

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: Erect dwelling and associated works and demolish section of wall to create vehicle access to south boundary.

LOCATION: 65 Hauteville, St. Peter Port.

APPLICANT: Frairie Developments 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: 30/07/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 20/06/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: PF+A Ltd - 7758-01 B1, B2 & B3 and Design and Sustainability Report

Application Ref: FULL/2024/1104

Property Ref: A40665A000

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. In the absence of any elevation drawings for the proposed retaining walls, prior to the commencement of any work in connection therewith details of the height and finish of these walls shall be submitted to and approved in writing by the Authority. Where rendered walls are proposed the retaining walls shall be rendered within 28 days of construction.

Reason - In the interests of visual amenity and to preserve the character and appearance of the Conservation Area.

5. Prior to the commencement of any work in connection therewith 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 ground surfaces, including hard areas (incorporating permeable paving); and
- ii) planting schedules, noting the species, sizes, numbers and densities of plants for the planted border to the northeast site boundary and other planting proposed within the frontage area of the application site.

Reason - To help assimilate the development into its surroundings, in the interests of sustainable development and to conserve the character and appearance of the Conservation Area.

6. The soft landscaping (5 ii) above) 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 help assimilate the development into its surroundings and to conserve the character and appearance of the Conservation Area.

7. Within four weeks of the new access being formed, the ends of the new opening shall be finished off using materials and a method of construction which match the remainder of the wall.

Reason - In the interests of visual amenity and to conserve the character and appearance of the Conservation Area.

8. No occupation of the dwelling shall take place until such time as the parking and turning facilities shown on the approved plan have been completed in accordance with the submitted details and surfaced in accordance with the details first approved under condition 5 i) above..

Reason - To make sure vehicles can enter and leave the site in a forward direction and to provide off-street parking, in the interests of road safety and effective traffic management.

9. Prior to the commencement of any work in connection therewith details of the height, design and appearance of the proposed covered and secure cycle/refuse store shown on the approved plans shall be submitted to and agreed in writing by the Authority. The dwelling hereby approved shall not be used or occupied until the agreed scheme has been fully implemented and thereafter retained at all times.

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

10. The first floor bathroom and en-suite windows in the east elevation shall be glazed with obscure glass to a minimum level 3 on the Pilkington scale (or equivalent) and shall thereafter be retained at all times.

Reason - To minimise the effect of the development on the privacy and amenities of nearby residents.

11. The development hereby permitted shall be constructed in accordance with the details set out in the Design and Sustainability Report (ref:7758-01) received on 20/06/2024 and in accordance with the details shown on the approved plans regarding solar panels. There shall be no occupation any dwelling until the electric vehicle charging point referred to in the Report and solar panels shown on the approved plans have been installed and made operational.

Reason - In the interests of sustainable development

Expiry Date: This permission will cease to have effect on 30/07/2027 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

This permission is given under the Land Planning and Development (Guernsey) Law, 2005. This decision does not override or prejudice any legal rights or constraints which exist in relation to the application site.

The application site is located within an area of known archaeological importance and your attention is drawn to the provisions of the Island Development Plan, Annex VIII on Archaeological Assessment.

It is desirable that access be granted to the States Archaeologist, Culture & Heritage Service, and that you contact them to gain advice or make arrangements for archaeological recording during any earth moving on the site.

The Archaeology team can be contacted on 01481 220729 or 01481 220722 , or mobiles 07781 102219 or 07911 721210 .

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/2024/1104
Property Ref: A40665A000
Valid date: 20/06/2024
Location: 65 Hauteville St. Peter Port Guernsey GY1 1DG
Proposal: Erect dwelling and associated works and demolish section of wall to create vehicle access to south boundary.

Applicant: Frairie Developments Ltd

RECOMMENDATION - Grant: Planning Permission with Conditions:

1. All development authorised by this permission must be carried out and must be completed in every detail in accordance with the written application, plans and drawings referred to above. No variations to such development amounting to development may be made without the permission of the Authority under the Law.

Reason - To ensure that it is clear that permission is only granted for the development to which the application relates.

