

THE LAND PLANNING AND DEVELOPMENT (GUERNSEY) LAW, 2005

AND SECTION 19 OF THE LAND PLANNING AND DEVELOPMENT (GENERAL PROVISIONS) ORDINANCE, 2007

NOTIFICATION OF REFUSAL OF PLANNING PERMISSION

PROPOSALS: Variation to plans previously approved to erect 17 dwellings with associated parking and landscaping and create access road - omit solar panels from all units (Blocks A/B/C/D/E/F & G).

LOCATION: Les Bas Courtils & Fleur De Lys, Les Bas Courtils Road, St. Sampson.

APPLICANT: Swallow Construction

I refer to the application referred to below received as valid on 30/11/2023 regarding the above proposals as described more fully in the application and drawings referred to below.

Date of refusal of permission: 19/02/2024

Drawing Nos: Tyrrell Dowinton Associates: 2037/03.01E, .02E, .03C, .04C, .06C, .07C, .09C, .10C, .12C, .13C, .15C, .16C, .18C, .19C, .21D, .22D, .24E & .25C.

Application Ref: FULL/2023/2381

Property Ref: B00101A000 + B001020000 + B00102A000

The Development & Planning Authority has decided to refuse your application under the provisions of section 16 of the Land Planning and Development (Guernsey) Law, 2005 for the following reasons:-

1. The solar panels form an integral part of the sustainable design approach for this development and omission of those features would comprise a reduction in the quality of the development such that the requirements of Policy GP9a) (Sustainable Development) would no longer be met. As the proposal fails to meet the terms of Policy GP9, the development would no longer be acceptable under the terms of Policy MC2 (Housing in Main Centres and Main Centre Outer Areas).

OTHER REMARKS:-**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, against a decision to refuse an application for planning permission or outline planning permission to the Planning Tribunal on the merits. 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.

Copy of representations made

In reaching this decision the Development & Planning 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 to the Authority under section 11 will be included with this decision in accordance with section 19 of the Ordinance.

A J ROWLES

Director of Planning
Planning Service



PLANNING APPLICATION REPORT

Application No: FULL/2023/2381
Property Ref: B00101A000 + B001020000 + B00102A000
Valid date: 30/11/2023
Location: Les Bas Courtils & Fleur De Lys Les Bas Courtils Road St. Sampson Guernsey GY2 4BP
Proposal: Variation to plans previously approved to erect 17 dwellings with associated parking and landscaping and create access road - omit solar panels from all units (Blocks A/B/C/D/E/F & G).
Applicant: Swallow Construction

RECOMMENDATION - Refusal with Reasons:

REASONS FOR REFUSAL

1. The solar panels form an integral part of the sustainable design approach for this development and omission of those features would comprise a reduction in the quality of the development such that the requirements of Policy GP9a) (Sustainable Development) would no longer be met. As the proposal fails to meet the terms of Policy GP9, the development would no longer be acceptable under the terms of Policy MC2 (Housing in Main Centres and Main Centre Outer Areas).

OFFICER'S REPORT

Site Description:

The application site comprises land between and to the rear of 'La Bas Courtils' and 'Fleur De Lys', and also to the rear of 'Richmond House' (the latter being a protected building). The site is located within the Bridge Main Centre Outer Area under the Island Development Plan (IDP). The site abuts Delancey Park (which is designated as a Conservation Area, Important Open Land and also contains an Area of Biodiversity Importance) and Delancey Battery, a protected monument, to the north, and is flanked by residential properties to the east and west.

Works are currently underway on site to implement the permission granted under FULL/2021/0946.

Relevant History:

FULL/2021/0946 Demolish garages and outbuildings, erect 17 dwellings with associated parking and landscaping and create access road. Approved 01/03/2022.

Summary of Sustainable Design and Construction Methods set out within letter accompanying FULL/2021/0946 dated 21/04/21:

- Make provision for EV charger points for each unit, actual connection points to be responsibility of resident;
- Drainage – SUDS for roads and driveways;
- Electric heating and hot water. Air Source Heat Pumps considered but 17 pumps likely to cause noise pollution. Solar thermal panels to be fitted for hot water, indirect pressurised cylinders would be enabled for solar thermal input;
- Investigate intelligent controls for internal systems;
- Insulation and glazing above requirements of Building Regulations;
- Use of block as locally available and better for air tightness;
- Air tightness – Technical Standards require $10\text{m}^3/(\text{h.m}^2)\text{@}50\text{Pa}$ for each unit, the development would reduce this to $5\text{m}^3/(\text{h.m}^2)\text{@}50\text{Pa}$;
- Mechanical Ventilation Heat Recovery to be installed;
- Low energy lighting to be installed.

Existing Use(s):

Development site

Brief Description of Development:

The permission granted under FULL/2021/0946 included the provision of a pair of solar panels to the roofslopes of each of the 17 dwellings, as follows:

Block A (Units 1-3): West (rear) elevation
Block B (Units 4&5): South (front) elevation
Block C (Units 6&7): South (front) elevation
Block D (Units 8-11): South (front) elevation
Block E (Units 12&13): West (side) elevation
Block F (Units 14&15): West (side) elevation
Block G (Units 16&17): West (side) elevation

Permission is sought under the current application to omit these solar panels, for the following reasons:

- The relative cost of installing photovoltaic panels and necessary infrastructure is extremely high with a lengthy payback period. There have been increased costs in the last two years which no longer makes this an efficient addition to the development.
- The costs of construction materials generally has led the developer to carefully consider how to construct the buildings efficiently.
- The levels of insulation and air tightness provide a high-performance building and pv panels are not justified.
- The building will still be powered by electricity which is the cleanest form of electricity there is.
- Consideration has been given to the pv manufacturing process.

