

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: Variation to previously approved plans to erect 3.5 storey building to create 6 apartments with associated parking, bin store and gated vehicle access to north-east boundary (Revised Scheme) - Install window to second floor level and rooflight at third floor level to west elevation.

LOCATION: 21 Charroterie, La Charroterie, St. Peter Port.

APPLICANT: Le Poidevin 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: 01/02/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 08/12/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Block Plan (1:500), drawings A (west elevation) and B (section) as labelled by the Planning Service and photo No. 1.

Application Ref: FULL/2023/2390

Property Ref: A40588A000

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 on or before 04/08/2025.

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. The permission hereby granted relates only to the variation specified above. In all other respects the development shall be carried out in full accordance with the permission dated 05/08/2022, issued under planning application reference FULL/2022/0645, and subject to the terms and conditions thereof.

Reason - To limit the effect of the permission to the specified variation/s only.

5. The window and rooflight hereby approved in the west elevation serving unit 4 (second floor) and unit 5 (third floor) shall be glazed with obscure glass to a minimum level 3 on the Pilkington scale (or equivalent) and shall be fixed shut. The obscure glazing and non-opening window arrangement of both windows hereby approved shall thereafter be retained at all times.

Reason - In the interest of the privacy of neighbours and occupiers of the development.

Expiry Date: This permission will cease to have effect on 04/08/2025 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/2023/2390
Property Ref: A40588A000
Valid date: 08/12/2023
Location: 21 Charroterie La Charroterie St. Peter Port Guernsey GY1 1EQ
Proposal: Variation to previously approved plans to erect 3.5 storey building to create 6 apartments with associated parking, bin store and gated vehicle access to north-east boundary (Revised Scheme) - Install window to second floor level and rooflight at third floor level to west elevation.
Applicant: Le Poidevin 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.

2. The development hereby permitted shall be begun on or before 04/08/2025.

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. The permission hereby granted relates only to the variation specified above. In all other respects the development shall be carried out in full accordance with the permission dated 05/08/2022, issued under planning application reference FULL/2022/0645, and subject to the terms and conditions thereof.

Reason - To limit the effect of the permission to the specified variation/s only.

5. The window and rooflight hereby approved in the west elevation serving unit 4 (second floor) and unit 5 (third floor) shall be glazed with obscure glass to a minimum level 3 on the Pilkington scale (or equivalent) and shall be fixed shut. The obscure glazing and non-opening window arrangement of both windows hereby approved shall thereafter be retained at all times.

Reason - In the interest of the privacy of neighbours and occupiers of the development.

OFFICER'S REPORT

Site Description:

The site formerly comprised of an industrial style building with a mix of granite and rendered walls, a shallow pitched and lean-to metal clad roof and it incorporated a high granite wall along the street frontage (south-east elevation). The site has since been cleared and development has commenced on the construction of a three and a half storey building (see relevant history below).

The site is situated to the north-west of La Charroterie, it is within the St Peter Port Conservation Area and Main Centre and is opposite and close to protected buildings.

Relevant History:

25/01/2022 - PREA/2021/2665 – Pre-application advice regarding proposal to create 7 residential units.

05/03/2020 – FULL/2019/2563 – Permission granted to demolish existing buildings and erect a 3.5 storey building to create 4 apartments and 1 dwelling with associated parking.

05/08/2022 – FULL/2022/0645 - Demolish existing building and erect 3.5 storey building to create 6 apartments with associated parking, bin store and gated vehicle access to north-east boundary (Revised Scheme).

17/07/2023 - Variation to previously approved plans for 3.5 storey building to create 6 apartments - Create first floor balcony to Unit 6 to north elevation.

Existing Use(s):

Residential development under construction.

Brief Description of Development:

The application relates to a variation to the approved scheme to develop the site for residential purposes. The proposal relates to the insertion of a window at second floor level and a rooflight to the third floor both to the west elevation of the approved building and both serving the kitchen area of the apartment at second and third floor levels (units 4 and 5).

The application was deferred in order to seek clarification regarding the alignment of the proposed window and rooflight in relation to the properties in Charroterie Mills and to explore whether the windows could be high level/obscure glazed in order to provide light rather than outlook. Further information has been provided which specifies that the windows have been specifically located to face the blank walls of the neighbours east elevation (Dandara), highlighting that the floor level of the development is almost 1m lower than the neighbouring flats providing further separation/less direct views and noting that prior to the redevelopment of the site the two and a half-storey warehouse had large, high level windows in the west elevation facing the Dandara built flats which represented a significantly greater area of windows than those now proposed. Photographs to supplement this written information were also supplied.

