

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: Demolish existing outbuilding, erect 2 dwellings with associated works, infill existing and relocate pedestrian access to west boundary and erect shed to rear of Les Fleurs.

LOCATION: Les Fleurs, Saltpans Road, St. Sampson.

APPLICANT: Mr L Veron

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: 11/09/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 05/02/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: PF+A Ltd: 7522-01 B1, B2A, B3A & B4

Application Ref: FULL/2024/0258

Property Ref: B00413E000

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 such time as full details of the way in which foul sewage and surface water are to be managed and disposed of from the site have been submitted to and agreed in writing by the Authority.

Reason - The site is in an area at risk of flooding and to make sure that the site can be drained in a satisfactory way to prevent flooding in accordance with Policy GP9.

5.The landscaping scheme shall be fully completed, in accordance with the details shown on Plan 7522-01 B4, 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 and to provide biodiversity enhancements in accordance with the Strategy for Nature SPG.

6.No cladding shall be brought to the site until such time as details of the type, texture and colour of the cladding materials to be used have been submitted to and agreed in writing by the Authority. The work shall be completed in accordance with the agreed details.

Reason - To secure the satisfactory appearance of the completed development in accordance with Policy GP8 of the Island Development Plan.

7. Notwithstanding the details shown on drawing references 7522-01 B1 & B4, the first floor windows serving bedroom 1 in unit 2 shall only be completed in accordance with those details shown on on drawing ref: 7522-01 B2 Rev A & B3 Rev A.

Reason - To define the permission for the avoidance of any doubt and to ensure that development takes the form hereby permitted.

8. The dwellings hereby permitted shall not be first used or occupied until the bicycle storage and bin stores have been constructed on site in accordance with the details shown on the approved drawings. The cycles storage shall be retained and reserved for such thereafter

Reason - No car parking has been provided for at this site on the basis that suitable bicycle parking will be provided and retained on site. The condition is required to ensure that the bicycle parking is installed in a timely manner and retained thereafter for such use.

9. If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted to the Authority a method statement to identify, risk assess and address the unidentified contaminants, and obtained written agreement from the Authority for the works to continue. Any subsequent works shall be carried out only in accordance with the conclusions and recommendations contained in the agreed report.

Reason - To make sure that the site, when developed is free from contamination, in the interests of public health and safety.

10. Notwithstanding the details submitted as part of the Waste Management Plan, there shall be no crushing, grinding or other size reduction of any materials with machinery designed for such purpose, on the site at any time.

Reason - The premises are close to residential property and this is required to prevent nuisance or annoyance to nearby residents.

11. The development hereby permitted shall be carried out in accordance with the Site Waste Management Plan submitted as part of this application, and no part of the development shall be occupied or brought into use until there has been submitted to the Authority a report providing verification that the development has been carried out fully in accordance with the agreed Site Waste Management Plan. Where there has been any variation from the Site Waste Management Plan as originally submitted, the report shall highlight and detail the reasons for this.

Reason: To ensure that the development is managed to minimise waste during the demolition of any existing buildings or structures or during construction, that existing materials are reused, recycled or disposed of either on or off site, and that residual waste will be dealt with appropriately, in accordance with the aims and objectives of

Policy GP9.

Expiry Date: This permission will cease to have effect on 11/09/2027 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

1. In relation to condition 4 the areas of hard surfacing should be carried out using porous materials or provision should be made for all run-off water to be taken to a permeable or porous area. Advice about surfacing types and construction methods is contained within a UK Government publication: 'Guidance on the permeable surfacing of front gardens'. This contains useful guidance and can be viewed at www.communities.gov.uk/publications/planningandbuilding/pavingfrontgardens.

2. Care should be taken during site works to make sure that hours of operation, methods of work, dust and disposal of waste do not unduly disturb nearby residents.

It is recommended that site clearance, construction and deliveries are limited to the following times:

Mondays to Saturdays - 0800 hours to 1800 hours.

Action which creates a nuisance may be subject to action by the Office of Environmental Health and Pollution Regulation.

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/2024/0258
Property Ref: B00413E000
Valid date: 05/02/2024
Location: Les Fleurs Saltpans Road St. Sampson Guernsey GY2 4NT
Proposal: Demolish existing outbuilding, erect 2 dwellings with associated works, infill existing and relocate pedestrian access to west boundary and erect shed to rear of Les Fleurs.

