

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 building containing 2 flats (Residential Use Class 2) and associated works.

LOCATION: Fernhill, Les Camps Collette Nicolle, St. Peter Port.

APPLICANT: Pebbles Limited

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: 21/12/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 07/11/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Turnstone Architecture Ltd: 345-02-P4, 03-P3, 04-P4, 05-P4, 06-P3, 07-P3, 08-P3, 09-P3, 10-P3, 11-P3

Application Ref: FULL/2023/2201

Property Ref: A208010000

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.For the duration of the construction of the dwelling hereby approved, the trees and root protection areas shown on approved drawing 345-03-P3 (proposed ground floor plan) shall be protected in accordance with details that are first submitted to and agreed in writing by the Authority.

Reason - To ensure the root system of surrounding trees are not damaged as a result of the approved development.

5.The walls enclosing the parking area associated with the development hereby approved shall be rendered prior to the first occupation of either flat hereby approved.

Reason - In the interests of visual amenity.

6.Prior to the commencement of any work in connection therewith a landscaping scheme to include details of all ground surfaces, including hard areas (incorporating permeable paving) and full details of tree and hedge planting including the replanting schedule referred to on page 2 of the letter from Turnstone Architecture reference 2311 106-345-3.1 dated 06/11/2023 (planting schedules, noting the species, sizes, numbers and densities of plants) for the areas to the east and west of the parking area and the area to the immediate north of the access steps and retaining wall between the garden and parking area shall be submitted to and agreed in writing by the Authority.

Reason - To help assimilate the development into its surroundings and having regard to the effect of the development on the existing trees and root protection areas.

7.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.

8. Notwithstanding the hall window shown on drawing 345-04-P4 (proposed first floor plan), annotated to be omitted, there shall be no first floor windows installed to the west elevation of the development hereby approved.

Reason - For the avoidance of doubt.

9. The obscure glass balustrade hereby approved to the east and west edges of the first floor balcony hereby approved shall be a minimum height of 1.8m above the finished floor level of the first floor balcony, shall be glazed with obscure glass to a minimum level 3 on the Pilkington scale (or equivalent) and shall be installed prior to the balcony being brought into use. The balustrade shall thereafter be retained at all times.

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

10. The development hereby permitted shall be constructed in accordance with the details set out in the Design and Sustainability Statement - Sustainability and Waste Management sections received on 07/11/2023 and in accordance with the details shown on the approved plans regarding permeable paving.

Reason - In the interests of sustainable development.

11. Prior to the commencement of any work in connection therewith details of the height and external appearance of the shed to serve this apartment shall be submitted to and approved in writing by the Authority. The shed shall be constructed prior to the first occupation of apartment 2 and shall thereafter be retained.

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

Expiry Date: This permission will cease to have effect on 20/12/2026 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/2023/2201
Property Ref: A208010000
Valid date: 07/11/2023
Location: Fernhill Les Camps Collette Nicolle St. Peter Port Guernsey
GY1 1TN
Proposal: Erect building containing 2 flats (Residential Use Class 2) and
associated works.
Applicant: Pebbles Limited

RECOMMENDATION - Grant: Planning Permission with Conditions:

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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.

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root protection areas shown on approved drawing 345-03-P3 (proposed ground floor plan) shall be protected in accordance with details that are first submitted to and agreed in writing by the Authority.

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Reason - To help assimilate the development into its surroundings and having regard to the effect of the development on the existing trees and root protection areas.

7. 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.

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minimum level 3 on the Pilkington scale (or equivalent) and shall be installed prior to the balcony being brought into use. The balustrade shall thereafter be retained at all times.

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OFFICER'S REPORT

Site Description:

Fernhill is a detached chalet bungalow situated to the north of Green Lanes. A detached garage is positioned to the front/south of the dwelling, adjacent to the road. The property is situated at a lower level than the road, with steps to access the front door. The property has been extended to the rear and pergola structures exist to the west and north of the dwelling. A greenhouse is situated to the west of the dwelling and steps provide access down to a largely level garden to the north of the property. A folly/outbuilding exists on the east site boundary and to the north of this the site slopes steeply to Valnord Lane (one way road). The bank is covered in a weed suppressant material and the boundary with Valnord Lane is currently open (wall removed).

