

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 existing building and erect building with 8 flats, create vehicle access and associated works (revised scheme).

LOCATION: 41 & 43, Victoria Road, St. Peter Port.

APPLICANT: Mr & Mrs D J Carre

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: 28/04/2025

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 08/11/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Chateaux Architectural Design: 23-009-03B, 04C, 05D, 06B, 07D & 08B.

Application Ref: FULL/2024/1848

Property Ref: A304690000+A304680000

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:

- i. Garage door (south elevation)
- ii. Garage pedestrian door (south elevation)
- iii. Doors (north elevation)
- iv. Door canopies
- v. Flat roof parapet detail (south elevation)

have been submitted to and agreed in writing by the Authority. The development shall be carried out only in accordance with the agreed details.

Reason - The information provided with the application does not include full details of the proposed features. This condition is imposed to make sure that the completed development achieves a high standard of design to conserve the character and appearance of the Conservation Area.

6.All new or replacement windows shall be of vertical sliding sash design and method of opening.

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

7.a) 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);
- ii) full details of tree and hedge planting to the south of the building;
- iii) planting schedules, noting the species, sizes, numbers and densities of plants.

b) 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 - In order to help assimilate the development into its surroundings and having regard to sustainable design and Policy GP9.

8.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 the Authority a method statement to identify, risk assess and address the unidentified contaminants, and obtained written agreement from the Authority 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.

Reason - In the interests of public health and safety.

9.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 the character and appearance of the Conservation Area.

10.No occupation of an of the residential units hereby approved shall take place until such time as the parking, turning facilities and access arrangements shown on the approved plans have been completed in accordance with the submitted details and shall thereafter be retained at all times.

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.

11.No occupation or use of the building hereby permitted shall begin until the cycle parking (residents and visitor parking), refuse and recycling storage and fire proof storage units shown on the approved plans have been fully completed in accordance with the approved. Those areas shall not thereafter be used for any purpose other than for domestic storage, refuse/recycling storage and parking of bicycles as annotated on the approved plans.

Reason - To make sure that convenient provision is made for cyclists and in the interests of the visual and residential amenity of the area.

12.The development hereby permitted shall be carried out in accordance with the Site Waste Management Plan submitted as part of this application, and no part of the development shall be occupied or brought into use until there has been submitted to the Authority a report providing verification that the development has been carried out fully in accordance with the agreed Site Waste Management Plan. Where there has been any variation from the Site Waste Management Plan as originally submitted, the report shall highlight and detail the reasons for this.

Reason: To ensure that the development is managed to minimise waste during the demolition of any existing buildings or structures or during construction, that existing materials are reused, recycled or disposed of either on or off site, and that residual waste will be dealt with appropriately, in accordance with the aims and objectives of Policy GP9.

13.The development hereby permitted shall be constructed in accordance with the details set out in the Sustainability Statement by Chateaux Architectural Design dated January 2024 and in accordance with the details shown on the approved plans regarding electric charging points and permeable hardstanding. There shall be no occupation any unit until the charging points have been installed and made operational.

Reason - In the interests of sustainable development

14.The kitchen windows serving units 3 and 6 in the south elevation shall be glazed with obscure glass to a minimum level 3 on the Pilkington scale (or equivalent) and shall be retained at all times thereafter.

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 27/04/2028 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

The applicant is advised that although there are no specific reports of archaeological interest on this site or in its immediate vicinity, by nature of its position on the outskirts of the oldest part of the town it is likely that there has been previous occupation here. The historic record of the 'States reservoir' beneath the adjacent land parcel is also of interest. In view of this you are requested to please contact the States Archaeologist when the demolition of the existing structures takes place, and prior to any further excavation (e.g. for the basement car-parking) to allow for the recording and examination any features of interest.

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/2024/1848
Property Ref: A304690000+A304680000
Valid date: 08/11/2024
Location: 41 & 43 Victoria Road St. Peter Port Guernsey GY1 1HX
Proposal: Demolish existing building and erect building with 8 flats, create vehicle access and associated works (revised scheme).

Applicant: Mr & Mrs D J Carre

RECOMMENDATION - Grant: Planning Permission with Conditions:

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Reason - In order to help assimilate the development into its surroundings and having regard to sustainable design and Policy GP9.

