

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: Variations to works previously approved to erect 15 flats to north of site and to erect 2 dwellings and 4 flats to south of site: Alterations to flat blocks - alterations to roof form, fenestration and position of solar panels and omission of balconies to north elevation; Alterations to fenestration of housing blocks.

LOCATION: Land At, Rue De La Corbinerie, Les Oberlands, St. Martin.

APPLICANT: Guernsey Housing Association

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: 13/12/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 01/08/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Lovell Ozanne & Partners - AA65-10695 S01-10D-1, -11B, -12B-1, -13C-1, -14C-1, -15C-1, -16C-1 & -17A-1

Application Ref: FULL/2024/1335

Property Ref: J00547B000

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 24/04/2027.

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 variations specified above. In all other respects the development shall be carried out in full accordance with the permission dated 24/04/2024, issued under planning application reference FULL/2023/2391, and subject to the terms and conditions thereof.

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

5. No part of the Apartment Type 1 block permitted under application reference FULL/2023/2391 shall be occupied until the amended solar photo voltaics associated with that block have been installed and made operational as shown on the plans hereby approved.

Reason - In the interests of sustainable development, these features having been proposed to address the requirements of Island Development Plan Policy GP9.

Expiry Date: This permission will cease to have effect on 24/04/2027 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/2024/1335
Property Ref: J00547B000
Valid date: 01/08/2024
Location: Land At Rue De La Corbinerie Les Oberlands Les Oberlands St.
Martin Guernsey GY4 6SW
Proposal: Variations to works previously approved to erect 15 flats to
north of site and to erect 2 dwellings and 4 flats to south of
site: Alterations to flat blocks - alterations to roof form,
fenestration and position of solar panels and omission of
balconies to north elevation; Alterations to fenestration of
housing blocks.

Applicant: Guernsey Housing Association

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 24/04/2027.

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 variations specified above. In all other respects the development shall be carried out in full accordance with the permission dated 24/04/2024, issued under planning application reference FULL/2023/2391, and subject to the terms and conditions thereof.

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

5. No part of the Apartment Type 1 block permitted under application reference FULL/2023/2391 shall be occupied until the amended solar photo voltaics associated with that block have been installed and made operational as shown on the plans hereby approved.

Reason - In the interests of sustainable development, these features having been proposed to address the requirements of Island Development Plan Policy GP9.

OFFICER'S REPORT

Site Description:

The site formerly comprised a single field of 0.78 acres located on the southern side of Les Oberlands in St Martin, and to the south-east of the Oberlands entrance to the hospital. Works are however currently underway on site to implement the permission granted under FULL/2023/2391 for residential development on the site.

The site is bounded by residential properties to the west, south, east and, across the road and at a lower level, to the north.

The site is located within the St Peter Port Main Centre Outer Area as designated in the Island Development Plan.

Relevant History:

FULL/2023/2391 Erect 2 buildings containing 15 flats to north of site, erect 2 buildings containing 2 dwellings and 4 flats to south of site with associated works and alter existing vehicle access. Approved 24/04/2024, with the following condition:

15. No part of any building hereby permitted shall be occupied until the permeable hardsurfacing has been laid, and the vehicle charge points and solar

photo voltaics associated with that building have been installed and made operational as shown on the submitted plans.

Reason - In the interests of sustainable development, these features having been proposed to address the requirements of Island Development Plan Policy GP9.

FULL/2024/1576 Pending application for variations to previously approved plans to erect 2 buildings containing 15 flats to north of site, erect 2 buildings containing 2 dwellings and 4 flats to west of site with associated works and alter existing vehicle access - Alter 2 dwellings to 4 flats to south of site including alterations to roof and fenestration, reposition 'apartment type 1' - 1m north, realign access road, relocate bike store and create additional parking space.

Existing Use(s):

Development site

Brief Description of Development:

The permission granted under FULL/2023/2391 included the provision of c1m x 1.3m solar PV panels as follows:

Apartment Type 1: 6no panels to rear of roof

Apartment Type 2: 6no panels to rear of roof

Buildings to rear of site: 12no panels (3no panels to each west facing roofslope)

Permission was initially sought under the current application to omit the solar panels from the buildings to the rear of the site, proposing the following in mitigation:

- Increase of the thermal efficiency of the building by upgrading the wall insulation to achieve 0.19Wm²/K, which represents a 32% improvement on the current GTS minimum requirements.

Following deferral, the application has however been amended to retain the solar panels as previously approved, with the exception of the Apartment Type 1 block, where the panels would be relocated to the west roofslope.

In addition to the above, it is proposed to omit the balconies previously approved to the north elevation of the buildings to the front of the site (serving Units 4, 6, 7, 9, 12, 13, 14 & 15), replacing them with Juliette balconies. It is stated that the units will comprise a 'landing pad' for incoming key workers, while they get settled on the Island, and will not comprise long term residences and that the units are provided with approximately 339sqm of external amenity space, and therefore will still achieve a high standard of living.

The plans also show changes to the roof plan of the Apartment Type 1 block, omission of the windows on the west side of the Type 2 apartments and the east

side of the Type 1 apartments, and alterations to the aperture size of the windows to the north elevation of the Type 2 apartments.

In addition to the above, the plans propose changes to the north elevation fenestration of the private market dwellings.

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

MC2 – Housing in Main Centres and Main Centre Outer Areas

GP8 – Design

GP9 – Sustainable Development

Representations:

None received.

Consultations:

None undertaken.

Summary of Issues:

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

Amenity standards of the development;

Impacts on the design and appearance 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 24/04/2024 for the erection of 15 key worker flats to the north of this site and the erection of 2 buildings containing 2 dwellings and 4 flats for the private market to the south of the site, having regard to the relevant policies of the Island Development Plan.

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 current proposal initially sought to vary the approved development, through the omission of solar panels previously approved to both the private market housing and key worker housing. That proposal required re-assessment of the development against the policies set out under the Relevant Policy section above.

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

The solar panels however formed an integral part of the sustainable design approach to the approved development, and it was considered that omission of the provision of any form of renewable energy with only limited construction upgrade as mitigation, would no longer meet the requirements of Policy GP9a). The application was therefore deferred to seek the reinstatement of the solar panels and the amended plans retain the provision of the same number of solar panels as previously approved. The alteration to the position of those proposed for Apartment Type 1 would have no adverse impacts.

The approved application included external balconies to the north elevation of the key worker blocks to the front of the site as set out above, with the area below those balconies allocated for the ground floor units (Units 1, 3, 10 & 11).

As proposed under this application the balconies would be omitted, replaced with Juliette balconies. These flats would retain good aspect and ventilation to the flats and all flats would retain access to the communal land surrounding the building. On balance this proposal would not significantly detract from the amenity of the approved units.

The omission of the balconies would remove any defensible space from outside of the windows of the ground floor units, however Condition 9 requires details to be submitted in respect of those areas and that condition would remain in place.

The omission of the balconies would not significantly detract from the quality of the building design, or impact on the character and visual amenity of the area, and would be compliant with all relevant planning policies.

The other alterations to the roofs and windows of the apartment blocks and the fenestration of the private market housing, as described above, would comprise minor alterations and would not give rise to any adverse impacts.

Overall the revised scheme would accord with the purpose of the Law, material considerations and relevant planning policies and approval is recommended.

Date: 11/12/2024