An electricity substation is situated to the west of the site, adjacent to Valnord Lane. To the north of the lane is a Clos of two and one and a half-storey dwellings. To the east is a one and a half-storey dwelling with glazed gable and ground floor windows in the west elevation of the property facing the application site and partially obscured by the granite boundary wall.

Work has commenced but is not yet complete in relation to the approved vehicular access, retaining wall and steps.

Relevant History:

FULL/2021/2608 – Erect dwelling with associated landscaping and erect shed.
Excavate to create vehicle access, parking area, bike store and external steps to north of site – granted

Pre-application advice was sought in this case and advice highlighted the potential dominance of a two-storey building in the streetscene, the matter of overlooking, sunlight, daylight and outlook to adjoining properties and the living environment of future occupiers of the development.

Existing Use(s):

01 dwellinghouse

Brief Description of Development:

The application relates to the erection of a two-storey flat roof building with a mix of vertical timber cladding and natural zinc cladding to its exterior to be set well back in its plot and with a boundary wall (as per previous approval) to mark the boundary with Fernhill. The building incorporates two bedroom apartments at both ground and first floor levels.

A patio is proposed to the front and rear of apartment 1 (ground floor) and a balcony is shown to be provided to serve apartment 2. One shed is shown to be provided to the rear of the site to serve as storage the first floor flat. The existing folly to the front of the site is shown to be made available for storage serving unit 1.

The application drawings show the position of three trees situated to the west of the proposed dwelling and a further two trees to the northeast of the property, adjacent to Valnord Lane but all located outside the site boundary.

Vehicular access is to be via Valnord Lane, as per the previously approved scheme and with one off road parking space per unit. Stepped access is to be provided, again as per the previous approval, from the parking area to the building.

The application has been accompanied by a Design and Sustainability Statement.

Revised plans were provided during the course of the consideration of the application at the request of the applicant, omitting a first-floor side window and providing further information/clarification regarding privacy screens.

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

Island Development Plan policies:

MC2: Housing in Main Centres and Main Centre Outer Areas

GP1: Landscape Character and Open Land

GP8: Design

GP9: Sustainable Development

IP6: Transport Infrastructure and Support Facilities

IP7: Private and Communal Car Parking

IP9: Highway Safety, Accessibility and Capacity

Representations:

None.

Consultations:

Traffic and Highway Services have previously commented on the vehicular access from Valnord Lane and raised no objections on road safety and traffic management grounds. The following comments were provided:

The site is situated between Valnord Lane and the Green Lanes. The main entrance for access to the property is via the Green Lanes and has its own driveway. The natural vehicle use of the driveway would be to drive in and reverse out on to the broad footpath outside the neighbouring property before pulling forward along the Green Lanes, a one-way road.

The location of the proposed additional vehicle parking area and stepped access to the garden of the dwelling is in Valnord Lane. Valnord Lane, St Peter Port is classified as a Neighbourhood Road as defined in the Traffic Hierarchy. This road has a 25mph speed limit past the site. Therefore, a recommended sightline of 20m would apply.

Using a datum of 2m from the carriage way, the 7.5m proposed access enables sightlines of 31m in the direction of oncoming traffic (Collings Road). The drawings submitted detail a proposed granite boundary wall at a height of about 1.2m. The retaining wall that extends backwards from the footpath edge raises in height as it does so.

In the proposed additional driveway, there would be room for two vehicles to park whilst maintaining the ability for a vehicle to turn around.

There are no changes to the proposed access since the 2021 approved scheme and the access has been implemented although the parking area has not been surfaced.

Summary of Issues:

The key issues in this case relate to the impact of the development on the character and appearance of the area and on the amenities of surrounding dwellings

Assessment against:

1 - Purposes of the law.

