

THE LAND PLANNING AND DEVELOPMENT (GUERNSEY) LAW, 2005
AND THE LAND PLANNING AND DEVELOPMENT (GENERAL PROVISIONS)
ORDINANCE, 2007

NOTIFICATION OF GRANT OF PLANNING PERMISSION

PROPOSALS: Erect building for use as a premises of multiple occupation (Use Class 6) to north of site with bike and bin store to west boundary and associated works. Alteration to existing building at ground floor level to create pedestrian access/walk-through (Revised Scheme).

LOCATION: Bardigiana, Le Bouet, St. Peter Port.

APPLICANT: Mr D Taylor

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: 09/01/2025

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 02/12/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: JG Architecture: 2059-1 02.01, 02.02, 02.03, 02.04, 02.05, 02.11, 02.13, 02.14, 02.15, JGA Policy GP9 Sustainable Development statement and Collas Crill Appendix I.

Application Ref: FULL/2024/1907

Property Ref: A105220000

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.Notwithstanding the detail shown on the approved plans, prior to installation, further details of the proposed solar panels including the number of panels, location and cross section of the panels to show the angle of tilt, have been submitted to and agreed in writing by the Authority. The panels shall be installed in accordance with the approved details.

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

6.Prior to the commencement of any work in connection therewith details of the proposed acoustic fencing shall be submitted to and agreed in writing by the Authority. The development shall be carried out only in accordance with the agreed details, the fencing shall be erected prior to the first occupation of the building hereby approved and shall thereafter be retained at all times.

Reason - The information provided with the application does not include full details of the acoustic qualities of the fencing proposed. This condition is imposed to make sure that the fencing accords with the submitted information and provides acoustic qualities in order to reduce the impact of comings and going at the site on the amenities of the occupiers of adjoining dwellings.

7.The approved alterations to Bardigana, as shown on drawing 02.11, shall be fully implemented prior to the first occupation of the building hereby approved and shall thereafter be retained at all times.

Reason - In the interests of fire safety and the character and appearance of the Conservation Area.

8.No occupation or use of the building hereby permitted shall begin until the agreed bin store and cycle store to the rear of the site and refuse collection point to the front of the site have been fully completed in accordance with the approved plans. Those areas shall not thereafter be used for any purpose other than the those specified on the application drawings and the refuse collection point adjacent to Le Bouet shall not be used, at any time, for the parking/storage of cycles.

Reason - To encourage the use of cycles as an alternative to cars and to ensure adequate provision is made for the storage and collection of refuse/recycling from the site without conflict between refuse storage and cycle parking, in the interests of the visual amenity of the Conservation Area.

9.The window serving bedroom 3 in the west elevation and all en-suite bathroom windows throughout the building shall be glazed with obscure glass to a minimum level 3 on the Pilkington scale (or equivalent) and all obscure glazing shall be retained at all times.

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

10.In accordance with the details provided on the application form, occupation of the building hereby approved shall not exceed 17 persons and the site shall be managed in accordance with the Management Obligations/Responsibilities set out in Appendix I (pages 12 and 13) of the submission produced by Collas Crill.

Reason - In the interests of residential amenity.

11.The development hereby permitted shall be constructed in accordance with the details set out in the GP9 statement produced by JGA received on 13/11/2024 and in accordance with the details shown on the approved plans regarding solar panels and permeable paving. There shall be no occupation of the building hereby approved until the paving has been laid and solar panels have been installed and made operational.

Reason - In the interests of sustainable development.

12.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 both the front and rear of the site;
- iii) planting schedules, noting the species, sizes, numbers and densities of plants;
- iv) all existing trees, hedges and other landscape features, indicating clearly those to be removed.

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.

Expiry Date: This permission will cease to have effect on 09/01/2028 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

Please note that the States of Guernsey has passed the Housing (Standards and Regulation) (Enabling Provisions) Law in 2021 which will enable the drafting of legislation which will improve rental property housing standards, including HMOs and it is recommended that this and associated legal requirements are considered in connection with this development.

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/2024/1907
Property Ref: A105220000
Valid date: 02/12/2024
Location: Bardigiana Le Bouet St. Peter Port Guernsey GY1 2AZ
Proposal: Erect building for use as a premises of multiple occupation (Use Class 6) to north of site with bike and bin store to west boundary and associated works. Alteration to existing building at ground floor level to create pedestrian access/walk-through (Revised Scheme).

Applicant: Mr D Taylor

RECOMMENDATION - Grant: Planning Permission with Conditions:

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

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Reason - To make sure that the development is carried out in a way which is in character with its surroundings.

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

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Reason - The information provided with the application does not include full details of the acoustic qualities of the fencing proposed. This condition is imposed to make sure that the fencing accords with the submitted information and provides acoustic qualities in order to reduce the impact of comings and going at the site on the amenities of the occupiers of adjoining dwellings.

7. The approved alterations to Bardigana, as shown on drawing 02.11, shall be fully implemented prior to the first occupation of the building hereby approved and shall thereafter be retained at all times.

Reason - In the interests of fire safety and the character and appearance of the Conservation Area.

8. No occupation or use of the building hereby permitted shall begin until the agreed bin store and cycle store to the rear of the site and refuse collection point to the front of the site have been fully completed in accordance with the approved plans. Those areas shall not thereafter be used for any purpose other than the those specified on the application drawings and the refuse collection point adjacent to Le Bouet shall not be used, at any time, for the parking/storage of cycles.