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

INFORMATIVES

The applicant is advised that although there are no specific reports of archaeological interest on this site or in its immediate vicinity, by nature of its position on the outskirts of the oldest part of the town it is likely that there has been previous occupation here. The historic record of the 'States reservoir' beneath the adjacent land parcel is also of interest. In view of this you are requested to please contact the States Archaeologist when the demolition of the existing structures takes place, and prior to any further excavation (e.g. for the basement car-parking) to allow for the recording and examination any features of interest.

OFFICER'S REPORT

Site Description:

The site is within the lower half of Victoria Road, on the southern side. The site includes the former Sarnia Radio TV shop, the warehouse to the side, and the two-storey granite building behind. The site contains a number of buildings. Those facing Victoria Road are single storey and the warehouse has a gable facing the road (probably a historic commercial building). Facing the lane is a 5-bay building that appears to be a house as well as La Fontaine Des Bas, which is a 3-storey house.

Victoria Road is a one-way road that carries a lot of traffic and with on-street parking available. There are a mix of uses in the street with residential properties (including houses converted to flats), shops, pubs etc. It links Lower Vauvert with the Grange and is a relatively straight and steep road and due to its topography there are views across the valley and the roofscape (e.g. Cordier Hill). Properties are generally 2 and 3 storeys in height, some with basements/accommodation in the roofspace and are set back from the pavement edge with boundary walls/railings to the road. Although there is a mix of architectural styles within the street, the residential buildings tend to follow classical, symmetrical composition and the building materials are generally rendered walls, slate and pantile roofs and vertical sliding windows with a variety of compositions.

Les Petites Fontaines sits on the side of the valley and above Victoria Road, it is a narrower street when compared to Victoria Road with a terrace of two-storey houses and commercial uses (e.g. garages) on one side and a medium height boundary wall on the opposite side of the road. The height of the boundary walls allows views over Victoria Road and the other side of the valley.

The site is located in the Main Centre and Conservation Area as designated in the Island Development Plan. There are Protected Buildings in the vicinity of the application site.

Relevant History:

FULL/2014/2558 – Demolish existing buildings and erect eight apartments with associated car parking - granted

FULL/2022/1313 – Demolition of existing retail unit and dwelling and erect 4.5 storey building (including basement) to create 12 flats – refused

1. Design, scale and mass that does not respect and follow the topography of the locality and does not represent a good standard of design that respects the local built environment harmful to the character and appearance of the Conservation Area
2. Not good design in relation to the health and well-being of future occupiers
3. The vehicular access between Les Petites Fontaines and Victoria Road would be substandard and increase the use of an existing substandard junction with increased vehicle movements in the narrow, single width part of Les Petites Fontaines.

FULL/2024/0220 - Demolish existing buildings and erect building with 8 flats, create vehicle access and associated works – refused

1. Height, bulk and relationship with adjoining dwelling, La Fontaine De Bas, would have an unacceptable impact on daylight and create a sense of enclosure with a corresponding loss of outlook to the north elevation
2. Not good design in relation to health and well-being of future occupiers (units 1, 3, 4, 6 and 7)

3. Fenestration to the north and south elevations and possible lift overrun would not make an equal or enhanced contribution to the Conservation Area.

Pre-application advice was sought in this case.

Existing Use(s):

Retail/warehouse/Residential

Brief Description of Development:

The application relates to the demolition of the existing retail unit and dwelling in order to construct a building to create 8 flats. The scheme proposes parking for 8 cars, 7 underground with associated turn table and one adjacent to the access driveway from Les Petites Fontaines. There is provision in the underground parking area for cycle parking, including electric charging points in addition to visitor cycle parking externally. A separate refuse store is proposed with access from Victoria Road and each unit has been provided with fireproof storage within the parking area.

The scheme comprises residential flats:

Ground floor

2 x 2 bed

1 x 1 bed

First floor

2 x 2 bed

1 x 1 bed

Second floor

2 x 1 bed

The application was deferred in order to provide an opportunity for amendments to be made to the rear façade and the layout of units 3 and 6 in order to provide improvements to the living accommodation proposed.

Materials are to include a render exterior, blue/black slate, and white PVCu windows along with iron railings. A white, electric sectional garage door is proposed to serve the garage, accessed from the rear/south elevation.

The application has been accompanied by a supporting letter (requesting a minor departure from any relevant policy in the IDP if necessary), Waste Management Plan and Sustainability Statement.