The objectives set out in Section 1(2) of The Land Planning and Development (Guernsey) Law, 2005, 'the Law', have been considered and this report forms part of the assessment, with policy issues set out in Section 2 below.

2 - Relevant policies of any Plan, Subject Plan or Local Planning Brief.

Principle of erecting a dwelling

Policy MC2 makes provision for the erection of new units of residential accommodation within the Main Centres and Main Centre Outer Areas. Where possible an appropriate mix and type of dwellings should be provided. The site is located in the Main Centre Outer Area and given its size would not accommodate a different mix of accommodation whilst offering efficient and effective use of land through multi-storey development (GP8) when having regard to the character of the locality and the amenities of existing residents. The proposal accords with the aims of Policy MC2 of the Plan.

Design and appearance of dwelling

The flat roof, contemporary style building proposed represents a good standard of architectural design and respects the character of the local built environment. It is acknowledged that as part of the approved single-storey dwelling proposals the Officer Report noted that a taller building would have a greater impact on the character and appearance of the locality which could also result in mutual overlooking. This comment was made without the benefit of any particular design proposals for consideration. The building will be situated away from the north boundary and no further forward than the neighbouring dwelling to the east which also occupies an elevated plot. The proposals also show that the site will be excavated in order to limit the increase in building height above the approved scheme. Given the position of the building and its limited height due to the chosen design it will not result in undue harm to the character of the area having regard to Policy GP8. The matter of residential amenity is considered below.

Impact on residential amenity

The position of the building in relation to the site boundaries will limit the potential for overshadowing or loss of light to occur to the occupiers of surrounding dwellings.

The position of the building in relation to Fernhill and its external amenity space is such that it will not result in unacceptable overshadowing or loss of light.

Fenestration to the east and west elevations is limited. Ground floor windows and doors serving apartment 1 will be screened by existing and approved boundary treatments and there is adequate distance separation to the north to ensure that this apartment does not result in undue overlooking or loss of privacy to the occupiers of neighbouring dwellings particularly having regard to the approved single-storey dwelling scheme for the site.

Apartment 2 has been designed with bathroom windows facing south to Fernhill and these can be conditioned to be obscure glazed in order to maintain privacy. This aspect of the development would introduce first floor accommodation where none currently exists along with a balcony area of external amenity space. In order to preserve the privacy of occupiers to the east of the site a high screen is proposed along the edge of the balcony, a matter that can be managed by condition. There does however, remain adequate distance separation between the proposed apartment building and existing properties to the north of Valnord Lane to ensure that overlooking and loss of privacy remains within acceptable limits. The application drawings provide sightlines from Fernhill to the rear of the building in order to demonstrate that the rear patio area will not be unduly overlooked from the first-floor windows at Fernhill.

In this regard therefore, the scheme accords with Policies GP8 and GP9 of the Island Development Plan.

Future living environment of proposed occupiers

Policy GP8 requires that the units created consider the health and well-being of the occupiers by means of providing adequate daylight, sunlight and private/communal open space, and directs proposals to be considered against Annex 1 of the Plan: Amenities. New developments should be planned and built to support the health and well-being of occupants and users and maintain appropriate amenities for those of neighbouring property.

The Annex sets out that building at higher densities brings challenges with respect to ensuring reasonable amenities are provided. There must be a balance between the most effective and efficient use of land and the requirement to ensure that proposed living and working conditions are acceptable and that the higher density Main Centres, in particular, remain attractive places to live and work.

Apartment 1

Apartment 1 has been designed to be dual aspect with substantial areas of glazing to both the north and south elevations with good outlook and aspect to the front and rear.

The scheme offers adequate external amenity space to serve apartment 1 which would not be unacceptably overlooked by any existing surrounding dwelling, despite a substantial area being situated to the front of the property. This frontage area would now be overlooked by the windows and balcony serving apartment 2 and has therefore become less private than as previously approved. It is acknowledged however, that in urban locations such as this the proximity of dwellings to one another is likely to afford an element of mutual overlooking. Furthermore, the proposed first floor balcony will naturally provide privacy/screening to the patio area below and overall the scheme offers the occupiers of apartment 1 with access to external open space to meet their needs.