Applicant: Mr L Veron

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 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 such time as full details of the way in which foul sewage and surface water are to be managed and disposed of from the site have been submitted to and agreed in writing by the Authority.

Reason - The site is in an area at risk of flooding and to make sure that the site can be drained in a satisfactory way to prevent flooding in accordance with Policy GP9.

5. The landscaping scheme shall be fully completed, in accordance with the details shown on Plan 7522-01 B4, 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 and to provide biodiversity enhancements in accordance with the Strategy for Nature SPG.

6. No cladding shall be brought to the site until such time as details of the type, texture and colour of the cladding materials to be used have been submitted to and agreed in writing by the Authority. The work shall be completed in accordance with the agreed details.

Reason - To secure the satisfactory appearance of the completed development in accordance with Policy GP8 of the Island Development Plan.

7. Notwithstanding the details shown on drawing references 7522-01 B1 & B4, the first floor windows serving bedroom 1 in unit 2 shall only be completed in accordance with those details shown on on drawing ref: 7522-01 B2 Rev A & B3 Rev A.

Reason - To define the permission for the avoidance of any doubt and to ensure that development takes the form hereby permitted.

8. The dwellings hereby permitted shall not be first used or occupied until the bicycle storage and bin stores have been constructed on site in accordance with the details shown on the approved drawings. The cycles storage shall be retained and reserved for such thereafter

Reason - No car parking has been provided for at this site on the basis that suitable bicycle parking will be provided and retained on site. The condition is required to ensure that the bicycle parking is installed in a timely manner and retained thereafter for such use.

9. If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted to the Authority a method statement to identify, risk assess and address the unidentified contaminants, and obtained written agreement from the Authority for the works to continue. Any subsequent works shall be carried out only in accordance with the conclusions and recommendations contained in the agreed report.

Reason - To make sure that the site, when developed is free from contamination, in the interests of public health and safety.

10. Notwithstanding the details submitted as part of the Waste Management Plan, there shall be no crushing, grinding or other size reduction of any materials with machinery designed for such purpose, on the site at any time.

Reason - The premises are close to residential property and this is required to prevent nuisance or annoyance to nearby residents.

11. The development hereby permitted shall be carried out in accordance with the Site Waste Management Plan submitted as part of this application, and no part of the development shall be occupied or brought into use until there has been submitted to the Authority a report providing verification that the development has been carried out fully in accordance with the agreed Site Waste Management Plan. Where there has been any variation from the Site Waste Management Plan as originally submitted, the report shall highlight and detail the reasons for this.

Reason: To ensure that the development is managed to minimise waste during the demolition of any existing buildings or structures or during construction, that existing materials are reused, recycled or disposed of either on or off site, and that residual waste will be dealt with appropriately, in accordance with the aims and objectives of Policy GP9.

INFORMATIVES

1. In relation to condition 4 the areas of hard surfacing should be carried out using porous materials or provision should be made for all run-off water to be taken to a permeable or porous area. Advice about surfacing types and construction methods is contained within a UK Government publication: 'Guidance on the permeable surfacing of front gardens'. This contains useful guidance and can be viewed at www.communities.gov.uk/publications/planningandbuilding/pavingfrontgardens.

2. Care should be taken during site works to make sure that hours of operation, methods of work, dust and disposal of waste do not unduly disturb nearby residents.

It is recommended that site clearance, construction and deliveries are limited to the following times:

Mondays to Saturdays - 0800 hours to 1800 hours.

Action which creates a nuisance may be subject to action by the Office of Environmental Health and Pollution Regulation.

OFFICER'S REPORT

Site Description:

The application site comprises a detached bungalow with a large garden to the rear situated to the north of Saltpans Road. Surrounding the site the area comprises residential properties to the south, east and west. To the north and further west is the former Saltpans Vinery site which is allocated in the Island Development Plan as a housing allocation site.

Relevant History:

The application site

The application has been the subject of pre-application discussions.

Former Saltpans Vinery site to the north of the application site

FULL/2022/1631	Residential development for Affordable Housing - Erect 69 houses and 60 flats with associated vehicular access onto La Route de Braye, pedestrian accesses, parking and landscaping including create parkland with parking and access onto Saltpans Road (Revised).	Withdrawn 27/11/2023
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Existing Use(s):

Residential Use Class 1

Brief Description of Development:

Planning permission is sought to demolish an existing outbuilding and to erect two dwellings with associated works, to infill an existing and relocate a pedestrian access to the west boundary and to erect a shed to the rear of Les Fleurs.

