

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 3 dwellings with associated works and create new vehicle access to north-east boundary.

LOCATION: Land Adjacent To, Coniston, La Grande Rue, St. Martin.

APPLICANT: Mr S Geall

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: 23/01/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 27/11/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Arch+ - 180-3-300, 301, 302, 303, 304, 305 & 306.

Application Ref: FULL/2023/2367

Property Ref: J00060A000

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.Within four weeks of the new access being brought into use, the new wall hereby approved to the front (eastern) boundary shall be constructed in accordance with the approved plans with the end of the opening finished off using materials and a method of construction which match the remainder of the wall.

Reason - To secure the satisfactory appearance of the completed development and achieve the necessary visibility splays.

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) all existing trees/hedges indicating those to be removed, and details of the retention/reinforcement of the existing planting to the north eastern corner of the site and along the front (eastern) boundary
- v) any screen fences, walls or similar structures;

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

6.The landscaping scheme, including the retention/reinforcement of existing boundary vegetation, 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 site for its hereby approved use, 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.

7.No part of the development hereby approved shall be occupied until such time as the parking and turning facilities, along with the refuse and recycling storage, have been completed in accordance with the details shown on the approved plans and shall thereafter be retained.

Reason - To make sure vehicles can enter and leave the site in a forward direction and to provide off-street parking, in the interests of road safety and effective traffic management and in the interests of visual and residential amenity.

8.No development, including site works, shall begin on site until details of existing and proposed levels, including ground levels, finished floor levels of all buildings and a number of sections across the site (these sections to extend to land and buildings adjoining the application site), have been submitted to and agreed in writing by the Authority. The development shall be carried out only in accordance with the details agreed under the terms of the above condition.

Reason - To make sure that the development is carried out in a way which is in character with its surroundings.

9.Cycle stores/sheds (shown on the approved drawings) shall be provided prior to the first occupation of the development hereby permitted, and shall thereafter be retained and so maintained.

Reason - In the interests of good design, the amenity of future residential occupants, and to encourage alternative modes of transport to the private car.

Expiry Date: This permission will cease to have effect on 22/01/2027 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/2023/2367
Property Ref: J00060A000
Valid date: 27/11/2023
Location: Land Adjacent To Coniston La Grande Rue St. Martin
Guernsey GY4 6RT
Proposal: Erect 3 dwellings with associated works and create new
vehicle access to north-east boundary.

Applicant: Mr S Geall

RECOMMENDATION - Grant: Planning Permission with Conditions:

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Authority. The development shall be carried out only in accordance with the details agreed under the terms of the above condition.

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9. Cycle stores/sheds (shown on the approved drawings) shall be provided prior to the first occupation of the development hereby permitted, and shall thereafter be retained and so maintained.

Reason - In the interests of good design, the amenity of future residential occupants, and to encourage alternative modes of transport to the private car.

OFFICER'S REPORT

Site Description:

The rectangular site is currently residential garden serving the dwelling, Coniston, to the south. It is bound by School Lane to the west, offices to the north, residential development to the south and La Grande Rue to the east and mostly laid to lawn with existing dense vegetation along the east, north and western boundaries.

The site is located within the Local Centre of St Martin as designated in the Island Development Plan.

Relevant History:

N/A

Existing Use(s):

01 Dwelling houses

Brief Description of Development:

Permission is sought to erect three terraced dwellings to the centre of the site, with private rear gardens to the west and a new vehicular access to the Grande Rue frontage, along with associated parking and landscaping.

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

LC2- Housing in Local Centres

GP8 – Design

GP9 – Sustainable Development

IP7 – Private and Communal Car Parking

IP9 – Highway Safety, Accessibility and Capacity

Representations:

One letter of representation has been received from a local resident.

The main points have been summarised below:

- Concern over the impact of the development on the neighbours, including overshadowing, overbearing impact, noise, disturbance, capacity and infrastructure.
- Impacts on neighbour amenity due to intensification of residential occupancy.
- Overdevelopment of the site and harm to character/landscape character
- Inappropriate scale of development
- Orientation will result in significant overshadowing of neighbours
- Over provision of hard surfacing and car parking
- Position of boundary

Consultations:

N/A

Summary of Issues:

- Whether the principle of residential development is acceptable,
- Impact on the character and appearance of the area and design of the buildings;
- Whether the development would result in a satisfactory living environment for the occupiers of the new dwellings.
- Impact on neighbour amenity;
- Whether the proposal would impact negatively on highway safety.

