

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 with associated works, erect roadside wall and hedge, widen vehicle access to south-east boundary.

LOCATION: La Petite Lande, Rue De Friquet, Castel.

APPLICANT: Swallow Services 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: 12/02/2025

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 28/08/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Tyrrell Dowinton Associates: 2370 03.01B, 03.02C, 03.03B, 03.04B & 03.05B.

Application Ref: FULL/2024/1370

Property Ref: D01705A000

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.Within four weeks of the revised, widened access being brought into use, the new wall hereby approved to the front (eastern) boundary shall be constructed in accordance with the approved plans with the end of the opening finished off using materials and a method of construction which match the remainder of the wall.

Reason - To secure the satisfactory appearance of the completed development.

5.No development, excluding demolition and site works, shall begin until a landscaping scheme, to include those details specified below, has been submitted to and agreed in writing by the Authority:

- i) the treatment proposed for all ground surfaces, including hard areas;
- ii) full details of tree and hedge planting;
- iii) planting schedules, noting the species, sizes, numbers and densities of plants;
- iv) finished levels or contours;
- v) any fencing;
- vi) any other structures to be erected or constructed;
- vii) all existing trees, hedges and other landscape features, indicating clearly those to be removed.

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

6.The landscaping scheme shall be fully completed, in accordance with the details agreed under the terms of the above condition, in the first planting season following the first occupation of any part of the development or completion of development whichever is the sooner, or in accordance with a programme previously agreed in writing by the Authority. Any trees or plants removed, dying, being severely damaged

or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by trees or plants of a size and species similar to those originally required to be planted.

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

7.The dwellings hereby permitted shall not be used or occupied until the agreed scheme for cycle storage, the details of which are to be provided under the requirements of Condition 5, has been fully implemented and installed. The provision for cycles shall be retained at all times.

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

8.The permeable hard surfacing shall not be constructed until full details of that surfacing, including a written specification for its laying, have been submitted to and agreed in writing by the Authority. Thereafter the development shall not be occupied until the permeable hard surfacing has been laid in accordance with the approved details.

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 12/02/2028 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/2024/1370
Property Ref: D01705A000
Valid date: 28/08/2024
Location: La Petite Lande Rue De Friquet Castel Guernsey GY5 7SS
Proposal: Erect dwelling with associated works, erect roadside wall and hedge, widen vehicle access to south-east boundary.

Applicant: Swallow Services Ltd

RECOMMENDATION - Grant: Planning Permission with Conditions:

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

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Reason - 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 comprises of a triangular plot with a single detached bungalow fronting onto Rue du Friquet, with parking to the south west side, and private gardens surrounding. The site is located within the L'Aumone Local Centre Boundary.

Permission is sought to erect a new dwelling to the southwest of the existing, remove the existing hedge and erect roadside wall and hedge, and also to widen vehicular access to south-east boundary.

The site is subject to a Development Framework (DF) which has been approved by the Development and Planning Authority and covers the area to the north of L'Aumone crossroads and west of Rue du Friquet, consisting of 4 individual properties and associated domestic curtilages, including La Petite Lande.

Relevant History:

La Petite Lande:

No relevant history

Adjacent site- L'Aumone House:

FULL/2023/1322- Erect 9 dwellings with associated works, create vehicle access to east boundary.

FULL/2024/0147- Variation to previously approved plans to erect 9 dwellings with associated works, create vehicle access to east boundary - Install Juliet balconies at 1st floor level to rear of units 1-6.

FULL/2024/0964- Variation to previously approved plans to Erect 9 dwellings with associated works, create vehicle access to east boundary - Convert Unit 5 & 6 from 2 dwellings into 4 Flats and associated works.

Adjacent site- Bru's Retraite:

FULL/2024/1231- Demolish existing dwelling and erect 7 dwellings, remove hedge to north boundary and erect fence. Remove section of earthbank to west, create access road and landscaping.

