

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 garage, erect 3 dwellings and associated works including gated vehicle access and widen existing vehicle access.

LOCATION: Land behind Beauregard, Rue Des Monts, St. Sampson.

APPLICANT: Dr C Wheatley & Bermer Hotels 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: 03/05/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 29/02/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: DRP Partnership: 1841-SK-01B, 02, 03, 04, 07D & 3141 01B

Application Ref: FULL/2024/0312

Property Ref: B00595A000+B00595A001

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 until a scheme showing the provision to be made for the parking of cycles, under cover and secure, has been submitted to and agreed in writing by the Authority, and no part of the building or development hereby permitted shall be used or occupied until the agreed scheme has been fully implemented. The provision for cycles shall be retained at all times.

Reason - To encourage the use of bicycles as an alternative to the car.

5.Prior to the undertaking of any landscaping a landscaping scheme, to include those details specified below, shall be submitted to and agreed in writing by the Authority:

- i) the treatment proposed for all hard surfaced areas, including a specification of laying;
- ii) full details of tree and hedge planting;
- iii) planting schedules, noting the species, sizes, numbers and densities of plants; and
- iv) the retention of existing Eucalyptus and Cypress trees on the south and east site boundaries.

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

6.The landscaping scheme shall be fully completed, in accordance with the details agreed under the terms of the above condition, in the first planting season following the first occupation of any part of the 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.

Expiry Date: This permission will cease to have effect on 03/05/2027 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/2024/0312
Property Ref: B00595A000+B00595A001
Valid date: 29/02/2024
Location: Land behind Beauregard Rue Des Monts St. Sampson
Guernsey GY2 4HT
Proposal: Demolish garage, erect 3 dwellings and associated works
including gated vehicle access and widen existing vehicle
access.
Applicant: Dr C Wheatley & Bermer Hotels 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.

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

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Reason - To make sure that the appearance of the completed development is satisfactory and to help assimilate the development into its surroundings.

OFFICER'S REPORT

Brief Description of the site:

The application relates to an area of land to the rear of two dwellings (Beauregard and Beauvoir) located on the west side of Rue des Monts, opposite Delancey Park, and to the rear of the roadside dwellings located to the north of Rue des Pointes Rocques.

The site comprises an area of 0.6 acres and is surrounded on the south and west sides by a granite wall approximately 1.2 metres in height, and to the north by a high leylandii hedge behind which there is a c.2.5m tall granite wall.

Access to the site is from an existing private driveway in the east boundary, shared with the two dwellings to the east. That driveway has been widened and gate pillars installed at the site entrance, as approved under FULL/2011/2575. No gate was present at the time of the site visit. A 1.8m fence has been installed between the northern gate pillar and the rear boundary of Beauvoir, with a low wall and well established hedging forming the boundary between the application site and the driveway and the rear space of that property. The rear amenity space of Beauregard is separated from the site by a c2m rendered wall.

The site is located in a Main Centre Outer Area and Delancey Conservation Area under the Island Development Plan (IDP). It adjoins the Pointues Rocques allocated housing site on its north west corner.

Relevant History:

Application site

FULL/2020/2304 Demolish existing garage and erect three dwellings and alterations to vehicular access. Approved 21/01/2021 – Expired 21/01/2024

FULL/2017/1396 - Demolish existing garage and erect three dwellings with access road and associated landscape works. Approved 21-08-2017

Similar applications approved in 2011 (FULL/2011/2575) and 2014 under the former Urban Area Plan. Whilst it is noted that works from the initial permission, including widening of the access road, have been carried out, the pre-commencement conditions attached to that permission have not been discharged and the permission could not therefore be considered implemented. This was confirmed by letter 17/09/2015. Planning permission is therefore required for any development of the land to the rear of Beauregard.

Delancey Park House (Land to the north of application site, B005960000)

FULL/2014/1806 – Demolish existing store, alter and extend store to create changing room and install three sets of gates, including one set in the north boundary of the application site and one set in the east boundary of that site. Approved 23/07/2014

Existing Use(s):

Vacant land

Assessment: (Tick as appropriate)

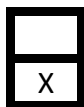
no representation
accords with policy

X
X

visual amenity acceptable
no material neighbour impact

X
X

within curtilage
design acceptable



traffic not affected



Policies considered most relevant:

MC2 – Housing in Main Centres and Main Centre Outer Areas
GP4 – Conservation Areas
GP8 – Design
GP9 – Sustainable Development
IP6 – Transport Infrastructure and Support Facilities
IP7 – Private and Communal Car Parking
IP9 – Highway Safety, Accessibility and Capacity

Strategy for Nature
Parking Standards and Traffic Impact Assessment

Conclusion/Brief comment:

This application is for renewal of a previous permission to construct one detached 4 bed and two semi-detached 3 bed houses on the site, which expired in January of this year and was itself a reissue of a permission issued in 2017 and previously approved under the former Urban Area Plan in 2011 and 2014. Whilst it is noted that works to widen the driveway at the front of the site, approved as part of the 2011 permission, were undertaken in 2012, the pre-commencement conditions attached to the 2011 permission were not discharged and these works could not therefore be considered to comprise commencement of the development and a new application is required.

The submitted drawings include alterations to the site entrance, including omission of a wall immediately to the north of that entrance and alterations to the design of the adjacent boundary wall, pillars and gate, as previously approved under FULL/2014/1806 and shown in detail on Drawing No 3141/01B. The plans are otherwise as previously approved.

The two previous applications were assessed against the policies of the IDP. There have been no material changes to the site or surroundings since the previous permissions were granted, or to the Plan policies themselves. The supporting information in respect of housing mix and type has however been updated, and the mix and type proposed under this application would not reflect the current identified housing requirements. Taking into account the history of planning applications, the windfall nature of the site (falling outside of the allocated housing areas) and the limited scale of the development, it is however considered that the proposed mix and type could be accepted in this instance.

Subsequent to the previous permissions, the Development & Planning Authority have approved a Phase 1 of development on the allocated housing site to the north-west, subject to the preparation of planning covenants. That development is

however set away from the application site, and the grant of permission for the development proposed under this application would not prejudice either the implementation of the approved development or any future Phase 2.

The proposed parking provision accords with the Parking Standards SPG, however no bicycle parking is indicated. Whilst this could be provided within the garage for Unit 1, further details would be required in respect of Units 2 & 3 and this can be controlled by condition.

The issues and considerations are otherwise as addressed within the 2017 & 2020 application reports and therefore the conclusions set out in those reports remain valid. Subject to the imposition of the additional conditions attached to the 2020 permission, this application is considered to comply with all relevant policies of the IDP.

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

Recommendation:

Grant with Conditions



Date: 02/05/2024