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

Policy MC2: Housing in Main Centres and Main Centre Outer Areas

Policy MC6: Retail in Main Centres

Policy GP4: Conservation Areas

Policy GP5: Protected Buildings

Policy GP8: Design

Policy GP9: Sustainable Development

Representations:

Two letters of representation have been submitted objecting to the application on the grounds that the windows would result in overlooking and loss of privacy to the occupiers of apartments at Charroterie Mills.

Consultations:

None

Summary of Issues:

The main issues in deciding this application are the impact of the additional windows on the amenity and privacy of neighbouring occupiers and the design and appearance of the alterations in relation to the Conservation Area.

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.

The purposes of the Land Planning and Development (Guernsey) Law, 2005, are to protect and enhance, and to facilitate the sustainable development of, the physical environment of Guernsey.

Section 38 of the Law explains the general functions of authorities in respect of conservation areas. This states that:

In the exercise, with respect to any building or other land in a conservation area, of any powers under this Law or any other enactment, special attention shall be paid to the desirability of preserving and enhancing the character and appearance of that area.

In respect of these statutory duties, the word 'preserve' is taken in its ordinary meaning as set out in Chamber's dictionary, which is 'to keep safe from harm or loss'.

The purposes of the Law are reflected in the Island Development Plan, the principal aim of which is to help maintain and create a socially inclusive, healthy and economically strong Island, while balancing these objectives with the protection and enhancement of Guernsey's built and natural environment and the need to use land wisely. Relevant policies will be addressed below in assessing the key issues.

Section 13 to Part IV of The Land Planning and Development (General Provisions) Ordinance, 2007, sets out a number of general material considerations, the following of which are considered to be relevant in this instance:

- (b) the character and quality of the natural and built environment which is likely to be created by the development,
- (c) the appropriateness of the development in relation to its surroundings in terms of its design, layout, scale, siting and the materials to be used,
- (d) the likely effect of the development on the character and amenity of the locality in question,

As this application seeks to vary a previously approved scheme the principle of the proposed residential development will not be revisited. This report will address only the works now proposed which relate to new windows in the southwest elevation of the building.

The proposed variation to introduce a window and rooflight will not result in harm to the character and appearance of the Conservation Area or setting of any nearby protected building. In this respect, the amendment represents a good standard of design when considering the aims of Policies GP4, GP5, GP8 and GP9 of the IDP.

As approved it was determined that all apartments would be served by adequate daylight and sunlight when considering Policy GP8 and Annex I of the IDP. Furthermore, levels of privacy was concluded to be similar to neighbouring properties and would be adequate given its central town location and the character of built development in the area although it was noted that the highly developed nature of the area already affects the level of privacy currently enjoyed by neighbouring properties. It was also determined that the relationship with and distance to La Charroterie Mills is not unreasonable considering the central town location.

Although the submission argues that the level of glazing would reduce from the previous building on the site it should be noted that the nature and use of development has significantly altered therefore although the level of glazing has reduced activity within the building which could impact on privacy and amenity would increase. The proximity of the development to the existing flats at Charroterie Mills and different floor levels would not prevent an element of overlooking to the off-set windows opposite from unit 4 nor mutual overlooking from those existing windows, down into the proposed kitchen window. Although rooflights are generally provided in order to provide light and ventilation rather than outlook the position of the proposed rooflight, low in the roofslope and given the height of Charroterie Mills it is more likely that views would be gained down into the kitchen area of unit 5 than in reverse however, given that the approved scheme showed no windows in this elevation the perception of overlooking remains relevant. Furthermore, there would be no way to introduce any boundary screening in order to mitigate the potential overlooking between apartments.

The submission sets out that the purpose of the windows is to provide more natural light to the accommodation therefore, provided the windows were obscure glazed and fixed shut (unless the means of opening the window (unit 4) was amended to introduce a night vent for ventilation only the fenestration could be introduced without resulting in unacceptable harm to the amenities of the occupiers of the neighbouring flats nor the future living environment of occupiers of units 4 and 5 within this development.

Subject to an appropriately worded condition relating to obscure glazing and the windows being fixed it is recommended therefore that planning permission is granted for this proposed variation.

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: 01/02/2024