During the course of consideration the application was deferred to seek revised plans to address residential amenity issues with particular regard to overlooking.

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

MC2 – Housing in Main Centres and Main Centre Outer Areas

GP1 – Landscape Character and Open Land

GP8 – Design

GP9 – Sustainable Development

GP10 – Comprehensive Development

IP7 – Private and Communal Car Parking

IP9 – Highway Safety, Accessibility and Capacity

Representations:

In total 7 letters of objection were received objecting to the initial scheme. The grounds for objection are summarised as follows:

- Loss of privacy and the ability for views to extend into the properties and garden areas of neighbouring properties;
 - o When the neighbouring property was built it was stipulated that no dormers windows were allowed so how can a two storey development be allowed here?
- Loss of light and overshadowing to neighbouring properties and the garden areas of these properties;
- Loss of a view from the rear of the properties along Lowlands Road;
- The houses have little regard for neighbours and are very large and high and are very imposing;
- Other than the housing proposed by the States on the vinery sites, no further housing should be allowed in this area as it will result in an overdevelopment of the surrounding area;
- None of the houses in this area have building in the back gardens of their properties;
- The plans do not show any drainage and smells from cesspits is already an issue. Builders would also have to crane cesspits over the existing properties;
- There is no provision for a vehicle access and parking. Parking in the area is already a problem. The development of the surrounding vineries together with this site will make this worse;
 - o All on-street parking in the area is fully used on a daily basis;
- The houses would devalue neighbouring properties;
- St Sampson is swamped with developments already and houses need to be built elsewhere;
- If approved the construction process would seriously inconvenience neighbours as all building material would need to be craned over the property. The road is already busy and this would create a dangerous situation;

Two individual letters and one letter containing the signatures of the occupiers of 3 properties surrounding the site were received objecting to the revised scheme. The grounds for objection are summarised as follows:

- It is surprising to see that the revisions to the plans relate to some small adjustments to windows and a small adjustment to part of one of the houses. It was expected that the plans would be for the development of the bungalow alone;
- The scheme will continue to block views and the summer sunsets from the rear of the properties along Lowlands Road;
- The development will prevent sunlight and overshadow the gardens of properties along Lowlands Road;
- There is little change between the first scheme and the revised scheme and all previous concerns remain;
- The States have permission to build 150 new homes behind the site, the modest Guernsey back garden will be a small but vital green lung for this part of Saltpans;
- Changing the position of a window does not resolve the problem of parking or drainage for these extra houses which would still box in their neighbours.

Consultations:

The Office of Environmental Health and Pollution Regulation

By letter dated 13th March 2024 stated the following:

I have reviewed the proposed plans for the erection of two dwellings behind the existing dwelling, Les Fleurs, with associated works including the removal of an existing outbuilding, infilling of the existing pedestrian access and the relocation of this and the erection of a shed. There are two matters of concern that I must raise:

Potential Land Contamination:

I note the proposals include the provision of rear gardens for the two new dwellings, and a communal vegetable garden to the front. Historic Cadastre records show that the land parcel directly to the rear (north) of the proposed gardens (Cad. Ref. B00411A000) once had heated greenhouses situated on it. Additionally, the large land parcel to the west of the site, named Kenilworth Vineries (Cad. Ref. B008890000) also had heated greenhouses. Due to the potential land contamination risk that heated greenhouses pose, I would recommend that the following condition is attached to any granted permission:

- *If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted to the Authority a method statement to identify, risk assess and address the unidentified contaminants, and obtained written agreement from the Authority for the works to continue. Any subsequent works shall be carried out only in accordance with the conclusions and recommendations contained in the agreed report.*

Noise from crushing:

I note that in the submitted Waste Management Plan there is reference in Annex 1: Waste Management Options to the crushing of blockwork, concrete, and stone on site. The site is small and adjacent on both the east and west boundaries to closely situated residential properties. Crushing is an extremely noisy activity, and this is likely to cause a severe adverse impact on these nearby noise sensitive properties. Therefore, crushing is not a suitable option in this location. I therefore recommend the following condition is attached to any granted consent for this application:

- *The crushing, grinding or other size reduction, with machinery designed for that purpose, of bricks, tiles, stone or concrete will not take place at the site.*

I would be grateful if these issues are considered during the determination of this application.”