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.**Whether the principle of residential development is acceptable in this location**

Policy LC2 supports new housing within Local Centres providing that:

- a) each proposal is of a scale that is appropriate to maintain or enhance the character and vitality of the particular Local Centre concerned and will not negatively affect the vitality and viability of the Main Centres or otherwise undermine the Spatial Policy; and,
- b) where able to accommodate a variety of dwellings the proposal provides an appropriate mix and type of dwellings; and,

- c) where the site is identified as Important Open Land, new housing is achieved only through the subdivision of existing dwellings or the conversion of existing buildings; and,
- d) in all cases the proposed development accords with other relevant policies of the IDP.

The provision of three new dwellings at this site is proportionate to enhance the St Martin Local Centre and would not affect the vitality or viability of the Main Centres. The site is located to the south of La Grande Rue which is characterised by single dwellings set back from the road behind mature landscaping, occupying spacious plots. The proposal increases the density of development and makes a more efficient use of land while having a limited impact on the character of the area due to the retention of the high granite boundary wall and the mature hedging to the front of the site.

In respect of the mix and type of housing proposed, the proposal is for 3 x three bedroom properties which is acceptable in terms of the housing need study/requirements. The size of the site, and desire to retain the mature boundary hedging and granite wall may constrain the ability to provide a wider mix/type, and a larger number of smaller houses on the site would have a harmful impact on the character of the area and so the proposed 3 x three bedroom dwellings is considered acceptable and the most efficient use of land.

Impact on the character and appearance of the area and design of the buildings

Policy GP8 of the Island Development Plan states a number of criteria that new development will be expected to adhere to in order to achieve a high standard of design which respects and where appropriate enhances the character of the environment.

The division of the plot is acceptable in principle and the retained dwelling Coniston, will retain a good sized rear garden. The row of 3 x two storey pitched roof terrace dwellings proposed are set centrally within the site, allowing for private rear gardens of a reasonable size. The dwellings are each stepped forward 1.8m from north to south and accessed via the new access proposed to the eastern corner of the site, onto La Grande Rue. Six car parking spaces are proposed, two allocated to each dwelling.

The proposed dwellings are to be constructed using smooth rendered blockwork with natural grey slate roof tiles in-keeping with the character of the surrounding area. The use of composite timber cladding is not particularly characteristic of the area but is unlikely to result in harm and is acceptable in relation to the flexibility of the IDP in design matters.

The two-storey design proposed and set back behind mature landscaping, which will be conditioned to be retained, and the existing high granite wall will help ensure that the dwellings will not appear dominant in the street scene. A new vehicular access

will be created, curving into the site and measures 4.5m wide at the gate posts. This results in the loss of part of the existing granite wall, and part of the existing will be scalloped down to 0.9m to achieve the required visibility splays. Given that the site is located outside the Conservation Area, the loss of a small section of wall is considered acceptable, and there are similar width accesses provided to other dwellings in the vicinity.

The applicant's agent has provided confirmation that the design and specification of the dwellings proposed comply with all parts of the Guernsey Technical Standards 2012, specifically in terms of: thermal efficiency (insulation) will exceed minimum standards required by building control; drainage; water efficiency; materials to be used; waste storage and disposal; and the conservation of fuel and power. Electric car charging points are proposed but this is subject to agreement by Guernsey Electricity regarding capacity in this area. South facing roof slopes may be suitable for solar panels should the future occupants wish to install them.

The proposal has been designed to take into account the use of energy and resources and to reduce any impact on the environment and therefore complies with Policy GP9 of the Island Development Plan.

Policy LC2 requires that for developments of 5 or more dwellings that a Site Waste Management Plan be submitted. Given that the proposal is for 3 dwellings a SWMP is not required in this instance.

Whether the development would result in a satisfactory living environment for the occupiers of the new dwellings.

The health and well-being of the occupiers of the development requires consideration as set out in part (d) of Policy GP8 and explained in more detail in Annex I (Amenities). The objective to build at high densities is to be balanced, but not override, the need to create acceptable living environments. Although there are no rigid standards for amenity provision, the factors to be considered include internal space provision, privacy, aspect/outlook, access to external open space and daylight/sunlight.

