

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: Removal of hedge and erection of bin store.

LOCATION: Avenue Vivier Flats, Avenue Vivier, Ville Au Roi, St. Peter Port.

APPLICANT: J & D Norman 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: 09/02/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 19/12/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Paul Vaudin & Associates - 23 - 041 - 02

Application Ref: FULL/2023/2440

Property Ref: A404540000

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 site works, shall begin on site until the tree to the north of the proposed bin store shown to be retained on the approved plan has been protected, in a manner previously agreed in writing by the Authority. The tree shall be protected in the agreed manner for the duration of building operations on the application site. Within the areas agreed to be protected, the existing ground level shall be neither raised nor lowered, and no materials or temporary building or surplus soil of any kind shall be placed or stored thereon. If any trenches for services are required in the protected areas, they shall be excavated and back-filled by hand and any tree roots encountered with a diameter of 5cm or more shall be left unsevered.

Reason - Trees are an important feature in the area and this condition is imposed to make sure that the tree is properly protected while building works take place on the site.

5.Prior to the completion of the hereby approved bin store, full details, including the species, height and spacing of plants when planted, shall be submitted to and agreed in writing by the Authority.

Reason - To ensure the species, spacing and height of the proposed landscaping scheme is acceptable in the interests of visual amenity and assimilating the development into its surroundings.

6.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 completion of the bin store, or in accordance with a programme previously agreed in writing by the Authority. Any plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by plants of a size and species similar to those originally required to be planted.

Reason - In the interests of visual amenity.

Expiry Date: This permission will cease to have effect on 08/02/2027 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/2023/2440
Property Ref: A404540000
Valid date: 19/12/2023
Location: Avenue Vivier Flats Avenue Vivier Ville Au Roi Ville Au Roi St.
Peter Port Guernsey GY1 1PG
Proposal: Removal of hedge and erection of bin store.

Applicant: J & D Norman 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.

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protected, in a manner previously agreed in writing by the Authority. The tree shall be protected in the agreed manner for the duration of building operations on the application site. Within the areas agreed to be protected, the existing ground level shall be neither raised nor lowered, and no materials or temporary building or surplus soil of any kind shall be placed or stored thereon. If any trenches for services are required in the protected areas, they shall be excavated and back-filled by hand and any tree roots encountered with a diameter of 5cm or more shall be left unsevered.

Reason - Trees are an important feature in the area and this condition is imposed to make sure that the tree is properly protected while building works take place on the site.

5. Prior to the completion of the hereby approved bin store, full details, including the species, height and spacing of plants when planted, shall be submitted to and agreed in writing by the Authority.

Reason - To ensure the species, spacing and height of the proposed landscaping scheme is acceptable in the interests of visual amenity and assimilating the development into its surroundings.

6. 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 completion of the bin store, or in accordance with a programme previously agreed in writing by the Authority. Any plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by plants of a size and species similar to those originally required to be planted.

Reason - In the interests of visual amenity.

OFFICER'S REPORT

Site Description:

The application site comprises two buildings, split into 8 flats, known as Avenue Vivier Flats. The flats are located to the north of Avenue Vivier which is set within a residential estate. Each building is two storeys high, and both buildings are served by a vehicular access towards the south-east corner of the site. A row of garages (8 in total) are located to the east of the site. Opposite the garages, towards the rear of the site, lies an area currently used for refuse. The existing area of refuse immediately backs onto a neighbouring property to the north.

The site is located in a Main Centre Outer Area as designated in the Island Development Plan.

Relevant History:

None germane to this application.

Existing Use(s):

Residential – Flats

Brief Description of Development:

Planning permission is sought to remove a section of landscaping to create a refuse area closer to Avenue Vivier. The refuse area is approximately 5.5m length x 3.5m width. The enclosed area will be finished in composite cladding, approximately 1.3m high. An area of landscaping will be planted in front of the refuse area in attempt to limit any visual effect. The bin store is proposed to accommodate 4x 1110 litre and 4x 240 litre Euro bins to provide sufficient overnight storage for general house refuse, food and recycling waste.

The agent has set out that the position of the new facility has been agreed with the States of Guernsey refuse collection.