Summary of Issues:

The main issues in deciding this application are:

1. the principle of new housing in this area;
2. design and impact of the development on the appearance and character of the area;
3. the impact of the development on the amenity of people living in the area;
4. traffic, parking and access;
5. whether the development would result in the satisfactory living environment for the occupiers of the new dwellings;
6. flood risk;
7. health and safety issues; and
8. sustainable development

taking into account the policies set out above.

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 principle of new housing in this area**

As set out in policy MC2, the majority of the Island’s housing supply is to be provided within and around the Main Centres. The site is located in a Main Centre Inner Area and does not form Important Open Land. As such policy MC2 supports the

development of the site for housing where it accords with all other relevant policies of the Island Development Plan and where able to, the site provides an appropriate mix and type of dwellings.

Representations have expressed concerns about the need for additional housing in this location and that this area is already overdeveloped with even more houses planned on nearby sites. However, any changes in the overall housing need and land supply would be assessed as part of a strategic review of the Island Development Plan and is not an issue to be addressed in an individual planning application. Any given planning application is to be assessed on its merits against the relevant planning policies at that time. As such, the number of houses recently built, vacant or planned and the need for additional housing for that area alone is not material to the determination of this application. It is also noted that there is no requirement in the Island Development Plan for allocated housing sites (such as the site to the north and west) to be developed before windfall sites (such as this) located within Main Centres.

Current evidence regarding private market housing states a requirement to 2027 to provide a total of 844 additional units of which 7.3% need to be 1 bedroom, 85% need to be 2 bedrooms, 6.2% need to be 3 bedrooms, and 1.5% four bedroom, with no requirements for 5 and 5+ bedrooms. The proposal includes the retention of the existing two bedroom bungalow and the provision of two additional two bedroom dwellings to the rear of the site. This meets the current housing needs and although a mix of dwelling types on this site would be preferred, in this instance due to the relatively limited size of the site, the mixture and type of housing that can be provided is restricted. Furthermore, the units as proposed make the most effective and efficient use of the site in accordance with planning policy. On balance therefore it would seem unreasonable in this instance to request a varied mix and type of units and provided that the development accords with other relevant policies of the Island Development Plan, the principle of the proposed residential development at this site is acceptable.

Design and impact of the development on the appearance and character of the area,

Although bounded to the north by an open and undeveloped parcel of land (the former vinery site) as already referred to within this report that site is allocated as a site for future housing in the IDP which at some point is likely to be developed. Furthermore, the application site is bordered to the south, east and west by residential development, as such, the site does not form part of a wider area of open land, or make a significant contribution to the landscape character of the area. The development of the site as proposed would not conflict with Policy GP1.

Existing properties in the area consist of a mix of bungalows, one and a half, two and two and a half storey dwellings of varying architectural styles. Both dwellings proposed are multi-storey, which is encouraged by Policies GP8 as a means of making a more efficient use of land. Whilst representations have been received about the scale and height of the dwellings, they would not be out of character with,

or overly dominate existing properties and would not be seen out of context with other properties when viewed from the public highway.

The site is not within a Conservation Area and by virtue of the mix of styles of properties within the area, the proposed design of the development, which includes contemporary elements, achieve a satisfactory standard of design. The area to the south and east of the site is densely populated as would be expected in an urban location such as this and the design, layout, scale and form of the development would not be at odds to the settlement pattern and the scale of the properties within the area. Furthermore, as part of the application a detailed landscaping scheme has been provided that shows suitable planting to the front of the proposed units that will help the development assimilate into its surroundings. The soft landscaping scheme will also soften the impact of the development, create seasonal interest, and offer a level of biodiversity which may to some degree offset the loss of habitat and biodiversity.

The infilling of the existing and the creation of a new pedestrian access to the front of the site would not harm the character or appearance of the surrounding area.

Considering the above the scheme complies with policies GP1 and GP8 of the IDP.

The impact of the development on the amenity of people living in the area

Policy GP8 requires *inter alia* that proposals for new development will be expected to consider the health and well-being of the occupiers and neighbours of the development by means of providing adequate daylight, sunlight and private/communal open space.