2. The development hereby permitted shall be begun 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. In the absence of any elevation drawings for the proposed retaining walls, prior to the commencement of any work in connection therewith details of the height and

finish of these walls shall be submitted to and approved in writing by the Authority. Where rendered walls are proposed the retaining walls shall be rendered within 28 days of construction.

Reason - In the interests of visual amenity and to preserve the character and appearance of the Conservation Area.

5. Prior to the commencement of any work in connection therewith 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 ground surfaces, including hard areas (incorporating permeable paving); and
- ii) planting schedules, noting the species, sizes, numbers and densities of plants for the planted border to the northeast site boundary and other planting proposed within the frontage area of the application site.

Reason - To help assimilate the development into its surroundings, in the interests of sustainable development and to conserve the character and appearance of the Conservation Area.

6. The soft landscaping (5 ii) above) 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.

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8. No occupation of the dwelling shall take place until such time as the parking and turning facilities shown on the approved plan have been completed in accordance with the submitted details and surfaced in accordance with the details first approved under condition 5 i) above..

Reason - To make sure vehicles can enter and leave the site in a forward direction and to provide off-street parking, in the interests of road safety and effective traffic management.

9. Prior to the commencement of any work in connection therewith details of the height, design and appearance of the proposed covered and secure cycle/refuse store shown on the approved plans shall be submitted to and agreed in writing by the Authority. The dwelling hereby approved shall not be used or occupied until the agreed scheme has been fully implemented and thereafter retained at all times.

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

10. The first floor bathroom and en-suite windows in the east elevation shall be glazed with obscure glass to a minimum level 3 on the Pilkington scale (or equivalent) and shall thereafter be retained at all times.

Reason - To minimise the effect of the development on the privacy and amenities of nearby residents.

11. The development hereby permitted shall be constructed in accordance with the details set out in the Design and Sustainability Report (ref:7758-01) received on 20/06/2024 and in accordance with the details shown on the approved plans regarding solar panels. There shall be no occupation any dwelling until the electric vehicle charging point referred to in the Report and solar panels shown on the approved plans have been installed and made operational.

Reason - In the interests of sustainable development

INFORMATIVES

This permission is given under the Land Planning and Development (Guernsey) Law, 2005. This decision does not override or prejudice any legal rights or constraints which exist in relation to the application site.

The application site is located within an area of known archaeological importance and your attention is drawn to the provisions of the Island Development Plan, Annex VIII on Archaeological Assessment.

It is desirable that access be granted to the States Archaeologist, Culture & Heritage Service, and that you contact them to gain advice or make arrangements for archaeological recording during any earth moving on the site.

The Archaeology team can be contacted on 01481 220729 or 01481 220722 , or mobiles 07781 102219 or 07911 721210 .

OFFICER'S REPORT

Site Description:

65 Hautville is an end of terrace property with render exterior and pantile roof with dormers to the front and rear roofslopes along with a rooflight to the rear. Sash windows are situated to the front and rear elevations although the number of first floor windows to the rear of the property is limited. A single-storey, pitched roof extension and a hipped roof conservatory are situated to the rear of the property. The application site is separated from the garden area of no. 65 by a 1.8m high fence. The application site is undeveloped garden/grassed area. The northeast and southwest site boundaries are marked by granite walls (varied heights). There are various windows in the southwest elevation of 63 Hauteville facing towards no. 65 and the application site.

The site is located in the Main Centre, Conservation Area and Archaeological Area as designated in the Island Development Plan. Many surrounding buildings are protected.

Relevant History:

Pre-application advice was sought in this case.

Existing Use(s):

Residential – garden associated with frontage building (flats)

Brief Description of Development:

The application relates to the erection of a detached, two-storey dwelling to the northeast and within the garden of 65 Hauteville. The dwelling has been designed with a render exterior and pantile roof. The windows are indicated to be sashes and a roof light is proposed to both the front and rear roofslopes. The dwelling would offer open plan living, kitchen and dining on the ground floor leading out to a patio and steps up to the garden, to the southeast of the dwelling along with a hallway and cloakroom whilst two bedrooms (one en-suite) and a bathroom are proposed at first floor level. The rooflights would sit over the landing/stairs.