The proposed dwellings exceed the Guernsey Technical Standards minimum internal space standards, and they are close to meeting the UK's DCLG best practice minimum internal space standards which are published on the Authority's website. Under these a three-bedroom, five person, dwelling of two storeys requires 93m² and the proposed dwellings are approx. 85m².

The new dwellings are dual aspect, and would have adequate daylight and sunlight. Levels of privacy are acceptable. All units have access to private gardens with a good amount of useable space which is proportionate to the type and nature of dwellings that they would serve. Overall, the proposal would provide a satisfactory quality of residential environment for future occupiers, in accordance with Policy GP8.

The layout of the units will incorporate a level threshold to the entrance doors, adequate widths of entrance doors and suitable internal configurations. The information submitted is sufficient to demonstrate that the development provides adequate accessibility and offers flexible and adaptable accommodation, in accordance with Policy GP8.

Impact on neighbour amenity

To the north of the site is a former bank, and existing office building, which is a mix of one and two storeys with central parking courtyard. Permission had been previously granted under application FULL/2014/1072 for conversion of part of the offices into a residential dwelling, and this was not implemented and the permission has now lapsed. This is therefore not a material consideration in the determination of this application.

The residential dwelling, Coniston, is retained and is situated immediately to the south of the site.

To the side of the existing dwelling, a new 1.8m high fence and wall is to be erected to enclose the site in order to protect amenity. There are side facing windows to Coniston which appear to serve habitable rooms and the fence is situated a minimum of 1.8m from these windows, with the side elevation of Unit 3 located 3m from the side elevation of Coniston at the closest point. This is off set and Unit 3 is set further back in the plot than Coniston, orientated to the north, and so the entire elevation will not be obscured, and adequate light levels should still be received by Coniston.

At first floor level, the rear facing windows of the new units are unlikely to result in harmful overlooking as the dwellings are set further back in their plots than the neighbouring residential dwelling, meaning that views are mainly down the application sites garden with only the rearmost section of Coniston garden which may be overlooked, but this is an acceptable level within the Local Centre location. The front windows of the new units will allow some overlooking of the front garden of Coniston and the offices to the north, but neither are considered particularly sensitive and this level of overlooking is acceptable within the Local Centre. Some views from the first floor windows of Unit 3 into the ground floor level side windows of Coniston may be possible, but these will be at such an oblique angle that significant harm is unlikely.

Coniston may result in some overshadowing of the application site, due to its orientation to the south. This is not considered significantly harmful as it is single storey and would primarily overshadow front gardens and parking areas, where this level of shade is more acceptable in terms of amenity.

First floor windows serving the front and rear of Unit 1 may overlook the offices to the north, but this is acceptable given the use of the site, which is less sensitive than a residential use. Similarly, the new dwellings are likely to result in some overshadowing to the north, particularly of the central parking courtyard, due to the orientation of the dwellings to the south. This is acceptable, given the courtyard is

used for office parking, which is considerably less sensitive to overshadowing than a residential amenity garden.

For these reasons it is considered that any detrimental impact on amenity afforded to the occupiers of neighbouring properties as a result of the proposal would not be so substantial to warrant the refusal of planning permission.

Whether the proposal would impact negatively on highway safety

The proposal provides a new single access point for the three dwellings, and the visibility splay appears acceptable as the neighbouring property at Coniston has a low front boundary wall. There is not considered to be any harm to highway safety as a result of this new access.

All the properties have a shed to accommodate bicycle parking. Sufficient car parking has been provided on site for the size of dwellings proposed, two spaces per dwelling which is acceptable and is not consider an over provision when considered against the parking standards.

The proposal would therefore provide a suitable access point onto the highway and any detrimental effect on highway safety would not be so substantial to warrant the refusal of planning permission. The proposal accords with Policy IP7 and IP9 of the IDP.

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; the effect of the proposed which the site could be put without further planning permission; 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 not impact on the setting of any the nearby Protected Buildings, protected trees, monuments or on any SSS's.

For the reasons set out within this report the proposal complies with the relevant provisions of the Island Development Plan and satisfies the other relevant material planning considerations; it is therefore recommended that planning permission be granted with conditions.

Date: 18/01/2024