It is noted that no partial east or west elevation drawings have been provided (in the area of the previously proposed balconies) nor does the section drawing accurately reflect the proposed floor plans. The east elevation drawing of the front steps shows a bend which does not seem to align with the floor plans.

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

GP8: Design

GP9: Sustainable Development

IP6: Transport infrastructure and support facilities

IP7: Private and Communal Car Parking

IP9: Highway Safety, Accessibility and Capacity

Internal Space Standards for New Dwellings (2015)

Parking Standards and Traffic Impact Assessment (2016)

Representations:

None.

Consultations:

Traffic and Highway Services – commented on the 2024 refused scheme:

I advise that an access should: -

- a) Enable a driver 2.0m from the edge of the carriageway to see a minimum of 20m in the direction of oncoming traffic (site access onto Petites Fontaines);
- b) Enable a driver 2.4m from the edge of the carriageway to see a minimum of 33m in the direction of oncoming traffic (Les Petites Fontaines onto Victoria Road);
- c) Not have any obstructions or planting greater than 900mm high above the road surface within the visibility splays;
- d) Have sufficient width to enable cars and light vehicles to exit and enter the drive without crossing into the path of vehicles on the opposite side of the carriageway;
- e) Be square to the carriageway;
- f) Be sited at a distance not less than 20m from a junction.

The site adjoins a narrow Neighbourhood Road along its western and northern boundary and a one-way Local Circulation Route along the eastern boundary. Les Petites Fontaines is circa 2.4m wide at the Victoria Road end, excluding a lamppost column. There are currently no bellmouth radii at the junction.

There is considered to be no significant traffic management issues affecting Victoria Road. However, on-road parking in parts of the lower portion of the road does cause motorists to regularly mount the footpath on the northern side in what is considered to be a reasonably busy pedestrian route given the number of residential properties

and proximity to Town. From a site visit it appears that this portion of Les Petites Fontaines serves a parking area to the rear of La Fontaine Flats that accommodates circa 4 vehicles and it was noted that there is on-road parking taking place at the southern end of this section of Les Petites Fontaines but it blocks the road to through traffic.

The proposal would add the traffic movements generated by 8 parking spaces to a short section of Les Petites Fontaines where it has been noted there are no passing points and the sightline towards Victoria Road would be very limited, predominantly due to the northern wall of the proposed building. Traffic flow in the road would be largely restricted to the parking areas serving this development and the adjacent La Fontaine Flats.

The sightline in the direction of oncoming traffic at the junction of Les Petites Fontaines/Victoria Road is currently circa 4m with a scalloped section of wall obstructing the sightline. The plans provide for this to be removed which creates an opportunity for significant improvement in the sightline to meet with the minimum recommended 33m standard. However, this would be at the expense of the un/loading bay and a couple of public parking spaces. The parking layout on the western side of the road would allow a driver exiting Les Petites Fontaines to edge forward to gain the sightline. There would be the marginal benefit of the new curved low wall easing access to Les Petites Fontaines.

THS welcomes the provision of cycle storage, particularly as the site is considered to be well located in the Main Centre to promote transport alternatives such as cycling.

In conclusion, THS considers there are no significant traffic management grounds to oppose development on the basis of the slight increase to traffic flows that it would add to the general area. There are slight traffic management concerns based on the increased vehicle movements in the section of Les Petites Fontaines between the proposed access and Victoria Road but conflict isn't particularly likely with the overall level of parking accessed via this section of road.

There are road safety grounds to oppose development primarily based on the limited sightline that would be observed by drivers exiting from Les Petites Fontaines unless the 2 spaces of public parking and the un/loading bay is removed to meet the minimum recommended standards in the Road Traffic Engineering Guidelines for Guernsey. To remove these public spaces would create some concerns given parking is at a premium in this area, although Victoria Road is well located in relation to Town for active travel options for people with a reasonable level of fitness.

States Archaeologist – commented on the 2022 application:

Although there are no specific reports of archaeological interest on this site or in its immediate vicinity, by nature of its position on the outskirts of the oldest part of the town it is likely that there has been previous occupation here. The historic record of the 'States reservoir' beneath the adjacent land parcel (p. 11 of the Planning Design

Statement) is also of interest. In view of this I would be grateful if you could request the developers to contact me when the demolition of the existing structures takes place, and prior to any further excavation (e.g. for the basement car-parking), so that we can briefly record and examine any features of interest.