To the front/northwest parking and turning for two cars would be provided to be served by a new vehicular access in the northwest corner of the southern boundary wall. Refuse and cycle storage are also shown to be provided within the frontage area.

The application has been accompanied by a statement to address Policy GP9: Sustainable Development and GP8: Design of the IDP.

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

Island Development Plan policies:

MC2: Housing in Main Centres and Main Centre Outer Areas

GP4: Conservation Areas

GP5: Protected Buildings

GP7: Archaeological Remains

GP8: Design

GP9: Sustainable Development

IP6: Transport infrastructure and support facilities

IP7: Private and Communal Car Parking

IP9: Highway Safety, Accessibility and Capacity

Annex I: Amenities

Charroterie Valley Conservation Area Appraisal

Parking Standards and Traffic Impact Assessment SPG (2016)

Representations:

One letter of representation has been submitted raising the following points:

- The driveway belongs to the Liberation Group
- The driveway serves a car park for 74 vehicles
- Supportive of this otherwise unused piece of land
- Wish to ensure that the right of way and need for 24/7 unimpeded access for 74 cars is considered as part of the assessment and protected should permission be granted

Consultations:

None.

Summary of Issues:

The key issues in this case relate to the impact of the proposed development on the character and appearance of the Conservation and wider area, the setting of protected buildings surrounding the site, the amenities of existing occupiers of adjoining properties and future occupiers of the proposed development.

Assessment against:

1 - Purposes of the law.

The objectives set out in Section 1(2) of The Land Planning and Development (Guernsey) Law, 2005, 'the Law', have been considered and this report forms part of the assessment, with policy issues set out in Section 2 below.

2 - Relevant policies of any Plan, Subject Plan or Local Planning Brief.

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

Section 34 of the Law explains the general functions of authorities in respect of protected buildings. This states that:

It is the duty of any department of the States when exercising its functions under this Law –

- (a) to secure so far as possible that the special historic, architectural, traditional or other special characteristics of buildings listed on the protected buildings list ("protected buildings") are preserved, and
- (b) in particular, in exercising its functions with respect to a protected building or any other building or land in the vicinity of a protected building, to pay special attention to the desirability of preserving the protected building's special characteristics **and setting** [emphasis added].

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

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

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

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

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

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

Section 15 clarifies that the considerations referred to in paragraphs (b) and (c) of section 14 also apply to protected buildings.

Principle

The Island Development Plan supports the principle of new housing development in this location. As this is a modest development site there is not the scope to provide a variety of dwellings but overall the proposals address the aims of Policy MC2.

Conservation Area

There will be long distance views of the site from across the valley as Cour du Parc, the upper floors of office buildings in La Charroterie and development up on the hillside in Mount Durand are all visible from the site. The proposed development will, however, be lower than the terrace of properties fronting Hauteville and will be viewed in the context of these surrounding buildings.

The design and materials proposed will conserve the character and appearance of the Conservation Area in line with Policy GP4 and GP9 of the Island Development Plan.

Design

The design and appearance of the proposed dwelling represents a high standard of design that will respect the local built environment concerned. Being a two-storey dwelling the development represents efficient and effective use of land. The scheme indicates an element of soft landscaping around the site, along the northeast boundary and within the rear garden area. Although precise details of landscaping and hardstanding have not been provided these are matters that can be managed by planning condition to ensure that they reinforce the local character.

The development demonstrates accessibility to and within the building and patio area for people of all ages and abilities. Access to the garden area would be accessible to ambulant disabled. The dwelling, with potential to extend (exempt or via planning permission), offers flexible and adaptable accommodation that can respond to changing needs over time.

Amenities

There must be a balance between the most effective and efficient use of land and the requirement to ensure that proposed living and working conditions are acceptable and that the higher density Main Centres, in particular, remain attractive places to live and work.

Annex I of the IDP states that development will be expected to be designed with windows an adequate distance apart and / or suitably orientated to ensure that the level of privacy that could reasonably be expected to be enjoyed by an occupier is not adversely affected and that the use of obscure glazing alone to achieve privacy will not, normally, be considered acceptable.