Existing Use(s):

Residential use class 1: dwelling house

Brief Description of Development:

The proposal is for the subdivision of the plot at Petit Lande and erection of a new detached single storey dwelling. The application also proposes the erection of a low boundary wall and new hedge to the frontage, while retaining the mature boundary hedge to the rear. The existing approx. 3.5m access is to be shared, and it is proposed to be widened to 6m.

Original plans proposed the removal of the mature boundary hedge, but this has been retained due to officer concerns following the deferral of the application. A cycle store was also added in the revised plans and corrections made to the parking area.

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

Policy LC2: Housing in Local Centres

Policy GP8: Design

Policy GP9: Sustainable Development

Policy IP6: Transport Infrastructure and Support Facilities

Policy IP7: Private and Communal Car Parking

Policy IP9: Highway Safety, Accessibility and Capacity

Representations:

Three letters of representation were received, and these have been summarised below:

- Failure to achieve Comprehensive Development
- Overdevelopment of the site
- Not a sustainable design- no solar PV proposed.
- Lack of private amenity space
- Conflicts with established building line along Rue du Friquet
- Requirements of future occupants have not been met- not adaptable /flexible.
- Removal of boundary hedging with L'Aumone House and replacement with fence will have significant impact on amenity and overlooking, partially within neighbours ownership so consent would be required and would be denied. Loss of biodiversity.
- Revised access is unsafe, limited onsite turning and limited visibility, impeded by hedging.
- Access through L'Aumone house development would be safest.
- No bike storage
- Lack of biodiversity enhancement.
- Too much hard standing and impact on landscape character
- Disjointed approach to site development.
- Site too small for proposed house, cramped form of development.

Representations received on revised scheme:

- Above representations re-iterated.
- Hedge now retained, but boundary shown on plans still appears incorrect.
- Bike storage not suitable for cargo bikes

Consultations:

None

Summary of Issues:

The main issues in deciding this application are:

1. Whether the principle of new housing is acceptable.
2. Acceptability in relation to DF
3. Design and impact of the development on the character and appearance of the area.
4. The impact of the development on the amenity of people living in the area.
5. Whether the development would result in a satisfactory living environment for the occupiers of the new dwellings.
6. Road safety, traffic management and parking.

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).**

Whether the principle of new housing is acceptable

Policy LC2 allows for the provision of a limited amount of housing within the Local Centres, and supports development where the proposal is of a scale appropriate to maintain or enhance the character and vitality of the Local Centre and will not negatively affect the viability or vitality of the Main Centre. LC2 also looks to provide an appropriate mix and type of dwellings, and accords with all other relevant policies of the IDP.

As only one dwelling is proposed, it is not considered to result or contribute to development which is not of a scale appropriate to the Local Centre location. Current evidence regarding private market housing suggests a need for homes of 1-3 bedrooms, with an emphasis on 1 and 2 bedrooms. The proposal to erect a 2-bedroom dwelling, which reflects current housing need is considered to be appropriate.

Development Framework

Reflecting the requirements of Policy GP10, the Development Framework (DF) requires that proposals for development conform to a comprehensive scheme for the whole site area, enabling development to make the most effective and efficient

use of land and maximising the site potential. In this case, the proposed development is entirely self-contained with no apparent reference to the wider Framework area. Given that work is underway to develop the larger part of the DF area, and the position and layout of the other land parcels within that area, it is unlikely that the development as proposed would prejudice, compromise or prevent any future development within the area.

While the landowner of Petit Lande is not obliged to enter into the wider development and can not be forced to redevelop their own property, the small size and constraints of the site mean that the proposed development is not unacceptable in relation to the DF.

Objectors have requested that the application be considered as Phase 3, as stipulated within the Framework. As noted above, whilst this application would comprise the third submission for development at the site, it is however a self-contained design, and it would not be accurate to refer to it as a phase. This is not considered a significant omission which would materially affect the outcome of the application.