As initially proposed the windows at first floor level serving bedroom 1 for both units were positioned at an angle to improve the interrelationship between the proposed units and the neighbouring properties. With regard to unit 1, the angled window arrangement directs views away from this first floor window from the neighbouring property to the west and towards Les Fleurs to the south. However, a separation distance of circa 15m between this window and the rear elevation of Les Fleurs will remain and a separation distance of circa 9.7m between the rear elevation and shared boundary will remain, which would maintain a sufficient level of privacy and is acceptable in an urban location such as this.

With regard to unit 2 the angled arrangement (as initially proposed) was intended to prevent overlooking towards the closest neighbouring property Les Fleurs (to the south). However, as referred to above, the separation distance between this window and the Les Fleurs is acceptable. This window arrangement therefore unnecessarily directed views towards the boundary shared with the garden area of the property to the east, Cassiopeia. To improve the interrelationship and to prevent overlooking, revised plans were sought to remove the angled projection and to make this window flat in the elevation. Direct views from this window now face, are focused towards

and are a suitable distance from the rear of Les Fleurs and away from Cassiopeia to the east.

Although concerns from the occupiers of neighbouring properties regarding the potential to overlook into the garden areas and into principle windows remain (despite the alterations shown on the revised plans), by virtue of a combination of the angle of view, the distance to the neighbouring properties and the relative orientation and positioning of the proposed dwellings and neighbouring properties, the degree of harm caused by the windows at first floor level in the south facing elevation is unlikely to be so significant as to have a material adverse effect on the amenities of the neighbouring residents. No windows are proposed in the east or west facing gables of either property at ground or first floor. To the rear, windows in the north facing elevation at first floor would be sufficient distance from the boundary to ensure that the future development potential of this part of the adjacent housing allocation site is not compromised.

The comments from the representors regarding light loss and the potential to overshadow and reduce light entering into neighbouring properties are noted. However, given the sunpath (east to west) the properties to the south will remain unaffected. To the east the rear elevation of the nearest neighbouring property (La Niche, Lowlands Road) is situated circa 22m distance and at this distance the proposal would not overshadow the rear elevation of the property or any other property along Lowlands Road. Although the proposal has the potential to overshadow part of the garden area of the neighbouring property Cassiopeia, this would be limited to a small proportion of the day and given the scale of the development, would not be so substantial to warrant the refusal of planning permission.

With regard to issues raised relating to noise and disturbance and safety during construction, these comments are noted, however it is inevitable that during the construction phase of any development some disturbances would occur. However any effects would be temporary, are controlled under separate Environmental Health legislation and would not be a reason for refusal of planning permission. Irrespective OEHPR has recommended that a condition be included to prevent the crushing, grinding or other size reduction (with machinery designed for such purpose), of bricks, tiles, stone or concrete on the site at any time. Furthermore, it is suggested that an informative is included on any permission to advise the applicant and developer of reasonable times for construction works.

Considering the above the scheme complies with Policies GP8 and GP9 and the relevant material planning considerations in this respect.

Issues relating to the loss of a view, the blocking of summer sunsets and the devaluation of neighbouring properties are not material planning considerations that can be taken into account in the assessment of this application.

Traffic, parking and access,

Policy IP7 requires the Authority to take into account in proposals for development the provision of appropriate levels of private and communal car parking in accordance with Supplementary Planning Guidance: Parking Standards and Traffic Impact Assessments.

Parking will remain as per the existing arrangement on site for Les Fleurs, however, no parking is proposed for the two new additional units to the rear of the site, an issue that has raised concern and been stated as a reason for objection by the representors.

The comments from the objectors have been noted, however, the site is situated in a sustainable urban location within a Main Centre Inner Area where new housing development is encouraged by States-approved planning policy. Furthermore, the IDP recognises that there is a need to make the best and most efficient use of the land where appropriate. The proposal will make effective and efficient use of the site at an appropriate density in accordance with IDP Policy creating a good living environment for the proposed occupiers.

The site is situated within walking distance of the shops and services provided in the Bridge and various car parks and locations that provide on-street car parking, and bicycle parking. Furthermore, situated close main bus routes the site is accessible by other more sustainable means of transport than the motor car. Covered cycle stores (full details of which have been provided as part of the application) are proposed (one for each of the new units proposed) in a suitable location to the front of the site. In the positions shown and of the sizes specified these are sufficient to provide future covered bicycle parking in accordance with the SPG. Considering the above the proposal would not cause any detriment to highway safety and complies with the provisions of Policy IP7.