Office of Environmental Health and Pollution Regulation – commented on the refused scheme in 2024:

There are a number of issues of concern that are raised. Looking at the historic records there is indication of a workshop on the site, and OEHPR are unsure of the exact activities undertaken at this workshop so a discover strategy condition is recommended in regards to contaminated land.

In the document Waste Management Plan dated Jan 2024, ref 23/009, submitted as part of this application, Table 3 Options for Hazardous Waste details that contaminated soil could be *“segregated and sent to a licenced contractor in Jersey”*. This process is likely to require Transfrontier Shipment (TFS) Licence, and this can be applied for by contacting the Waste Regulation Officer at The Office of Environmental Health and Pollution Regulation. A TFS licence is not limited the shipments of contaminated soil or hazardous waste.

Summary of Issues:

The key issues in this case relate to the proposed demolition of buildings within the Conservation Area, the design and appearance of the proposed development including the amenities of future occupiers and its effect on adjoining properties with regard to sunlight/daylight and overlooking and access and parking arrangements.

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 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 most relevant (but not exclusive) 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

Demolition

41 & 43 Victoria Road, the buildings proposed for demolition, comprise three buildings. Fronting Victoria Road are a single storey ridged building of traditional proportions (No.43 north) and a gable-ended single storey building (No.41). These are chiefly built of brick and corrugated roofing and detract from the Conservation Area. To the south of the ridged building is a 2.5 storey building (No.43 south) of traditional proportions and construction, built by 1787, set behind a brick-capped stone wall. This building makes a positive contribution to the Conservation Area.

The existing building is an 19th Century structure with a scale/mass and form that contributes to the conservation area. Planning permission has previously been granted for the demolition of buildings on this site, under the Urban Area Plan, which has subsequently been replaced by the Island Development Plan (IDP), representing a material change in the policies against which an application must be considered. The Strategic Land Use Plan seeks to direct the majority of the development in the Main Centres of St Peter Port and the Bridge and there is no over-riding objection to the demolition of the existing buildings, subject to the detailed design and appearance of the replacement which is considered elsewhere in this report. The replacement building should make an equal or enhanced contribution to the Conservation Area.

Proposed building

The proposal accords with Policies MC6 and MC5(C) in relation to the change of use away from retail/storage uses. The residential development of the site, in a predominantly residential area (limited office/convenience retail found close by) supports the objective of ensuring the Main Centre remains an attractive focal point where the alternative use contributes to the vitality and viability of the Main Centre. Policy MC2 supports proposals for housing development and as the scheme relates to a mix of one- and two-bedroom units in a multi-storey building the scheme makes efficient and effective use of land and offers an appropriate mix of accommodation on the site (GP8/MC2). It is also noted that the density of development is not at odds with that of surrounding development and the height and density proposed is appropriate in this part of the Main Centre.

Since the previous refused scheme the proposals have been amended in relation to the scale and form of the proposed building. The length of the eastern ridge has been reduced at second floor level which creates a setback section to the upper gable. The scale and mass of the proposed building is considered appropriate having regard to the character and appearance of the locality within a Conservation Area. The matter of residential amenity is assessed elsewhere in this report.

The proposed replacement buildings take a form and proportions which broadly reflect those of buildings in this part of Victoria Road, including those which are proposed for replacement. They are generally acceptable, as are the proposed materials. The site is enclosed by existing development and there would be no adverse effect on the open landscape and little impact on the local environment. There would be no adverse effect on the overall special interest of the setting of any protected building.

Policy GP4 requires a replacement building to make an equal or enhanced contribution to the Conservation Area. Some detailed elements are not satisfactorily addressed through the submission to ensure compliance with this aspect of GP4 and also GP8 in terms of good design:

North elevation

- No. 41
 - Appearance of the proposed doors in terms of architectural quality (a matter that can be controlled by condition)
- No. 43
 - Concerns remain regarding position of the door and so also the matter of proportions and symmetry (from the previously refused scheme) although this would, alone, not warrant the refusal of permission
 - Appearance of the proposed doors in terms of architectural quality (a matter that can be controlled by condition)

- Concerns remain regarding the use of plant on fibreglass door canopy(s) remain (notwithstanding the information provided, details can be required by condition)

South elevation

- No. 41
 - Whilst the principle of the flat roof is acceptable details of the parapet is unclear and achieving a high-quality detail will be necessary (a matter that can be addressed by condition)
- No. 43
 - The only change is the introduction of an additional pedestrian door which reflects the appearance of the proposed garage door
 - Previous concerns remain regarding the prominence in views of this elevation and the inappropriate horizontal emphasis that results from the appearance of the garage, and now, pedestrian door (notwithstanding the appearance of the garage and pedestrian doors shown, details can be required by condition).