Apartment 2

Apartment 2 has been designed to be substantially single aspect, with large areas of glazing facing north across the garden area below serving apartment 1. Nonetheless, the development would offer good aspect and outlook for occupiers.

Apartment 2 is of a size that may be occupied by a family, with two double bedrooms with only a street facing balcony to serve as external amenity space. This is limited however, the site is located in a sustainable location with access to public transport links offering access to public amenity spaces. The accommodation does however, exceed both the Building Regulations and DCLG internal space standards guidance which is published on the Planning Service website. Space has also been made available for a tumble dryer in lieu of access to an external area for a washing line.

The north facing balcony and single aspect windows of this development will not be unduly overlooked by existing properties or the proposed lower apartment thereby affording future occupiers with adequate privacy.

Both apartments

The scheme has been designed to offer adequate sunlight and daylight to the proposed accommodation. The internal layout of the building has wide doorways and circulation spaces. It is also such that it would be possible to alter and adapt the layout of the accommodation to respond to the changing needs of occupiers in accordance with Policy GP8 g). Although access from parking to the building is stepped and apartment 2 is accessed via steps both apartments would be in a single level, accessible by ambulant disabled. Furthermore, the access steps from the parking area are shallow and accessible and it remains the case that, on balance, criterion f) of Policy GP8 has been addressed.

Conclusion on future living environment of occupiers

The different amenity objectives must be balanced with the objective of seeking to make maximum use of urban developments. Overall it is considered that the health,

well-being and future living environment of occupiers has been satisfactorily addressed in this case.

Impact on trees

The submission refers to the Arboricultural Impact Assessment submitted as part of the 2021 scheme setting out that this has been used to inform the development now proposed. This set out that the trees were identified as generally being of moderate or low quality with a life expectancy of between 20 (moderate quality), at least 10 years (low quality) and some with a life expectancy of no more than 10 years. It is noted through the submission that there would be some minor impact on the root protection areas of three trees, to the west of the site (outside its boundary). The submission sets out that there is a proposed replanting schedule as part of the development such that the minor intrusion onto the RPA of decaying trees should not have a detrimental impact. This would be on the basis that the proposed planting would create a more sustainable and higher quality area of trees.

Subject to an appropriate planning condition regarding these root protection areas the trees that contribute to the character of the area will be suitably protected during development works.

Access and parking

The provision of two off-road parking spaces and two shed meets the aims of Policies IP6 and IP7 of the Island Development Plan. The use of the approved vehicular access by the occupiers of two apartments would not have a detrimental impact on highway safety or unacceptably impact on the free flow of traffic in accordance with Policy IP9.

Sustainable Development

The application has been supported by supporting information regarding sustainable development setting out how consideration has been given to the position of windows and opportunities natural light and ventilation. The submission sets out the various ways the scheme will meet or exceed the current Building Regulations

Permeable paving was approved to the parking area and the submission makes reference to SUDS. A condition can be imposed relating to the provision of permeable paving on the site.

Having regard to the above, the scheme demonstrates how the scheme can incorporate sustainability measures and that it has been designed to take account the use of energy and resources and has regard to the location, orientation and appearance of the dwelling therefore Policy GP9 has been satisfied in this respect.

Conclusions

It is recommended planning permission is granted for the development proposed subject to appropriate planning conditions.

3 - General material considerations set out in the General Provisions Ordinance.

In addition to the consideration of policy issues, Section 13 of the Land Planning and Development (General Provisions) Ordinance, 2007 identifies other material planning considerations which could be relevant. These include; the appropriateness of the development in relation to its surroundings in terms of design, layout, scale, siting and materials; the likely effect on the character and amenity of the locality; any possible fall-back position by way of extant planning permissions or exempt development; the likely effect on the reasonable enjoyment of neighbouring properties. These issues where relevant are considered above.

4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).

The proposal would have no adverse impact on protected trees, buildings or sites.

Date: 20/12/2023

