

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 dwelling, erect replacement dwelling, relocate vehicle access and associated works.

LOCATION: The Russells, Godaines Avenue, St. Peter Port.

APPLICANT: Mr R & Mrs J Bishop

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: 21/01/2025

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

Drawing Nos: DLM Architects - 1263_9, _10, _11, _12, _13 & _14, _20, 1263_Appendix_01, 1263_Appendix_02, Sustainability Statement & Site Waste Management Plan.

Application Ref: FULL/2024/1868

Property Ref: A408250000

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 materials to be used on the exterior of the buildings shall be placed on the site until such time as samples of those materials have been submitted to the Authority. Only materials agreed in writing by the Authority shall be used in carrying out the development.

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

5.The finish of the timber cladding and the timber privacy screens hereby permitted shall be submitted to and agreed in writing by the Authority and any agreed finish shall be applied within 28 days of construction.

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

6.No development shall begin on site until precise details of the 'green roof', including drawings showing the method of construction, details of the plant species to be used and a plan for its management and maintenance, have been submitted to and agreed in writing by the Authority.

Reason - The inclusion of a 'green roof' is an integral part of the design concept for the development hereby permitted. Its provision is essential to secure the satisfactory appearance of the completed development.

7.The window(s) shown to be obscure glazed on the approved drawing(s) shall be fixed shut (i.e. non-openable) and shall be installed to be permanently glazed with obscure glass of a minimum industry standard privacy level 3 prior to the first use/occupation of the dwelling hereby approved. The window shall be retained as such in perpetuity.

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

8. Prior to the first use of any part of the first floor accommodation hereby approved, the deep timber privacy cill along the east facing elevation shall have been installed in the position shown on the approved drawings. The cill shall be retained as such in perpetuity

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

9. Full details of the timber privacy screens to be erected along the east and west facing elevations of the first floor patio/terrace/balcony (however named) shall be submitted to and approved in writing by the Authority. The timber privacy screens shall be installed in the positions shown on the approved drawings in accordance with the approved details prior to the first use of the first floor patio/terrace/balcony (however named) and shall be retained as such in perpetuity.

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

10. The permeable hard surfaces shall not be constructed or the PV panels installed until a written specification for their construction has been submitted to and agreed in writing by the Authority. Thereafter the development shall not be occupied until the permeable hard surfacing, PV panels and all other sustainable design features set out in the submitted Sustainable Development Statement have been installed/completed/made operational.

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

11.(a) Prior to the commencement of any works in connection therewith full details of the landscaping scheme (as shown on drawing ref: 1263_Appendix 02) to include the location of each species proposed, along with the size, number and density of the plants/trees shall be submitted to and agreed in writing by the Authority.

(b) the hedge to the front (south) of the site as shown on the approved drawings to demarcate the vehicle access point shall be installed in accordance with the details agreed under the terms of criterion (a) above prior to the first occupation of the dwelling or in accordance with a scheme as previously agreed in writing by the Authority.

(c) The remainder of the landscaping scheme (all aspects excluding the hedge referred to in criterion (b)) shall be fully completed, in accordance with the details agreed under the terms of criterion (a) above, by the end of the first planting season following the completion of the development or first occupation (whichever is the sooner). 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 and to provide biodiversity enhancements in accordance with the Strategy for Nature SPG.

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.

Expiry Date: This permission will cease to have effect on 21/01/2028 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/2024/1868
Property Ref: A408250000
Valid date: 07/11/2024
Location: The Russells Godaines Avenue St. Peter Port Guernsey
GY1 1BE
Proposal: Demolish dwelling, erect replacement dwelling, relocate
vehicle access and associated works.

Applicant: Mr R & Mrs J Bishop

RECOMMENDATION - Grant: Planning Permission with Conditions:

1. All development authorised by this permission must be carried out and must be completed in every detail in accordance with the written application, plans and drawings referred to above. No variations to such development amounting to development may be made without the permission of the Authority under the Law.

Reason - To ensure that it is clear that permission is only granted for the development to which the application relates.

2. The development hereby permitted shall be begun within 3 years from the date of grant of this permission.

Reason - This condition reflects section 18(1) of the Land Planning and Development (Guernsey) Law, 2005 which states that planning permission ceases to have effect unless development is commenced within 3 years of the date of grant (or such shorter period as may be specified in the permission).