Whether the development would result in the 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 does 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 substantially exceed the Guernsey Technical Standards minimum internal space standards and they exceed the best practice minimum internal space standards which are published on the Authority's website. The dwellings are dual aspect, including south facing glazing, and would have adequate daylight and sunlight into each room. The windows in the front elevation of unit 1

have been arranged to prevent direct views from neighbours into the property and all other windows in both units 1 and 2 are sufficient distance from neighbouring properties to maintain privacy for future occupiers.

Private amenity space in the form of separate gardens have been provided to the rear of units 1 and 2 and to the front, amenity space is also included together with a communal vegetable patch. The amenity provisions as proposed are sufficient for the size of the two bedroom units that they will serve. Although the rear windows in the properties to the east (along Lowlands Road) will face towards the garden areas of both units, there is sufficient distance (circa 23m) between the rear elevation of these properties at the closest point to prevent overlooking.

Although the scheme will reduce the amount of amenity space for Les Fleurs, situated within a Main Centre Inner Area and close to shared amenity provision, the refusal of permission based on the lack of private amenity spaces for any of the dwellings would be both unreasonable and unjustifiable.

Considering the above, overall, despite some deficiencies, the proposed dwellings would provide a satisfactory quality of residential environment for future occupiers, in accordance with Policy GP8.

Flood risk

The site is located in a flood risk area where in such locations criteria (a) of Policy GP9 amongst other things, requires as part of the application how the resilience to climate change and flooding has been considered in the design of the scheme. Additional information has been submitted by the applicant's agent in the form of a design and sustainability report. The report confirms that there is a level change of 1m from the front to the rear of the site, with water naturally draining towards the site to the north. The report confirms that to mitigate against flooding the following measures have been introduced in the design of the scheme:

- minimal hard surfaced areas have been proposed in order to maintain natural drainage, with the areas to the rear of the site laid to lawn, and large planters located to the front of each property;
- the pathways and any areas of hardstanding introduced will be permeable;
- the surface water drainage will incorporate appropriate soakaways (in line with Guernsey Technical Standards and to a specialist's design and detail);
- ACO drains will be specified to the front doors of both dwellings to avoid excessive surface water from entering the dwellings.
- To the rear the natural slope of the site will be retained to prevent flood water entering into the patio doors;
- Ensuring that the buildings are compliant with Guernsey Building Regulations which includes robust technical details to further mitigate flood.

Considering the above, evidence has been presented as part of the application to satisfy this aspect of policy GP9.

Health and safety issues

Due to the former use of the adjacent site to the north as a vinery, there are concerns raised by OEHPR regarding the potential for contaminated land on the application site and the risks that these may pose to site workers, services and future users of the site. OEHPR was consulted on the application and has requested that a condition is included on any permission for all development works to cease on site if, contamination not previously identified is found to be present at the site, and for no further development to be carried out until the developer has submitted to the Authority a method statement to identify, risk assess and address the unidentified contaminants, and obtained written agreement from the Authority for the works to continue. This condition is acceptable in planning terms and should planning permission be granted then it is recommended that this be included on any permission.

OEHPR also note that in the Waste Management Plan reference is made to the crushing of material on site and given the proximity of the site to neighbouring properties recommend that a condition is included on any permission to prevent crushing activities of any form on site. The conditions is acceptable in planning terms and should be included should permission is granted.

Sustainable Development

Policy GP9 is wide-ranging and includes requirements for sustainable design and construction with reference to the design, layout and orientation of buildings, flood risk and surface water run-off, renewable energy, the use of materials and the management of waste. Information has been submitted to demonstrate that the design has taken into account the use of energy and resources, in accordance with Policy GP9

The existing dwelling is to be retained and the scheme would result in a limited amount of demolition works. The Waste Management Plan sets out how construction waste is to be minimised and dealt with which can also be controlled by planning condition.

The information submitted satisfactorily demonstrates that the proposal has been designed to take into account the use of energy and resources, in accordance with policy GP9.

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.

The comments received from representors regarding the loss of a view from private residential properties or the prevention of views of summer sunsets are not a material planning consideration that can be taken into account in the assessment of this application.

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

The proposal would not impact on any Protected Buildings, 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: 06/08/2024

