hillside Town from Castle Cornet and will be visible in other views from the Harbour/Marinas. Within these views, the application site is seen in the context of domestic scale buildings with vertical proportions, high solid: void ratios and pitched roofs. At the distance of the harbours and marinas the site is perceived in a wider context of a group of buildings with some green landscape and private gardens. The individual architectural characteristics of the building can be seen. The application site is at the top of the third tier of the hillside town, above the modern redevelopment of the Havelet breweries and group of trees at Havelet, and below the modern development of flats at George Street.

Although the rear part of the proposed development does not replicate the traditional form or appearance of the existing building, it has a similar scale to adjacent buildings and it does have some characteristics of traditional buildings (e.g. vertical proportions and rendered walls). Furthermore, the development sits above the modern Havelet Brewery Development and below the modern flats at George Street. Given the above, the development will not have a negative effect on the character and appearance of the Hillside Town in the long views identified above.

The property however fronts on to Havelet to the west. Havelet is a very narrow, one way road that winds down the hill and the positioning of surrounding built form and boundary treatments, together with the topography of the area, limits views of the application site to a short stretch of road to the north, immediately adjacent to

and to the south-west of the site. Views are not available across the Hotel grounds, from the road to the south. At its northern end the road is enclosed by two and three storey buildings that step down to follow the underlying topography and face onto the street. The buildings combine with occasional tall boundary walls to provide enclosure to the street, which forms the defining character of this part of the Conservation Area. The existing building on the site contributes to this character, positioned immediately on the roadside and reflecting the predominant architectural components found on the surrounding buildings. The building is fortuitously located at a focal point in the winding street when viewed from the north. It also forms the end of the terrace of buildings along the northern part of the road, after which the enclosure is briefly lost providing a fortuitous glimpsed view across the Havelet Valley (see SPP CAA for the importance of glimpsed views), before the enclosure is maintained by a tall boundary wall. The contrast between the enclosure of the street and the glimpsed view is part of the character of this part of the Conservation Area.

The previous application, by virtue of the positioning of the building on the site, the provision of car parking across the site frontage, the architectural composition and materials, and the erosion of the glimpsed view, was not considered to conserve or enhance the character of the Conservation Area.

The revised scheme redesigns the front part of the dwelling to follow the established building line along Havelet; car parking is reduced and located to the side of the building (in the approximate location of an existing car parking space), and the glimpsed view, although reduced, is retained. Whilst the proposal comprises an increase in the scale of the building, the scale proposed would not be out of character in the street scene and the elevation of the building facing Havelet has been redesigned to incorporate a traditional style and materials, which is consistent with other buildings along the street. Whilst the scheme does not replicate the roof form of the existing building, there is no requirement within policy to do so, provided that the proposed scheme is of sufficient quality to conserve and enhance the quality of the Conservation Area in itself.

Overall, the revised proposal would conserve and enhance the character of the Conservation Area, and would make an equal or enhanced contribution to that character when considered against the contribution of the existing building. The proposal would therefore comply with the requirements of Policies GP4 (Conservation Areas), GP8 (Design) and GP9b) (Sustainable Development) and the statutory duties of the Law would be met.

Impact on the setting of nearby protected buildings

Villa Fallaise (PB936 A407310000) abutting the north side of the application site, Havelet Court (PB935 A407300000) located to the north of that building, Bel-Voir (PB934 A407290000) located to the north-west of Havelet Court and 5 Havelet (PB943 A407670000) located across the road to the west of the application site, are all protected buildings.

In respect of Protected Buildings, a proposal must meet the terms of Policies GP8, GP5 and GP9b), and have regard to the duties of the Law.

In this case the protected buildings identified above are grouped on either side of Havelet, fronting onto that road. The relationship of each building to the road, and to the adjacent properties, forms an important part of the setting of each building and, as identified above, the street scene of Havelet. The revised design respects this context, and draws from the design and materials of the surrounding properties, and would not have an adverse effect on the setting of the adjacent protected buildings.

Hotel De Havelet (PB938 A407340000) is located approximately 30 metres to the south-east of the application site. This is a grand building set within substantial grounds. The setting of that building has however already been affected by modern buildings/extensions, including those undertaken to the north of that building, between the protected building and the application site. Given the scale and appearance of the proposed building, its distance to the protected building and the extensions which have been undertaken to the protected building, the application would not negatively affect the setting of that building.

Design

Policy GP8 (Design) sets out a number of criteria which development will be expected to address to ensure that a scheme achieves high standards of design which respect the character of the environment, in addition to the requirements addressed above.

The proposed development is multi-storey, and achieves an effective and efficient use of land, within the limits of the character of the area and constraints imposed by surrounding development. The design of the proposed building itself, and its external spaces, positively respond to the specific site, and the amended design put forward under this application respects the surrounding context. The revised design is therefore considered to achieve a good standard of architectural design which respects the character of the local built environment.

