

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 outbuildings and erect two dwellings. Extend and alter (including partial demolition) of Oakdean and Highgrove House with associated works, parking and landscaping.

LOCATION: Oakdean & Highgrove House, Rue Poudreuse, St. Martin.

APPLICANT: Oakdean Properties 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: 18/10/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 11/07/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: PF+A Ltd - 7520-04 B1, B2, B3, B4A, B5A, B6A

Application Ref: FULL/2024/1184

Property Ref: J004230000+J00423A000

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 details of existing and proposed levels, including ground levels, finished floor levels of all buildings and a number of sections across the site (these sections to extend to land and buildings adjoining the application site), have been submitted to and agreed in writing by the Authority. The development shall be carried out only in accordance with the details agreed under the terms of the above condition.

Reason - To make sure that the development is carried out in a way which is in character with its surroundings.

5. Prior to the commencement of any work in connection therewith details of the height and appearance of the sheds hereby approved shall be submitted to and agreed in writing by the Authority. The development shall be carried out only in accordance with the agreed details and the sheds shall be constructed prior to the first occupation of the dwelling to which they relate.

Reason - The information provided with the application does not include full details of the proposed sheds. This condition is imposed to make sure that the buildings are of satisfactory design and will not have any adverse impact on the character of the area and to ensure there is provision for covered and secure cycle parking.

6. No use or occupation of any of the buildings hereby permitted shall begin until boundary fencing between gardens and to the access road/parking area has been fully completed.

Reason - To protect the privacy and amenities of the occupiers of the development.

7. The walls hereby permitted between the parking areas for units 1 and 3 and units 2 and 4 shall be rendered on both sides within 28 days of construction.

Reason - In the interests of visual amenity.

8. There shall be no occupation of units 3 and 4 until the demolition and extension works hereby approved, to both Oakdean and Highgrove House, have been completed in their entirety.

Reason - To ensure compliance with Policy OC1 in relation to a development that is broadly the same floorspace and volume as an approved subdivision scheme.

9. The replacement roadside wall shown on drawing 7520-04 B5A shall be erected using stone that matches as closely as possible the type, colour, texture, method of bonding and pointing of the existing roadside wall (northern part of west site boundary). Vehicular movements to and from the site shall utilise an 'in-and-out' arrangement in accordance with details specified within the application and signage identifying the 'in' and 'out' entrance and exit respectively shall be provided prior to the first occupation of units 3 and 4 and thereafter retained and maintained.

Reason - In the interests of highway safety.

10. 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 (including permeable paving);
- ii) full details of tree, hedge and other planting to the site frontage, north of the boundary fence serving unit 2, north and south site boundaries and around the parking area;
- iii) planting schedules, noting the species, sizes, numbers and densities of plants; and
- iv) all existing trees, hedges and other landscape features, indicating clearly those to be removed.

Reason - To make sure that a landscaping scheme for the development is agreed, in order to help assimilate the development into its surroundings and to protect the amenities of occupiers and neighbours of the development.

11. 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 a landscaping scheme for the development is agreed, in order to help assimilate the development into its surroundings and to protect the amenities of occupiers and neighbours of the development.

12. The development hereby permitted shall be constructed in accordance with the details set out in the Policy GP9 - Sustainability Report ref: 7520-04, and there shall be no occupation of any of the dwellings hereby approved until the PV panels and electric vehicle charging point to serve that dwelling been installed and made operational.

Reason - In the interests of sustainable development.

13. The first floor gable windows in the north elevation of unit 3 and south elevation of unit 4 shall be glazed with obscure glass to a minimum level 3 on the Pilkington scale (or equivalent). The obscure glazing shall thereafter be retained at all times.

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

Expiry Date: This permission will cease to have effect on 18/10/2027 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/2024/1184
Property Ref: J004230000+J00423A000
Valid date: 11/07/2024
Location: Oakdean & Highgrove House Rue Poudreuse St. Martin
Guernsey GY4 6NN
Proposal: Demolish outbuildings and erect two dwellings. Extend and
alter (including partial demolition) of Oakdean and Highgrove
House with associated works, parking and landscaping.

Applicant: Oakdean Properties 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.

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Reason - To make sure that the development is carried out in a way which is in character with its surroundings.

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Reason - The information provided with the application does not include full details of the proposed sheds. This condition is imposed to make sure that the buildings are of satisfactory design and will not have any adverse impact on the character of the area and to ensure there is provision for covered and secure cycle parking.

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Reason - To protect the privacy and amenities of the occupiers of the development.