3. The development hereby permitted and all the operations which constitute or are incidental to that development must be carried out in compliance with all such requirements of The Building (Guernsey) Regulations, 2012 as are applicable to them, and no operation to which such a requirement applies may be commenced or continued unless (i) plans relating to that operation have been approved by the Authority and (ii) it is commenced or, as the case may be, continued, in accordance with that requirement and any further requirements imposed by the Authority when approving those plans, for the purpose of securing that the building regulations are complied with.

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

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

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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.

11.(a) Prior to the commencement of any works in connection therewith full details of the landscaping scheme (as shown on drawing ref: 1263_Appendix 02) to include the location of each species proposed, along with the size, number and density of the plants/trees shall be submitted to and agreed in writing by the Authority.

(b) the hedge to the front (south) of the site as shown on the approved drawings to demarcate the vehicle access point shall be installed in accordance with the details agreed under the terms of criterion (a) above prior to the first occupation of the dwelling or in accordance with a scheme as previously agreed in writing by the Authority.

(c) The remainder of the landscaping scheme (all aspects excluding the hedge referred to in criterion (b)) shall be fully completed, in accordance with the details agreed under the terms of criterion (a) above, by the end of the first planting season following the completion of the development or first occupation (whichever is the sooner). 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 and to provide biodiversity enhancements in accordance with the Strategy for Nature SPG.

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.

OFFICER'S REPORT

Site Description:

The Russells is a detached hipped roof timber chalet style bungalow that has been previously extended to the rear situated on the north side of Godaines Avenue. Immediately to the east of the property is a flat roof corrugated steel garage and an extension to the bungalow. Two small domestic greenhouses are situated along the north boundary of the application site. The property is served by a relatively large garden area to the north and vehicular access is via the southeast corner of the site from Godaines Avenue.

Surrounding the site the area comprises residential properties in all directions. The properties in the locality are varied in terms of their height, design and appearance with a two-storey house, to the west, a site where 2x two storey dwellings are currently under construction further west, chalet style bungalows to the east and dormer bungalows to the south.

Substantial detached properties such as Sainte Royale and Montville House are situated to the north/northwest of the site.

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

Relevant History:

The application was the subject of pre-application discussions.

Existing Use(s):

Residential – Use Class 1

Brief Description of Development:

Planning permission is sought to demolish the existing dwelling and to erect a replacement dwelling, to relocate the vehicular access and associated works.

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

Island Development Plan Policies:

- GP8: Design;
- GP9: Sustainable development;
- GP13: Householder Development;
- IP6: Transport infrastructure and support facilities
- IP7: Private and Communal Car Parking
- IP9: Highway Safety, Accessibility and Capacity

Representations:

One letter of representation was received from the occupier of a neighbouring property. The grounds for objection are summarised as follows:

- The proposed built form is situated much closer to the neighbouring property to the east than the existing building. This will block natural light into the ground floor living areas of the property;
- The lack of light would have a damaging effect on the enjoyment of our property;
- The proposal would result in limited outlook from the ground and first floor windows;
- The proposal will span the full length of Oyster Rock;
- The increase in height will also impact on natural light into Oyster Rock and the outlook and enjoyment of the first floor of the property;
- From the upper floor windows views will now face directly towards the side elevation of the proposed building;
- Natural light into the master bedroom for Oyster Rock situated on the eastern elevation will be impacted as will the outlook from the windows;
- The height will effect on established first floor views of the coast to the east;
- The plans as proposed do not appear to have addressed the loss of amenity and enjoyment of Oyster Rock within this locality.

Consultations:

None

Summary of Issues:

- The principle of a replacement dwelling;
- Design, form, scale and massing of the proposed development and its impact on the character of the surrounding area
- Impact of the development on the amenity of people living in the area;
- The future living environment of occupiers of the proposed dwelling; and
- Parking and access issues.

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 principle of a replacement dwelling

Policy GP13 of the IDP supports the demolition of existing dwellings and the erection of a replacement on a one for one basis, within the residential curtilage provided that:

- a) There are no significant adverse effects on the amenities of neighbouring properties; and
- b) The design, scale, mass and form would not detract from the open character of open locations; and
- c) The do not adversely affect the special interest of a Conservation Area or Area of Biodiversity Importance or protected building or protected monument.