Soft landscaping provision is limited to a small strip along the south-east boundary of the site and provision of planters around the perimeter of each roof terrace. Taking into account the prevailing urban character of this area, and existing provision on site, provision of additional soft landscaping would not be essential to the acceptability of the development, however reinforcement of the south-east boundary could provide some mitigation of impacts on the adjacent hotel premises and it is recommended that further details of landscaping, and implementation of that landscaping, is managed by condition.

The topography of the site places limitations on the accessibility of the proposed accommodation. The submitted information however notes that thresholds will be level, with ambulant compliant stairs and each unit is arranged over a single level with generous corridor widths. Within the context of this site, the proposed development

is therefore considered to demonstrate accessibility and adaptability of accommodation.

Amenity of the proposed units

The size of the proposed units exceeds the requirements of the Guernsey Technical Standards and meets or exceeds the best practice guidance set out within the DCLG Technical housing standards – nationally described space standards.

Taking into account the positioning of the fenestration serving the proposed units, each unit would generally achieve a good level of privacy, daylight and sunlight.

Persons accessing the Level 1 unit would have to pass adjacent to the windows serving the Level 2 unit, however the Level 1 unit provides single bedroom accommodation and the intensity of use is not considered to be likely to significantly impact on the amenity of the Level 2 unit. This impact would also be somewhat mitigated by the relative heights of the windows to the adjacent path.

Following deferral, the Level 3 cycle storage is proposed to be communal, however the proposed access has been relocated on to the shared steps and away from the windows associated with Unit 3. There would not therefore be any adverse impact on the amenity of that unit. There appears to be some form of barrier between the shared steps and the path in front of Unit 3, further details of which can be required by condition.

Units 2, 3 & 4 are provided with external space in the form of a roof terrace, and would benefit from an outlook over the Town towards the sea. The Level 1 unit may not benefit from the same views as the upper level units, however would have access to a larger garden space, generous for the size of unit proposed. The scheme has been designed to minimise overlooking of the terraces and the garden space from the units above, and a condition could be applied to ensure this is achieved. Unit 5 does not benefit from external amenity space, however it is recognised within the Island Development Plan (Annex I: Amenities) that a flat in Town is unlikely to provide the same extent of amenities as elsewhere, and that deficiencies in amenities provision in other areas, such as physical access to open space, can be compensated for by good standards of aspect and outlook. In this case the absence of external space would be offset by the good outlook achieved from the primary living areas of Unit 5.

The units would be provided with adequate daylight, sunlight and external space and the design has considered the health and well-being of the occupiers of the development, in accordance with Policy GP8(d) (Design).

Provision of access and parking

The application proposes a single parking space to serve the 5no apartments proposed. As set out within the Parking Standards and Traffic Assessment Supplementary Planning guidance, there is an emphasis within the Main Centres on

making an efficient use of land and encouraging alternative approaches to transportation, recognising the good access to facilities within these areas. The proposed provision would fall well below the maximum parking standards. Whilst it is acknowledged that on street parking is very limited in this area, the site is well related to the main centre of St Peter Port and, in this context, the parking provision proposed is acceptable in respect of Policy IP7 (Private and Communal Car Parking).

In terms of road safety, the proposal simply retains the parking space as existing and would not alter the current situation. The proposal is therefore considered acceptable in respect of Policy IP9 (Highway Safety, Accessibility and Capacity).

Following deferral, the cycle store on Level 3 has been reallocated for communal use, providing sufficient storage for all of the proposed units. Whilst this storage lacks level access, an inset ramp is proposed within the external steps to facilitate access to and from the store with cycles. This method of access is not ideal, however, given the constraints associated with this site, it is acceptable in this instance. External cycle hoops are provided at the front of the site to provide 4 spaces for visitor parking. On balance, the proposed cycle storage would meet the terms of Policy IP6 (Transport Infrastructure and Support Facilities) and implementation can be required by condition.

Impact on neighbour amenity

Villa Fallaise to the north

The adjacent property to the north (Villa Fallaise) has a glazed element extending across the rear elevation and a raised decking area incorporating a pool located immediately to the rear. Aerial photographs from April 2019 and 2022 show that the existing building at the application site results in some overshadowing of the external amenity space of the adjacent property.

The replacement building proposed under this application extends beyond the existing rear building line of the building at the application site and would increase the bulk of built form beyond the building line of the adjacent property, although at a lesser degree than that previously proposed. A Shadow Study has been provided as part of the application, demonstrating the shadow cast by the proposed development at different times of the year and day. Policy GP8 and Annex 1 require the context of the development to be taken into account when assessing a proposal and thus do not set rigid standards in respect of amenity. In relation to the application site, the development is within an urban location where some degree of overshadowing and overlooking could be accepted. In this case, whilst the proposed building would result in additional overshadowing of the residential garden to the north, taking into account the extent and timing of that shadowing relative to the amenity space of the adjacent property, the overshadowing would not be sufficient to sustain refusal of the application.

