

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 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, alter fenestration and cladding, realign access road, relocate bike store and create additional parking space.

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: 13/02/2025

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 23/09/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Lovell Ozanne & Partners - AA65-10695 S01-10J, 11E, 12F, 13G, 14G, 15F, 16F & 17C.

Application Ref: FULL/2024/1576

Property Ref: J00547D000+J00547B000+J00547E000

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 variation 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.

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/2024/1576
Property Ref: J00547D000+J00547B000+J00547E000
Valid date: 23/09/2024
Location: Land at Rue De La Corbinerie Les Oberlands Les Oberlands St. Martin Guernsey GY4 6SW
Proposal: 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, alter fenestration and cladding, realign access road, relocate bike store and create additional parking space.

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 variation 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.

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.

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

FULL/2024/1335 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. Approved 13/12/2024

Existing Use(s):

Development site

Brief Description of Development:

Permission was granted 24/04/2024 under FULL/2023/2391 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, with subsequent variations relating predominantly to fenestration approved 13/12/2024 under FULL/2024/1335.

The current application proposes to alter the 2no 3 bed dwellings to the south of the site (previously House Types 1 & 2) to 2no 2bed flats and 2no 2 bed maisonettes (renamed Apartment Types 3 & 4).

The proposals also include the following alterations to the approved scheme:

- Alterations to roofs of Apartment Types 3 & 4, re-positioning of solar panels on those roofs;
- Alterations to ground floor and second floor fenestration to south elevation to Apartment Types 3 & 4;
- Inclusion of a single high level rooflight to the outer roofslopes of each block of Apartment Types 3 & 4;
- Reposition 'Apartment Type 1' building 1m north, adjustment to site levels and realignment of the access road;
- Alterations to ground floor fenestration to east elevation of Apartment Type 1;
- Alterations to cladding to north elevation of Apartment Type 1;
- Re-positioning of solar panels to Apartment Type 2;
- Reorientation of cycle store for Apartment Types 1 & 2;
- Creation of one additional parking space for Apartment Types 3 & 4 and reorganisation of adjacent landscaping.

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:

The Office for Environmental Health and Pollution Regulation comment as follows:

I have reviewed the amended plans for La Rue De La Corbinerie which were received via email on 30th September 2024 and there are a number of issues of concern that I must raise. I note I have previously provided comments under application FULL/2023/2391, and I have previously been asked to discharge condition 4

regarding a Construction Environmental Management Plan (CEMP) under application FULL/2023/2391. I maintain that a CEMP condition is required for this application, FULL/2024/1576. Secondly, in a land parcel adjacent to the site there is evidence of tanks and thus the probability of heated greenhouses therefore I am recommending the below condition in regard to a contaminated land discovery strategy.

Construction Environmental Management Plan (CEMP)

Prior to any demolition a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Authority. Agreed details shall be carried out as approved unless otherwise agreed in writing by the Authority. At a minimum the following should be included:

- i A scheme of how the contractors will liaise with local residents to ensure that residents are kept aware of site progress and how any complaints will be dealt with reviewed and recorded (including details of any considerate constructor or similar scheme).
- ii A scheme of how the contractors will minimise complaints from neighbours regarding issues such as noise and dust management, vibration, site traffic and deliveries to and from the site.
- iii Details of hours of construction including all associated vehicular movement.
- iv Details of the construction compound.
- v A plan showing construction traffic routes.

The construction shall be carried out in accordance with the approved CEMP.

Discovery Strategy

If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted to Planning Services a method statement to identify, risk assess and address the unidentified contaminants, and obtained written agreement from the Department for the works to continue. Any subsequent works shall be carried out only in accordance with the conclusions and recommendations contained in the agreed report.

Summary of Issues:

Whether the amended proposal complies with planning policy.

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 application proposes to subdivide two of the approved dwellings to the rear of the site (previously comprising 3 bed units) to form 2no ground floor 2 bed flats and 2no 2 bed maisonettes above. Whilst the private market dwellings would no longer comprise a mix in terms of bedroom sizes, it would in respect of the types of accommodation, and the proposed units would address the most significant housing need as identified by current housing indicators.

The associated alterations to the building envelopes, including alterations to the roofs, positioning of the solar panels, fenestration and installation of a rooflight, would not result in any adverse impact on the design and appearance of the development, the character of the area or neighbour amenity. The amenity space to the rear of the units would be divided in the same way as approved for the apartments within the outer units. The lower units would retain cycle storage within the sheds in the rear amenity spaces, whilst the upper units would be served by storage beneath the external stair.

The relocation of the Apartment Type 1 block, and associated alterations to the building envelope, site levels, driveway and cycle storage, would not give rise to any significant impacts in terms of the design and appearance of the development, or on neighbour amenity.

The provision of an additional parking space and alterations to the landscaping would not have any significant impacts.

In respect of the comments made by the Office for Environmental Health and Pollution Regulation, the current proposals would remain subject to the Construction Environmental Management Plan approved in relation to the FULL/2023/2391 and the land contamination condition applied to that permission, and it would not be necessary to replicate those conditions in respect of the current application.

The amended proposals would remain acceptable in respect of all relevant planning policies, the purpose of the Law and material considerations and approval is recommended.

Date: 12/02/2025