Design and Impact on the Character of the Area

Existing properties in the area consist of a mix of sizes and architectural styles with a bungalow next door, with extant permission for larger 2.5 storey dwellings to the rear (northwest). The subdivision of the existing single plot complies with Policy GP8 in that it makes more efficient use of land and continues the ribbon development along this section of road.

The scale, form and materials of the proposed dwelling is of a traditional design which respects the character of the area and achieves a high standard of design. The existing mature hedge along the north west boundary makes a significant positive contribution to the character and appearance of the area. The proposed development now retains this hedge which is in accordance with Policy GP1.

The erection of a low boundary wall and planting of a new hedge are appropriate and would have no adverse effects on the character and appearance of the area.

As a whole, the proposal achieves a high standard of design and it would not have a harmful effect on the character and appearance of the area, in accordance with Policies GP1 and GP8.

The impact of the development on the amenity of people living in the area

Although sited to the south east of a neighbouring property, due to a combination of its relatively low ridge height, the separation distance and slight offset, the proposed dwelling is unlikely to have a significant overshadowing effect on the neighbouring property to the south west. There may be some shading of the neighbours front garden during the afternoon/evening, however, this is not considered to be significantly harmful to amenity.

There are no windows to the north east elevation (facing the neighbour) which would have an impact on amenity. The mature boundary hedge provides significant

screening from the extant dwellings to the north west, however, should this not be retained in perpetuity the separation distance of 15.5m would be sufficient to prevent undue overlooking of the proposed dwelling and the level of privacy for the proposed dwelling is adequate.

The use of the site for a separate residential dwelling is unlikely to create any significant additional noise disturbance for neighbouring properties. Overall, the proposed dwelling is unlikely to have any material adverse effects on the amenities of neighbouring residents.

Whether the development would result in a satisfactory living environment for the occupiers of the new dwellings:

As bedroom 2 is only of a size suitable for a single bed, the Guernsey Technical Standards minimum internal space standard of 45sqm for a dwelling for three people apply and are met but would fall well short of the UK's DCLG best practice minimum internal space standard of 61sqm for a two-bedroom, three person dwelling on a single storey.

The outdoor amenity space is small but adequate to serve a dwelling of this size and nature, and sufficient outdoor space would be retained for the existing dwelling. The dwelling is dual aspect and would have adequate daylight and sunlight.

Overall, the proposed dwelling would provide a satisfactory quality of residential environment for future occupiers, in accordance with Policy GP8 and meeting the Guernsey Technical Standards.

Road safety, traffic management and parking

The access proposed is an existing access which will be widened, with low boundary walls which are unlikely to impact on sightlines. The proposed layout should allow vehicles to enter and exit the site in a forward gear due to its widened opening, and together with the relatively modest increase in the intensity of use of the access, the proposal is unlikely to result in any significant road safety or traffic management concerns, in accordance with Policy IP9.

Two car parking spaces and a bike store for two bicycles is provided to serve the new dwelling, this is adequate and accords with Policies IP6, IP7 and the Parking Standards and Traffic Impact Assessment Supplementary Planning Guidance.

Other Matters

Policy GP9 is wide-ranging and includes requirements for sustainable design and construction with reference to the design, layout and orientation of buildings, flood risk and surface water run-off, renewable energy, the use of materials and the management of waste. The agent sets out how the development has been designed to take into account sustainable design principles including achieving thermal insulation values to exceed regulatory requirements, and the use of permeable paving. The roof orientation would lend itself to solar PV panels in the future. The information submitted is sufficient to demonstrate that the development has been

designed to take into account the use of energy and resources, in accordance with Policy GP9.

With regards to other comments in the representations, the agent has confirmed that the site boundary follows the title deeds. Concerns raised about this are not a material planning consideration. All decisions made by the Authority are without prejudice to third party rights, and the Authority is not able to address civil matters such as boundary, third party disputes or other related matters of ownership. Where necessary such cases should be resolved by seeking legal advice.

Recommendation:

Grant with Conditions



Date: 31/01/2025