The letter states that the proposals will remain in accordance with Policy GP9, having been designed to take into account the use of energy and resources and any adverse impact on the environment by paying particular regard to the location, orientation and appearance of the building. The proposal has carefully considered the form of construction and use of materials and fully complies with current Guernsey Technical Standards (Building Regulations). Consideration has also been given to climate change and flood risks.

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

MC2 – Housing in Main Centres and Main Centre Outer Areas

GP4 – Conservation Areas

GP5 – Protected Buildings

GP6 – Protected Monuments

GP8 – Design

GP9 – Sustainable Development

Richmond House Development Framework, June 2019

Representations:

One letter of representation received noting that removing the solar panels would not reduce global warming, or contribute towards achieving net zero carbon emissions.

Consultations:

None undertaken.

Summary of Issues:

Impacts of the proposal on the sustainable design of the 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).**

Permission was granted 01/03/2022 for the erection of 17 dwellings at this site, having regard to the relevant policies of the Island Development Plan and the approved Development Framework for the site.

Policy MC2 formed the gateway policy for the development, allowing for housing development in Main Centre Outer Areas where, inter alia, the proposal is in accordance with all other relevant policies of the Island Development Plan.

The current proposal seeks to vary the approved development, through the omission of solar panels previously approved to each of the approved dwellings. That proposal would require re-assessment of the development against the policies set out under the Relevant Policy section above and the requirements of the Development Framework.

In respect of Policies GP4, GP5, GP6, GP8 and GP9b), the removal of the solar panels would have no adverse impacts on the overall design and appearance of the development, or the amenity of adjoining residential properties, and would not alter the previous assessment against those policies.

The solar panels however formed an integral part of the sustainable design approach to the development, as set out at Paragraph 7.16 of the submission letter dated 21/04/2021, entitled Sustainable Design and Construction Methods, and shown on the approved plans, and formed part of the suite of proposals which enabled the requirements of Policy GP9a) to be met.

Policy GP9a) states that proposals for new development will be supported where it has been demonstrated that they have been designed to take into account the use of energy and resources and any adverse impact on the environment through paying particular regard to the location, orientation and appearance of the building, the form of construction, the materials used and its resilience to climate change and flooding.

The pre-facing text to that policy states that the Authority will encourage means of harnessing renewable energy to be considered and designed into new development as integral building elements, such as building integrated phot-voltaic infrastructure, where it forms the primary roof covering of a building.

The requirements of this policy were drawn through in the Development Framework, which states: *Development will be expected to demonstrate sustainable design and construction methods and techniques with particular reference to the design, layout and orientation of buildings, surface water runoff, renewable energy and the use of materials. The use of sustainable and traditional materials such as stone, rendered block and slate roofs will be encouraged, but other materials may be acceptable especially if they can be demonstrated to have low embodied energy (e.g. material recycled from any demolished buildings on the site). Proposals for the incorporation of micro-renewable energy installations into the design of the development, such as solar tiles, is encouraged.*

In assessing the previous submission against the above requirements, the report observed: *The application is also supported by information that demonstrates how sustainable development principles have been applied from the outset of the design process, with specific provision being made for high levels of insulation, the provision of solar thermal panels, cabling being installed to support the future provision of electric vehicle charging points, and permeable hard surfacing to ensure that surface water is dealt with within the site, amongst other things. All of these points can be controlled by way of condition, and the application is considered to comply with the requirements of the Development Framework and the aims and objectives of Policy GP9.*

Consequently the decision was conditioned as follows:

15. The development shall be completed in accordance with the construction methods, and to incorporate all sustainable development features, specified in the application covering letter dated 21 April 2021.

Reason - In the interests of sustainable development.

No provision has been put forward as part of the current application to offset the loss of the solar panels. The submitted information simply states that the high performance of the buildings, having regard to the levels of insulation and air tightness, negates the requirement for solar panels. No evidence has however been submitted to demonstrate this statement. Having regard to the approved Building Licence documents, it is apparent that some elements of the insulation will exceed the requirements of the Building Regulations. The buildings are not however yet complete and it is not possible to determine the levels of air tightness. Having regard to the approved Sustainability Statement, it is however noted that that statement asserts that current regulations are $10\text{m}^3/(\text{h.m}^2)\text{@}50\text{Pa}$, and the proposed development would reduce this to $5\text{m}^3/(\text{h.m}^2)\text{@}50\text{Pa}$. In fact the latter measurement is the standard set out within the Guernsey Technical Standard, and this would not represent an enhancement over the required performance. These elements in isolation, already approved as part of the sustainability measures, would not therefore be sufficient to offset the loss of the solar panels, particularly as those panels are stated to be for the provision of hot water, a requirement which would not be negated by insulation or air tightness.

The supporting information also states that the addition of solar panels would impact on the viability of the development, however no evidence has been submitted to support this assertion, and this would not necessarily form an adequate basis to allow for the proposed omission.

In light of the above, the solar panels form an integral part of the sustainable design approach for this development and omission of those features would comprise a reduction in the quality of the development such that the requirements of Policy GP9a) would no longer be met. Consequently the proposal would no longer be acceptable under the terms of Policy MC2 and it is recommended that the application be refused.

Date: 19/02/2024