This current scheme has been designed with no external lift plant/over run which is a welcome change and means that this aspect of the development will not impact on the Conservation Area.

As the issues outlined above relate to detailed design elements of the scheme these can reasonably be managed by planning condition and as such it can be demonstrated that this revised application represents a high standard of design that would respect the local built environment and Conservation Area in line with the aims of Policies GP4, GP8 c. and GP9 of the Island Development Plan.

Effect on adjoining properties

La Fontaine De Bas is situated to the immediate south of the site. The proposed development, and its increased height compared to the existing single-storey building with shallow pitched roof and gable facing La Fontaine De Bas, will alter aspect and outlook from this adjoining property. The eastern part of the proposed development has however, been amended as part of this revised scheme in order to provide a greater degree of separation between the proposed uppermost floor and La Fontaine De Bas with a flat roof lower element now proposed where the existing and proposed developments would be closest. The change means that no. 41 as proposed would sufficiently reduce the potential overbearing effect on the neighbour to the south and is considered to accord with IDP policy (GP8 a) good design, d) health and well-being of neighbours and GP9 b) neighbour amenity).

The proposed development would not be overbearing to the buildings to the north, east or west. The scheme would not result in unacceptable overshadowing or loss of light to adjoining properties with Victoria Road to the north, Les Petites Fontaines to the south and an area of car parking to the east providing separation to surrounding

residential properties. To the west, is the access road and a parking area to the rear of La Fontaine Flats. The development would not result in unacceptable harm to the amenities of La Fontaine Flats because the area to the rear/south is used for off-road car parking. The amenity space for this neighbouring site is situated adjacent to the south boundary wall, further from the proposed development, and is overshadowed by its own boundary wall. This will also not be unduly affected by the development.

The changes made to the scheme in relation to the position of the upper part of the south gable of the east part of the building proposed means there is greater distance between it and La Fontaine de Bas when considering daylight provision.

The proposed development will not result in an unacceptable degree of overlooking and loss of privacy to occupiers of properties situated to the north of Victoria Road or to the south in Les Petites Fontaines.

La Fontaine de Bas is situated to the southeast corner of the block proposed for development (minimum distance of 5.6m from the south gable of no. 41) and its private amenity space is situated between the two. The ground floor north facing windows of this property serve a lounge (also served by windows facing east and south), a landing and utility room with first floor windows serving two bedrooms (also served by windows in other elevations of the building).

As originally submitted the scheme as submitted proposed unequal sash windows (three over six) obscure glazed windows to the lower parts (six pane) of windows in the south gable of this part of the proposed building instead of high level windows. These have been replaced with traditional sashes in order to improve the appearance of this aspect of the development.

The upper floor has been pulled back with second floor level windows being c. 8.3m from La Fontaine de Bas with views obstructed by the proposed flat roof. The obscure glazing of windows serving the kitchen area of units 3 and 6 will ensure that overlooking and loss of privacy to the multiple windows in the north elevation of La Fontaine De Bas is not unacceptable (amenities of future occupiers of units 3 and 6 is considered elsewhere). To require the two bedroom windows serving units 3 and 6 to be obscure glazed would impact on the amenities of future occupiers of the flats and, on balance, the two bedroom windows will not result in unacceptable harm to the amenities of the occupiers of Fontaine de Bas, particularly in this urban and built up location.

Fenestration facing west from the proposed development has altered from the previous scheme but would face the roadway and parking area associated with Fontaine Flats. A high wall to the east boundary of Fontaine Flats would offer protection to the amenity space located adjacent to the south boundary of this neighbouring site and the potential for overlooking and loss of privacy is considered acceptable in this case.

Basement parking is proposed which would provide a degree of enclosure and sound attenuation for surrounding residential neighbours. The use of the single external parking space would not result in undue noise and nuisance to surrounding residents. Although the development would result in the loss of open space on the site the garden areas are visible to the public but are private and do not make a contribution to physical access to open space. There is little opportunity for soft landscaping and in an urban location such as this there is no distinctive soft landscaping character. With primarily hardstanding proposed around the site this can contribute towards sustainable design when considering the aims of Policy GP8.