7. The walls hereby permitted between the parking areas for units 1 and 3 and units 2 and 4 shall be rendered on both sides within 28 days of construction.

Reason - In the interests of visual amenity.

8. There shall be no occupation of units 3 and 4 until the demolition and extension works hereby approved, to both Oakdean and Highgrove House, have been completed in their entirety.

Reason - To ensure compliance with Policy OC1 in relation to a development that is broadly the same floorspace and volume as an approved subdivision scheme.

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- ii) full details of tree, hedge and other planting to the site frontage, north of the boundary fence serving unit 2, north and south site boundaries and around the parking area;
- iii) planting schedules, noting the species, sizes, numbers and densities of plants; and
- iv) all existing trees, hedges and other landscape features, indicating clearly those to be removed.

Reason - To make sure that a landscaping scheme for the development is agreed, in order to help assimilate the development into its surroundings and to protect the amenities of occupiers and neighbours of the development.

11. 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 a landscaping scheme for the development is agreed, in order to help assimilate the development into its surroundings and to protect the amenities of occupiers and neighbours of the development.

12. The development hereby permitted shall be constructed in accordance with the details set out in the Policy GP9 - Sustainability Report ref: 7520-04, and there shall be no occupation of any of the dwellings hereby approved until the PV panels and electric vehicle charging point to serve that dwelling been installed and made operational.

Reason - In the interests of sustainable development.

13. The first floor gable windows in the north elevation of unit 3 and south elevation of unit 4 shall be glazed with obscure glass to a minimum level 3 on the Pilkington scale (or equivalent). The obscure glazing shall thereafter be retained at all times.

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

OFFICER'S REPORT

Site Description:

Oakdean and Highgrove are part of a terrace of properties situated to the east of Rue Poudreuse. To the rear of Oakdean is a two-storey pitched and single-storey mono-pitched roof extension and to the rear of Highgrove House is a catslide dormer, two-storey hipped roof extension and two and single-storey flat roof extensions. The properties are two-storeys with sliding sash windows (timber and PVCu). A carriage arch exists at Oakdean providing vehicular access to the rear of the site. Both properties benefit from a vehicular access onto Rue Poudreuse however there is no division of the frontage area within the site. The roadside boundary was marked by a granite wall however, this has recently been demolished. A detached pitched roof outbuilding exists to the rear of Highgrove House, adjacent to the south site boundary.

The site is located Outside of the Centres as designated in the Island Development Plan.

Relevant History:

FULL/2020/0005 – subdivide two dwellings into four units of residential accommodation. Erect single-storey extension to east (rear) elevation, install rooflights to west (front) elevation and alterations to fenestration. Erect extension to east elevation of outbuilding adjacent to south boundary - granted

FULL/2022/0104 - Demolish 2 existing dwellings and erect 4 dwellings (a semi to the road frontage and a further pair of properties behind) with associated parking and landscaping – granted

FULL/2022/1948 - Demolish existing dwellings and outbuildings, erect 4 dwellings with associated landscaping and parking – refused

FULL/2023/0889 – Demolish existing dwellings and outbuildings, erect 4 dwellings with associated landscaping and parking (Revised Scheme) – granted

Pre-application advice was sought in this case.

Although this application was originally registered by the Planning Service as a variation to a previously approved scheme, with the agreement of the applicant the description of development was amended so as to reflect the development as a stand alone scheme.

It would have been inappropriate to consider the proposals as a variation to the previously approved scheme because it could not be implemented in full with two of the dwellings, shown to be demolished and replaced, retained. This would have left the development open to enforcement action by way of a completion notice.

Existing Use(s):

01 Dwelling houses

Brief Description of Development:

This application proposes to retain the two frontage dwellings with associated works. To infill the carriage arch associated with Oakdean and to demolish the linking two-storey side element of Highgrove House, effectively creating an end of terrace house and a detached house fronting Rue Poudreuse with a new access route provided to the rear of the site. New gable walls will be constructed as required. Alterations are proposed to fenestration to the front and rear of Oakdean House (to be detached) and extensions and existing dormers are shown to be demolished/removed in connection with the retention of this proposed end of terrace property.

The dwellings proposed to the rear are two-storey in height. These dwellings have been designed with a more contemporary external appearance and are shown to have a render and timber clad exterior pitched roofs incorporating rooflights to both the front and rear roofslopes. Units 3 and 4 are proposed to be reduced in size with the approved pitched roof extension to the rear omitted from both units, first floor obscure glazed windows are proposed to the side (north and south elevations) to each dwellings serving a bathroom. In addition, the dormer/juliette balconies to the rear/east of each has also been omitted and replaced with rooflights at the request of the applicant/agent, during the course of considering these proposals. As approved these were both three bedroom dwellings but as now proposed these would offer open plan living accommodation, WC and utility on the ground floor and an ensuite bedroom and a second bedroom and a bathroom at first floor level.