In the case of proposals involving demolition and replacement of existing buildings, Policy GP13 requires the particular positive contribution that an existing building may be considered to make to the character of the area concerned. Proposals will be supported where the replacement would enhance the character of the area and make a more positive contribution to the area.

The existing dwelling is of no particular architectural or historic interest. Its form a (circa) 1930's chalet style timber single storey bungalow, and associated extensions are not altogether attractive nor do they make a positive contribution to the surrounding area. The proposed demolition of all structures on site and their replacement with a single dwelling of modern contemporary design would (for reasons discussed in the design section of this report) make a more positive contribution to the area thus enhancing its character.

For these reasons it is considered that the principle of demolition and construction of a replacement dwelling is acceptable in this location.

Design, form, scale and massing of the proposed development and its impact on the character of the surrounding area

In addition to the design requirements of Policy GP13 Policy GP8 requires new development to achieve a high standard of design which respects and where appropriate enhances the character of the environment.

The application site is not within a Conservation Area or close to any Protected Buildings. There is a variety of building forms and styles in the surrounding area.

Paragraph 19.9.5 of the IDP which forms the preceding text to Policy GP8 states that: *'In other, less sensitive areas' (not within Conservation Areas, Sites of Special Significance and Protected buildings), 'a good standard of design will be expected, however the Island Development Plan adopts a supportive position with regard to building design in these areas to enable the property owner to exert personal choice in design matters. This adopts the flexible and proportionate approach that underpins the Plan Objectives of the Island Development Plan.'*

Furthermore, Policy GP13 clearly sets out that a comparison should not be made between the impacts of the existing dwelling compared with the impact of the new. Policy GP8 paragraph 19.9.9 outlines that multi-storey buildings constitute a more efficient use of land than single-storey buildings.

Whilst it is noted that the bulk and massing of the proposed replacement dwelling is larger than the existing, and that the scheme will incorporate a two storey element, it will be set on a relatively large plot that is more than capable of accommodating the size of dwelling proposed. There is no uniform design of properties or palette of materials in the local area and to the west of the site on the site formerly known as Hillmount, a hipped roof bungalow has been demolished and two larger two storey dwelling houses are under construction. Furthermore, given the topography of the site which drops in height from the west to the east, the proposal will be seen well in context with the surrounding area.

For the above reasons it is considered that the proposed design, size, form, bulk, and scale of the proposal is acceptable and would not cause a detriment to the visual character or appearance of the surrounding area or the immediate street scene. The proposal therefore complies with Policies GP8 and GP13 in this respect.

Impact of the development on the amenity of people living in the area

GP8: Design indicates that new development will be supported where it is demonstrated that it will not have an unacceptable impact on neighbouring amenity and considers the health and well-being of the occupiers. Criterion (b) of policy GP9 requires a scheme to demonstrate that the scheme would not have unacceptable impacts on the amenities of neighbouring properties or an adverse effect on the special interest of Conservation Areas, protected buildings or protected monuments.

Concerns have been raised through the public consultation process regarding the impact of the development on sunlight and daylight to the neighbouring property to the west, along with overlooking and a loss of view. The comments from the representor have been noted. Although the scheme will be built circa 2.4m closer to the neighbouring property to the west than the existing dwelling, and will extend the full extent and beyond the rear elevation of this property, a large part of the replacement dwelling will be single storey with a flat roof 3.2m from ground level. Given that under the exemptions a 2.0m high fence would be allowed without the need for planning permission, together with the change in topography of the site (which drops from west to east) any additional overshadowing or loss of light resulting

from this element of the proposal would not be so substantial to warrant the refusal of planning permission.

To reduce the impact on the neighbouring property the two storey element has been set further away from the boundary with the neighbouring property to the west and centrally within the built form. Given the change in the topography of the site, the position and height of the proposed dwelling, any overshadowing or loss of light would not be so substantial to warrant the refusal of planning permission. With regard to light loss to the property to the east (Perivale) the proposal will be set sufficient distance from the shared boundary to prevent any significant overshadowing.

