

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 demolish garages and outbuildings, erect 18 dwellings with associated parking and landscaping and create access road - omit solar panels from units (Blocks A,B,C,D,E,F and G) (Revised Scheme).

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

APPLICANT: Mr B Roger

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: 04/06/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 23/04/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Tyrrell Dowinton Associates: 2037 03.01E, 03.02E, 03.03C, 03.04C, 03.06C, 03.07C, 03.09C, 03.10C, 03.12C, 03.13C, 03.15C, 03.16C, 03.18C, 03.19C, 03.21D, 03.22D, 03.24E, 03.25C,

Application Ref: FULL/2024/0766

Property Ref: B001020000

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 28/02/2025.

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 permissions dated 01/03/2022, issued under planning application reference FULL/2021/0946, and 24/01/2023, issued under planning application reference FULL/2022/2175, and subject to the terms and conditions thereof.

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

5. Prior to installation of the water butt rain water storage, solar lighting, solar equipment for the cycle store and EV charging points, full details of those features shall be submitted to and agreed in writing by the Authority. Thereafter the development shall not be occupied until those features, together with the sensors for all external lights, have been installed in accordance with the approved details.

Reason - In the interests of sustainable development.

Expiry Date: This permission will cease to have effect on 28/02/2025 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/2024/0766
Property Ref: B001020000
Valid date: 23/04/2024
Location: Les Bas Courtils & Fleur De Lys Les Bas Courtils Road St. Sampson Guernsey GY2 4BP
Proposal: Variation to previously approved plans to demolish garages and outbuildings, erect 18 dwellings with associated parking and landscaping and create access road - omit solar panels from units (Blocks A,B,C,D,E,F and G) (Revised Scheme).
Applicant: Mr B Roger

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 28/02/2025.

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 permissions dated 01/03/2022, issued under planning application reference FULL/2021/0946, and 24/01/2023, issued under planning application reference FULL/2022/2175, and subject to the terms and conditions thereof.

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

5. Prior to installation of the water butt rain water storage, solar lighting, solar equipment for the cycle store and EV charging points, full details of those features shall be submitted to and agreed in writing by the Authority. Thereafter the development shall not be occupied until those features, together with the sensors for all external lights, have been installed in accordance with the approved details.

Reason - In the interests of sustainable development.

OFFICER'S REPORT

Site Description:

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

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

Relevant History:

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

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

- Make provision for EV charger points for each unit, actual connection points to be responsibility of resident;
- Drainage – SUDS for roads and driveways;
- Electric heating and hot water. Air Source Heat Pumps considered but 17 pumps likely to cause noise pollution. Solar thermal panels to be fitted for

hot water, indirect pressurised cylinders would be enabled for solar thermal input;

- Investigate intelligent controls for internal systems;
- Insulation and glazing above requirements of Building Regulations;
- Use of block as locally available and better for air tightness;
- Air tightness – Technical Standards require $10\text{m}^3/(\text{h.m}^2)\text{@}50\text{Pa}$ for each unit, the development would reduce this to $5\text{m}^3/(\text{h.m}^2)\text{@}50\text{Pa}$;
- Mechanical Ventilation Heat Recovery to be installed;
- Low energy lighting to be installed.

FULL/2022/2175 Variation to previously approved plans to demolish garages and outbuildings, erect 17 dwellings with associated parking and landscaping and create access road - Reposition and erect additional dwelling to Block G. Approved 24/01/2023, subject to conditions, including a requirement for development to be completed in accordance with stated construction methods and incorporating all sustainable development features set out within the application covering letter.

FULL/2023/2381 Variation to plans previously approved to erect 17 dwellings with associated parking and landscaping and create access road - omit solar panels from all units (Blocks A/B/C/D/E/F & G). Refused 19/02/2024 for the following reason:

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

Existing Use(s):

Development site

Brief Description of Development:

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

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

The variations approved under FULL/2022/2175 retained the provision of a pair of solar panels to the reorientated Units 16 & 17, and included panels on the additional Unit 18, all to the east roof slopes of those units.

This application comprises a revised scheme, following refusal of FULL/2023/2381, to omit these solar panels, proposing the following as mitigation:

- Water butt rain water storage for each unit;
- Replacement of external mains powered lighting with solar lighting, utilising a bollard fitting;
- Solar storage for bike charging and lighting within the cycle store;
- Previously provision was to be made for EV charging, however 14 charge points would now be provided;
- All external lights connected to the properties would operate off sensors.

The following additional comments are made:

- The relative cost of installing photovoltaic panels and necessary infrastructure is extremely high with a lengthy payback period. There have been increased costs in the last two years which no longer makes this an efficient addition to the development.
- The measures proposed are comparable to those approved at the adjacent development site at Les Bas Courtils (ref FULL/2021/0871 & FULL/2022/1429) and that at Le Four Banal (ref FULL/2023/1720).

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

MC2 – Housing in Main Centres and Main Centre Outer Areas

GP4 – Conservation Areas

GP5 – Protected Buildings

GP6 – Protected Monuments

GP8 – Design

GP9 – Sustainable Development

Richmond House Development Framework, June 2019

Representations:

No representation received.

Consultations:

None undertaken.

Summary of Issues:

Impacts of the proposal on the sustainable design of the development.

Assessment against:

- 1 - Purposes of the law.**
- 2 - Relevant policies of any Plan, Subject Plan or Local Planning Brief.**
- 3 - General material considerations set out in the General Provisions Ordinance.**
- 4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).**

Permission was granted 01/03/2022 for the erection of 17 dwellings at this site, having regard to the relevant policies of the Island Development Plan and the approved Development Framework for the site, and an additional dwelling was approved by variation 24/01/2023. A subsequent application was refused 19/02/2024 under ref FULL/2023/2381 to vary those permissions, through the omission of solar panels previously approved to each of the approved dwellings. The current application comprises a revised scheme for the omission of the solar panels.

Policy MC2 formed the gateway policy for the development, allowing for housing development in Main Centre Outer Areas where, inter alia, the proposal is in accordance with all other relevant policies of the Island Development Plan. The omission of solar panels as proposed would require re-assessment of the development against the policies set out under the Relevant Policy section above and the requirements of the Development Framework.

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

The solar panels however formed an integral part of the sustainable design approach to the development, and formed part of the suite of proposals which enabled the requirements of Policy GP9a) to be met.

The current application however proposes additional measures which would, cumulatively and on balance, offset the omission of the solar panels and enable the development to remain in compliance with Policy GP9a). To ensure these measures are implemented, details of each measure and a timeframe for implementation should be controlled by condition.

In light of the above, the amended proposal set out under this application accords with the purpose of the Law, material considerations and relevant planning policies and approval is recommended.

Date: 29/05/2024