The effect of the development on the amenities of surrounding residents is therefore considered to accord with the requirements of the IDP.

Health and well-being of occupiers

Policy GP8 requires that the units created consider the health and well-being of the occupiers by means of providing adequate daylight, sunlight and private/communal open space, and directs proposals to be considered against Annex 1 of the Plan: Amenities.

New developments should be planned and built to support the health and well-being of occupants and users and maintain appropriate amenities for those of neighbouring property.

Annex I sets out that building at higher densities brings challenges with respect to ensuring reasonable amenities are provided. 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. It seeks opportunities for development occupiers to benefit from interesting or attractive outlook within the urban centre identified for example, as views over urban open spaces, public parks, landscape features or longer vistas over the townscape.

Whether the proposal would provide a good living environment for future occupiers

- *Aspect/Outlook*
- *Daylight/Sunlight*

As amended the scheme introduces a greater level of dual aspect living areas within the building although there are shortcomings with aspects of the changes made:

- west facing fenestration is in close proximity to the neighbouring building at La Fontaine Flats
- west facing window serving unit 3 (no elevation provided) would face out onto the blank wall
- obscure glazed windows serving kitchen areas to the south elevation of units 3 and 6

- Units 1, 4 and 7 also has north facing bedroom windows when considering access to sunlight

Annex I considers sunlight alongside daylight and their ability to enter a building will not, alone, be a determining factor when considering development proposals, providing that other amenities objectives are appropriately addressed. All new developments are encouraged to provide adequate levels of daylight and sunlight to all rooms, or at least principal rooms, gardens, balconies or communal external open spaces; these aspirations are qualified for sunlight by “where possible”. This reflects the constraints imposed by aspect relative to the movement of the sun, shading by existing development, and, in the case of converting existing buildings, its physical constraints.

Provision of daylight would be adequate to all flats and the provision of sunlight to units 2, 3, 5, 6 and 8 and south facing room to flat 3 would also be satisfactorily met. Rooflights over all accommodation within unit 6 and the flat roof of unit 3 would enhance sunlight and daylight to this accommodation. The enlargement of the south facing fenestration to units 3 and 6 represents an improvement from the refused scheme in relation to daylight and sunlight as does the omission of the balconies which would have overshadowed the patio doors below (unit 3).

Additional windows are now proposed in the west gable of the building to serve living accommodation for units 1, 4 and 7 with the aim of overcoming the previous reason for refusal in relation to the lack of sunlight serving these three units. All other windows for those units face north. The west facing windows would be c. 2.7m from the blank gable of the neighbouring building and so provision of sunlight to these units would remain limited to restricted times of day. The Annex is clear however, that sunlight and daylight alone are not determining factors therefore the shortcomings in relation to the west facing fenestration (Juliette balcony and facing La Fontaine Flats) in addition to north facing bedroom windows must be balanced against all other amenity considerations.

The previous scheme was refused on the ground of poor outlook from the living accommodation of units 3 and 6 as a result of the high-level windows proposed and the relationship of the west facing patio doors to the adjoining apartment building. The revised internal layout of units 3 and 6 has sought to address these concerns. The living accommodation is dual aspect which means that although no outlook would be possible from the obscure glazed kitchen windows to the south the accommodation would be served by fenestration to Victoria Road, in addition to overhead rooflights for additional light. The south facing bedrooms will also benefit from a satisfactory level of outlook in both units. As amended therefore, the scheme now complies with the requirements of the IDP.

- *Privacy*

The Annex 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 relationship between units facing north onto Victoria Road and south to Les Petites Fontaines is considered satisfactory in this urban setting and the proposed accommodation will not experience an unacceptable loss of privacy from surrounding properties nor from other properties within the development.

- *Access to external open space*

The Annex states that the value of external open space becomes increasingly important in higher density development with all development having safe and convenient access to it. Whilst the majority of flats will not benefit from access to amenity space and the open space available on site is not considered satisfactory in its own right it must be noted that the site is located within walking distance of the sea front and other public open spaces within the town centre which could provide towards the external space provisions for the properties in line with the aims of Policy GP8 d.