Taking into account the position and orientation of the fenestration proposed to the south-east elevation (as labelled on the submitted plans), together with the provision of canopy screens at Levels 3, 4 & 5, there would be no significant overlooking of the adjacent property from the building itself. The application drawings show further privacy screens to the north elevation of the terraces serving Levels 2 (wall), 3 (screen), & 4 (screen) to prevent overlooking from those areas. Implementation of these screen features can be controlled by condition.

The existing building is attached to the gable of Villa Fallaise. The previous application indicated that, following demolition of the existing building, assessment of the party wall would be required to ascertain what works were required to that wall. The proposed replacement building was to be set away from that wall, with a small gap retained between the buildings. Concerns were raised in the representations regarding the potential impacts on the fabric of the protected building, and the ability to undertake maintenance, arising from the narrow width of the intervening gap. No further representation has been received in respect of this point under the current application. The revised information submitted as part of the current application states that the demolition will be executed to protect the adjoining property, with the new construction undertaken to create a satisfactory separation between the two properties, with final details to be agreed, so that no risk is presented to Villa Fallaise and its integrity is preserved. The submitted plans do not show any gaps between the buildings. Large scale details of this element of the proposals can be required by condition. The potential for any damage to and protection of the protected building during the course of work would however be the responsibility of the owner/developer.

Hotel De Havelet to the south

The buildings of the hotel are located approximately 11 metres from the boundary with the application site, with the conservatory housing the swimming pool and adjacent patio area facing the application site.

The existing building has 10 sliding sash and 2 dormer windows serving the upper three floors and located approximately 7 metres from the south boundary. The existing windows do look into the adjacent hotel and its grounds, however the set back from the boundary, differing levels and orientation of the elevation provides some limitation on the impact.

The proposed building would be located approximately 4.5m at the front and 2 metres at the rear from the south-eastern boundary, and would incorporate a number of windows at the upper levels in the facing elevation and the upper level terraces would also provide views into the adjacent site. Privacy screens are however incorporated along the perimeter of the proposed roof terraces, implementation of which can be controlled by condition. Taking into account the number and uses of the existing and proposed windows, and the use of the adjacent site as a hotel, where guests are transitional, and impacts would not be likely to have

a significant effect on wellbeing, any additional overlooking arising from the windows would not be sufficient to sustain refusal of the application.

No 5 Havelet to the west

The existing building at the application site and No 5 are both located immediately on the roadside, with facing elevations incorporating fenestration separated by only c3.2m. The current application proposes to set the building further forward on the site than the previous refusal, however remains slightly set back from the position of the existing building. Taking into account the increased separation distance and the use of the facing windows proposed under this application (stairwell and bedrooms), the proposal would not result in any increased impact on the amenity of No 5 in respect of inter-visibility.

Taking into account the relative positioning and scale of the existing and proposed buildings, there would be no additional overshadowing of note to No 5.

Taking into account the above, the application would sufficiently consider the health and well-being of neighbours of the development in respect of daylight, sunlight and privacy, and any adverse effects on the amenities of neighbouring properties would not be sufficient to raise objection in respect of Policies GP8d) (Design) or GP9b) (Sustainable Development).

Sustainable Development

The submitted information states that, whilst designed to maximise views to the east, the proposed building is also designed to take advantage of the south elevation to provide natural daylight, and the building configuration has been considered to ensure the best use of that light.

Energy and water efficiency are to be considered throughout the development, exceeding the requirements of the Guernsey Technical Standards and demolition materials will be recycled/reused where possible. The proposed materials are also stated to reduce the future need for maintenance.

Overall the submitted information is sufficient to demonstrate that the design takes into account the use of energy and resources and any adverse impact on the environment, in accordance with Policy GP9a) (Sustainable Development).

A Site Waste Management Plan has been provided and update and implementation can be controlled by condition. Whilst the submitted Design Statement notes inert waste should be crushed and used as fill material where required, the Site Waste Management Plan states this will occur at Ronez and there is no indication that this would occur on site, an activity which would be likely to have adverse impacts on the amenity of the surrounding properties.

Other matters

Any form of development, and particularly when located in a high density residential area, will give rise to a level of disturbance during the course of construction. Separate legislation falling within the remit of the Office for Environmental Health and Pollution Regulation is however designed to manage construction activities to minimise such impacts. Taking into account Planning Advice Note 8: Construction Environmental Management Plans, it is not considered that the nature and extent of works at this site would be such that would warrant the additional control of a CEMP.

Conclusion

In light of the above, and on balance, the revised proposal put forward under this application is considered to address the previous reasons for refusal and meets the purpose of the Law, material considerations and relevant planning policies. Consequently approval is recommended, subject to the conditions outlined above.

Date: 15/02/2024