The scheme comprises 1 x three bed and 3 x two bed dwellings.

The drawings show a low granite wall across the site frontage however, the existing wall has been removed. As per the previous approval, the two vehicular access points are shown to be retained to provide an in and out access arrangement to the site and the access driveway to serve the rear of the site would be situated in between the two frontage dwellings. No car parking is proposed within the frontage area, only motorcycle parking. All car parking is shown to be situated within the site, four spaces adjacent to the north boundary and four spaces adjacent to the south boundary. Each property is to be served by a shed and a refuse collection point is to be provided to the front of the site.

The application has been accompanied by a Design Statement, Waste Management Plan and GP9: Sustainability Statement.

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

Island Development Plan:

OC1: Housing Outside of the Centres

GP8: Design

GP9: Sustainable Development

IP6: Transport Infrastructure and support facilities

IP7: Private and Communal Car Parking

IP9: Highway Safety, Accessibility and Capacity

Representations:

None.

Consultations:

None.

Summary of Issues:

The key issues in this case relate to the principle of the proposed residential development, the design and appearance of changes and the new dwellings on the character and appearance of the locality and on residential amenity along with matters of highway safety and parking provision.

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.

Policy OC1 provides a policy gateway for the demolition and redevelopment of a building that has previously been granted permission to be subdivided. This application seeks an alternative redevelopment proposal, making use of the two frontage dwellings in line with the aims of Policy OC1. The scheme to subdivide the two dwellings has expired and could not be implemented in addition to these proposals but there remains an extant permission to redevelop the site in its entirety (see History above).

The scheme also seeks to reduce the floor area/volume of units 3 and 4 and retained Highgrove House. The development remains of broadly the same floorspace and volume as the approved conversion scheme and therefore the scheme complies with OC1 ii in this respect. It is appropriate however, to consider the need for planning conditions relating to the demolition works to the frontage dwellings prior to the first occupation of units 3 and 4 otherwise the floorspace and volume requirement of policy would not be adhered to.

The proposed works to the frontage buildings represent a good standard of design that will respect the local built environment. It remains the case that the rearmost dwellings, with a contemporary design approach represent a good standard of design that respects the local built environment (GP8). The development will not appear unduly intrusive or out of character in the locality and therefore complies with Policies GP8 a., c. and OC1 v.

Multi-storey development, with alterations proposed to Highgrove House and Oakdean make efficient effective use of land with accessible accommodation on the ground floor throughout the development site. It also remains the case that extensions could be constructed at a later date in order to offer more flexible and adaptable accommodation, along with internal changes. The scheme is therefore satisfactory in terms of Policy GP8 f. and g.

The proposed amendments will not result in overshadowing or loss of light to any surrounding dwellings nor within the proposed development. The potential for overlooking between dwellings within the development remains within acceptable limits and although new gable windows are now proposed in connection with units 3 and 4 these are indicated to be obscure glazed, serving bathrooms and these can be required to be obscure glazed by planning condition. (GP8 d., GP9 b. and OC1 vi).

The health and well-being of future occupiers of the development has been addressed as the scheme ensures that accommodation provides adequate sunlight and daylight and the concerns previously raised regarding the third bedroom within units 3 and 4 have fallen away due to their reduction in size and the scheme accords with Policy GP8 d. and Annex I.

The level of information provided is consistent with information previously assessed by the Planning Service to be sufficient in this case to demonstrate that the dwellings now proposed would *significantly* enhance sustainable design (units 3 and 4). The information submitted in this case does demonstrate compliance with Policy OC1 iv. and GP9. It is reasonable to impose a condition to ensure that solar panels (referred to in the Sustainability Report but not shown on the application drawings) and charging points (also not shown on the drawings) are provided not only to show how the scheme could contribute towards sustainable design in accordance with Policy GP9 but rather, in addition to permeable paving, ensure that the sustainable design measures are implemented.

The proposal has also been accompanied by a Site Waste Management Plan which satisfactorily addresses the disposal of waste from the site. Further details regarding site waste can therefore be managed by planning condition.

There are no changes proposed to access/parking provision and the scheme remains acceptable in this regard. The replacement of the roadside wall shown on the application drawings represents a good standard of design that respects the character of the locality.

In view of the above it is recommended permission is granted subject to appropriate planning conditions.

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, buildings or sites.

Date: 15/10/2024