The development exceeds both the current Building Regulations and DCLG internal space standards and will also offer future occupiers with good aspect/outlook and sunlight/daylight. The scheme includes a garden area accessed via steps from a patio. This would be affected, to some degree, by overlooking from existing residential properties surrounding the site but given the central location of the site, where an element of mutual overlooking is common, it is the case that the external space provided on site, and ready access to other public open spaces and facilities in the area would satisfactorily address this aspect of Policy GP8.

Fenestration to the side elevations has been limited to a first-floor secondary window serving a bedroom which faces the accessway to the existing car park which adjoins the site and a ground floor WC window which would be screened by the existing boundary wall. The layout of accommodation and existing boundary treatments are such that ground and first floor windows proposed will not result in unacceptable overlooking or loss of privacy to surrounding residential neighbours. It would be reasonable to require the two first floor bathroom windows to be obscure glazed. The landing window in the same elevation would offer an element of overlooking but only in passing and given that the window does not serve primary living accommodation it is not considered appropriate to require this to also be obscure glazed.

As outlined elsewhere, there would be an element of overlooking from surrounding residential properties but the siting of the dwelling, away from those properties fronting Hauteville ensures that the potential impact on privacy remains within acceptable limits.

Overall the scheme complies with Policy GP8 and Annex I of the IDP.

Protected Buildings

The proposed dwelling is situated in a garden area, away from the adjoining protected buildings and will not result in harm to the setting of the rear elevations of these adjacent protected buildings in accordance with Policies GP5 and GP9 of the IDP.

Archaeological Area

The States Archaeologist has not commented on the application however, the site is within St Peter Port and identified in Annex VIII to the IDP as part of a wider area known for prehistoric, Roman and mediaeval archaeological interest. An informative note may be placed on a decision to highlight this in order to afford the States Archaeologists to monitor the site during the development phase, in line with Policy GP7.

Parking and cycle storage

The level of onsite parking accords with the maximum parking standards set out in the SPG and turning on site is available to enable vehicles to exit the site in a forward gear. This is beneficial given that visibility onto the private access road is somewhat constrained by the existing roadside wall. Although the car park is used 24/7 and for a significant number of vehicles, vehicle speeds will be low and the scheme would not result in unacceptable conflicts. The proposals comply with Policies IP7 and IP9 of the IDP.

The proposal indicates an area in the northeast corner of the site where a covered cycle store will be provided. Details of the height, design and appearance have not been provided with the submission therefore it would be reasonable to require details of this to be provided by way of planning condition, having regard to the published Bicycle Parking guidance (Planning Advice Note 11). It is also noted that there would be scope to construct a shed (exempt development) within the garden area of the property which could also provide cycle storage. In this respect the scheme would comply with Policy IP6.

Sustainable Development

The application has been accompanied by a Design and Sustainability Report that addresses Policy GP9. The report and drawings show the installation of solar panels and the report makes reference to the provision of an EV charging point. Both these matters can be controlled by planning condition and ensure compliance with Policy GP9.

Other matters

The proposed patio/garden retaining wall is not shown in detail on any of the application drawings but is likely to be blockwork with a rendered finish, details of this retaining wall can be requested by condition in order to ensure a good standard of design and to preserve the character and appearance of the Conservation Area.

The comments received regarding maintaining access to the adjoining car park are noted but fall beyond the control of the Development and Planning Authority. This would ultimately be a private civil matter between land owners/developer.

Subject to relevant planning conditions, it is recommended permission is granted for the proposed development.

3 - General material considerations set out in the General Provisions Ordinance.

In addition to the consideration of policy issues, Section 13 of the Land Planning and Development (General Provisions) Ordinance, 2007 identifies other material planning considerations which could be relevant. These include; the appropriateness of the development in relation to its surroundings in terms of design, layout, scale, siting and materials; the likely effect on the character and amenity of the locality; any possible fall-back position by way of extant planning permissions or exempt development; the likely effect on the reasonable enjoyment of neighbouring properties. These issues where relevant are considered above.

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

The proposal would have no adverse impact on protected trees or sites.

Date: 26/07/2024