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

GP8 Design
GP9 Sustainable Development
GP13 Householder Development

Representations:

The Authority has received a letter of representation from three parties objecting to the proposal. Grounds for objection principally relate to the following issues:-

- Impact on visual amenity and character of the area.
- Inappropriate scale and siting of the development.
- Noise nuisance.
- Fly tipping/vandalism.
- Unnecessary burden on waste collection service.
- Risk of vermin.

Consultations:

None.

Summary of Issues:

- Whether the design, of the proposed development is acceptable.
- The impact of the development on the character and appearance of the area.
- The impact of the development on neighbour amenity.

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).**

All material considerations as set out in the Land Planning and Development (Guernsey) Law, 2005 and the Land and Planning (General Provisions) Ordinance 2007 have been taken into account in the assessment of this application.

Policy GP13 (Householder Development) states that proposals for the alteration and/or extension of residential properties within the residential curtilage, will be supported where there are no significant adverse effects on the amenities of neighbouring properties; the design, scale, mass and form would not detract from the open character of open locations; and they do not affect the special interest of Conservation Area, Area of Biodiversity Importance, protected building or protected monument.

The preceding text of Policy GP8 (Design) refers to the need to consider the material planning considerations as specified in Part IV, Section 13 of the Land Planning and Development (General Provisions) Ordinance 2007. These include the appropriateness of the development in relation to its surroundings in terms of its design, layout, scale, siting and the materials to be used, as well as its likely effect on the character and amenity of the locality in question and its likely effect on the reasonable enjoyment of neighbouring properties.

In light of the policy context above, the principle to improve refuse provision for the flats is considered rationale and sensible given that the current refuse area is dilapidated and is located towards the rear of the site. Siting the refuse area closer to the road will not only be similar to the siting of refuse provision for new housing developments but will improve the convenience and practicality for residents. Consequently, the principle of providing a purpose-built kerbside facility is supported in principle.

With regards to the design of the refuse facility, some concerns are raised over the loss of landscaping to the front and side of the site. However, these concerns are not considered to be substantial to cause undue harm when taking into account that

the refuse area will be sited back from the road by a few metres and will involve a new landscaping scheme to be planted which will in time, assimilate the development into its suburban surroundings. The scale of the development is considered acceptable which strikes an appropriate balance to screen the refuse bins, whilst respecting the visual amenity of the site and surrounding area. It is reasonable to attach landscaping conditions to the permission with regards to new planting and protecting the mature tree to the rear of the refuse area.

Whilst it would be more appropriate to use traditional materials, such as natural timber cladding which will weather into the landscape overtime, or rendered blockwork, the use of composite cladding in less sensitive areas such as this is acceptable and will not cause undue harm to justify deferral or refusal. In addition, the use of composite cladding has been used on buildings on the Estate and in the wider area in similar, non-sensitive locations.

Whilst the size of the refuse bins might appear excessive, there is nothing in Planning Policy to restrict the size of the refuse provision, particularly as the scheme adopts an appropriate balance to adequately screen the bins, but low enough to not unduly affect visual amenity.

Moreover, the letters of representation have argued that the provision for bin refuse as excessive for the number of occupants, although the size may have been chosen for this purpose to ensure sufficient space is provided to prevent the potential for overspill and the risk of vermin and smells etc. Consequently, a purpose-built refuse facility to the front of the site is acceptable when weighed against the current refuse arrangement to the rear of the buildings.

Sufficient information has been submitted that has taken into account the criteria of Policy GP9 (Sustainable Development).

Overall, the proposal adopts a good standard of design by virtue of its scale, form, siting and materials, together with a landscaping plan. Due to its design, the proposal will not have a significant detrimental impact on the character of the area, visual amenity, or the amenities of neighbouring residents to rebut the general support in favour of householder development to justify refusal.

Other matters:

In response to the letter of representation, whether the waste contractor would prefer a different method of waste collection is not a material planning consideration that would affect the outcome of this decision. Any potential dispute over the appropriate method of waste collection should be discussed and agreed between the owner(s) of the flats and the waste contractor.

Based on the above, the application is considered compliant with the relevant Island Development Plan policies, and accords with the purpose of the Law and the

Material Planning Considerations. It is therefore recommended that planning permission be granted, subject to conditions.

Date: 01/02/24