With regard to privacy, the change in topography and the existing boundary screening present on the site would prevent any views into the neighbouring from the windows and doors proposed in the west and east facing elevations at ground floor level. The window at first floor level in the west facing elevation is shown on the plans to be obscure glazed and a timber privacy screen will be included on the west facing elevation to prevent any views extending into the property or garden area in this direction. To the east a timber privacy cill is proposed to be erected between the ground and first floor which will prevent views from the first floor windows extending into the windows or garden area of the neighbouring property to the east. A timber privacy screen is also proposed along the east elevation of the balcony to prevent overlooking. Provided that the measures proposed to prevent overlooking (such as the balcony privacy screens, the timber cill and obscure glazed windows) are installed prior to first occupation of the dwelling (which can be controlled by planning condition) the scheme would not cause undue harm with regards to the loss of privacy of the neighbouring properties.

Overall although the scheme will alter the relationship of the property on this site to those dwellings in the immediate area, for the reasons referred to above it will not result in unacceptable harm to the amenities of surrounding residential occupiers and the scheme accords with Policies GP8 and GP13 in this respect.

The comments received regarding a loss of view are noted however this is not a matter that can be taken into account as part of the assessment of a planning application as there is no right to a private view.

The future living environment of occupiers of the proposed dwelling

The scheme has been designed to provide the future occupiers of the dwelling with flexible living accommodation, with a ground floor bedroom, a lift to the upper floor, off-road parking and private amenity space all of which will provide access for all and will enable future occupiers to remain in the property for longer. Although the property/built form will take up a large part of the site, amenity space is included in the form of a balcony, and terraced areas together with private garden space to the, front, rear and side of the property, which combined are suitable for the size of dwelling proposed.

The internal space provision is satisfactory with good aspect and outlook for the property. The property has windows in the north, south and east elevations all offering a good level of sunlight and daylight to the accommodation.

In terms of privacy for future occupiers, the position of windows and the inclusion of the methods of design to limit overlooking and to improve the relationship of the dwelling as proposed with neighbouring properties would ensure that it is kept within acceptable limits.

Sustainable Development

Paragraph 19.10.4 of the IDP (which forms the preceding text to Policy GP9) outlines that the design, layout and orientation of buildings, their form of construction and the materials used have a key role in delivering more sustainable development and reducing energy demand. The scheme also includes an array of 16 solar panels on the two storey flat roof in accordance with policy GP9.

A supporting sustainability statement has been submitted with the application confirming how the design and the materials to be used will satisfy sustainable design principles and that overall, the requirements of Policy GP9 regarding energy use and current Building Regulations have been considered. Furthermore, the document provides a checklist and explains how the proposal meets sustainable objectives highlighted within the RIBA climate challenge 2030. It includes the provision of solar panel array consisting of 16 solar panels and the provision of permeable paving for the driveway.

A Site Waste Management Plan with a detailed account of how waste associated with the development will be disposed of has also been included in the information submitted. Provided that the waste is disposed of in accordance with the Waste Management Plan (which can be controlled by condition) and that a condition is included requiring the solar panels and permeable paving to be installed/become operational the proposal satisfies the provisions of Policy GP9 & GP13 in this respect.

Parking and access issues.

The existing vehicle access to the south of the site will be altered and relocated from the southeast corner of the site to a central position along the southern boundary. Either side of the proposed vehicle entrance point, native hedging will be planted to ensure that the width of the access remains as proposed and to provide an appropriate means of enclosure within the street scene. Permeable paving is also proposed to be used for the driveway.

The scheme does not make specific provision for covered and secure cycle storage however, either through exemption rights or following an application a shed/outbuilding may be erected in the garden of the property to offer the occupiers the opportunity to travel by alternative modes of transport. Furthermore, the site is

situated in a sustainable location, close to the town centre and bus routes and overall it is considered to address the requirements of Policy IP6.

Other issues

Biodiversity

The scheme includes the provision of a landscaping plan that shows additional planting proposed to improve the biodiversity of the site. The details demonstrate that native planting will be planted in accordance with the States of Guernsey Wildlife Friendly Gardens guidance. However no details of the number, planting densities etc have been provided and it is recommended therefore that a condition is included requiring further details of the landscaping scheme.

Conclusions

In view of the above it is recommended that planning permission is granted for the proposed development subject to conditions relating to the provision of solar panels and permeable paving to address the requirements of Policy GP9, to ensure that the privacy screens, obscure glazing and the timber cill are installed prior to the first occupation of the dwelling (to prevent overlooking), to ensure that all materials are submitted and approved for the dwelling and to ensure that the green roofs are appropriately planted and that details of the landscaping scheme are provided and planted in accordance with the approved details.

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: 16/01/2025