The site is within walking distance of several bus routes and the town centre. Gradients within the development are not flat but appear acceptable and a ramp is proposed to provide access to the ground floor front (north) door in line with the aims of Policy GP8 f.

Internally, individual flat entrances are level and door widths/bathrooms have been designed with accessibility in mind.

Access to each floor is via a staircase or lift (for flats 1, 2, 4, 5, 7 and 8 only) having regard to access for all. Future internal alterations to flats would not require planning permission but it could be possible to add install hoists or to alter the access arrangement between the bedroom and bathroom and internal doorways, hallways and circulation spaces to address the aims of Policy GP8 g. in relation to responding to people's needs over time.

- *internal space provision*

All units exceed internal space provision for Part G of the Building Regulations which is the minimum requirement for such developments and all wardrobes to bedrooms are to be built in. Whilst some units do not meet the minimum area requirement as set out by the DCLG this is guidance only and cannot be rigidly applied.

Conclusions relating to amenity for occupiers

In the Annex sunlight and daylight are not said to be a determining factor however, the different amenity objectives must be balanced with the objective of seeking to make maximum use of urban developments. The refused scheme included units that

did not significantly exceed the current internal space standards set out by the Building Regulations in combination with accommodation being north facing with unsatisfactory levels of sunlight (units 1, 4 and 7) however, as now proposed with floorspace which exceeds the minimum standards when balanced with the sunlight/daylight issues would now be satisfactory.

The revisions made during the course of this application have addressed previous issues relating to poor aspect and outlook (units 3 and 6) and the revised internal layout is such that there is no longer a reliance on obscure glazing to achieve privacy (IDP paragraphs I.22 and I.23 bullet point 2).

Overall this scheme now represents a good standard of design in line with the aims of Policy GP8 criteria a. and d. and Annex I of the IDP.

Access, road capacity and parking

The Supplementary Planning Guidance: Parking Standards and Traffic Impact Assessment (December 2016), specifies that although the standards will be expected to be met they are intended as guidance and are not, therefore inflexible. The standards set out in this document are the maximum parking standards in order to promote reduced car use in highly sustainable locations such as this. The scheme complies with the adopted parking standards. Although no designated visitor parking is proposed as outlined above, the site is located in an area where on-street parking is available on a first come first served basis and in a sustainable location within walking distance of bus stops and visitors could also cycle to the site.

The scheme incorporates cycle storage to enable people to travel by alternative modes of transport and this is welcomed having regard to Policy IP6 and the Bicycle Parking SPG. Although designated motorcycle storage is not proposed there would be scope to use the designated underground parking for this purpose. Overall the scheme is considered satisfactory in relation to Policies GP8 and IP6 of the IDP in relation to cycle parking provision.

Sustainable Development

The application has been accompanied by a sustainability Statement which sets out that the development will meet or exceed the appropriate statutory requirements of the Building Regulations, will have full insulation for internal and external walls and double-glazed windows with regard to energy efficiency and passive energy. The development is indicated to utilise existing surface water drainage for the site. The scheme makes reference to low consumption technology, low rate flush toilets and that rainwater harvesting and solar panels may be explored.

Little reference is made to hard and soft landscaping (GP8) within the submission other than to explain that the driveway would be paved and planting undertaken adjacent to this. It is not clear whether it is proposed to utilise a SUDs approach. Nonetheless, a requirement for permeable paving may be managed by planning

condition and subject to a condition relating to aspects of the Sustainability Statement the development would comply with Policy GP9.

It is also noted that soft landscaping can be managed by condition.

Protected Buildings

There are a number of protected buildings immediately to the south of the application site. The setting of these is formed by the urban context, being in a terrace of similar houses, separated from the road/pavement by a narrow front garden and boundary wall/railings. The redevelopment proposed will have a low impact on the setting of these buildings which would be outweighed by the reasonable aspirations of the property owner in accordance with Policy GP5 and GP8 of the Plan.

Conclusions

In view of the assessment above it is recommended permission is granted for the proposed development, subject to planning conditions including:

- discovery strategy
- details of doors, garage and garage pedestrian door and door canopies
- details of flat roof parapet
- sliding sash windows
- sustainable construction and permeable/SUDs paving
- soft landscaping
- obscure glazing
- levels
- parking, cycle parking, refuse storage and access arrangements
- waste management plan

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: 08/04/2025