Reason - To encourage the use of cycles as an alternative to cars and to ensure adequate provision is made for the storage and collection of refuse/recycling from the

site without conflict between refuse storage and cycle parking, in the interests of the visual amenity of the Conservation Area.

9. The window serving bedroom 3 in the west elevation and all en-suite bathroom windows throughout the building shall be glazed with obscure glass to a minimum level 3 on the Pilkington scale (or equivalent) and all obscure glazing shall be retained at all times.

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Reason - In the interests of residential amenity.

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Reason - In the interests of sustainable development.

12. 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 both the front and rear of the site;
- iii) planting schedules, noting the species, sizes, numbers and densities of plants;
- iv) all existing trees, hedges and other landscape features, indicating clearly those to be removed.

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.

INFORMATIVES

Please note that the States of Guernsey has passed the Housing (Standards and Regulation) (Enabling Provisions) Law in 2021 which will enable the drafting of legislation which will improve rental property housing standards, including HMOs and it is recommended that this and associated legal requirements are considered in connection with this development.

OFFICER'S REPORT

Site Description:

Bardigana is a mid-terrace two and a half-storey property located to the north of Le Bouet. The roadside boundary is marked by a low painted, granite wall with pillars either side of a pedestrian access. The property incorporates a single-storey flat roof extension to the rear. The boundaries with the properties to either side are marked by granite walls/fencing.

The property occupies a substantial plot that widens beyond the existing patio area to an open space with established vegetation (overgrown at time of site visit). A close, Phoenix Way exists to the northwest of the site with parking areas adjacent to the site. To the east is The Energy Centre, a retail showroom functional in design and appearance, with a hipped roof and parking area to the immediate east of the application site. Le Bouet generally comprises residential properties although the Co-op and Jamaica Inn are situated close by. The site is also visible from the car park to the south of the Energy Centre associated with the Longstore Co-op and when travelling west along Le Bouet from the sea front.

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

Relevant History:

Pre-application advice was sought in this case.

FULL/2024/0283 - Erect 3-storey building for use as a premises of multiple occupation – 15 bedrooms (Use Class 6) to north of site with associated works and bike store to west boundary – refused

1. Overdevelopment, excessive density and due to the height, scale and mass the building would reduce the degree of separation between properties and would be harmful to the character and appearance of the Conservation Area

2. Poor means of escape
3. Residential amenity – amenities of neighbouring properties in terms of noise and disturbance and to occupiers of the HMO with access through the building

Existing Use(s):

Residential use class 6: Premises in multiple occupation (13 occupiers)

Brief Description of Development:

The application relates to the erection of a detached building to be used as a premises in multiple occupation (house in multiple occupation/HMO), containing 12 bedrooms for up to 17 occupiers.

with render exterior and sash windows within the rear garden area of Bardigana. The building has been split into two parts with a lower, two-storey southern element and a taller, three-storey northern part, connected by a flat roof including flat roof rooflight for . Catslide dormers are proposed, breaking through the eaves, of the norther part of the building which also incorporates a render band between ground and first floor levels and chimney stacks. A traditional style door and canopy are proposed to the south elevation of the building and both southern roofslopes are shown to incorporate solar panels.

The building proposed contains an open plan kitchen, living and dining room, laundry and two ensuite bedrooms on the ground floor, a further six en-suite bedrooms at first floor level and four en-suite rooms at second floor level.

A single-storey outbuilding is proposed to serve as a bin store and a cycle store for both Bardigana and the proposed building, to be used as an HMO. The garden area between Bardigana and the proposed building will incorporate a path from Le Bouet to the proposed building but will also offer lawned, hardsurfaced/decked areas for use by occupiers. The scheme also proposes acoustic fencing to the west site boundary and additional boundary planting to the east, west and north boundaries.

In order to provide independent access to the proposed building, alterations are proposed to the front façade of Bardigana itself. An existing window to the left-hand side of the south elevation is shown to be removed, along with the associated wall around it along with a section of the ground floor rear elevation wall of the building (plans not provided) and a rear door is indicated on the floor plan as being infilled. A replacement ground floor, external wall would then be formed in order to create an archway from the street to rear of the site. The archway is shown to be framed by quoin details and the frontage area is to be partially paved but with soft landscaping introduced across the site frontage, inside the roadside wall.

The application has been accompanied by sun study, massing perspectives, context massing perspectives, photomontages (labelled outside views of site) and a fire

escape plan/fire hydrant details along with a supporting statement from a planning consultant which includes an appendix which sets out the management obligations and responsibilities for the proposed development and a statement to address Policy GP9 of the Island Development Plan.

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

MC2: Housing in Main Centres and Main Centre Outer Areas

GP1: Landscape Character and Open Land

GP4: Conservation Areas

GP8: Design

GP9: Sustainable Development

IP6: Transport infrastructure and support facilities

Advice Note: Bicycle Parking

Representations:

Two letters of representation have been submitted objecting to the application and raising the following points:

Character of the area

- Further development in an already built up area

Residential amenity

- First and second floor windows will have direct views into windows of existing dwellings, such as at Velmond resulting in a loss of privacy
- The increase in flow and volume of people accessing the site will have a detrimental impact on the privacy of the rear of adjoining properties – with 33 occupiers plus visitors congregating in the garden, adjoining gardens will become unusable
- In the past there have been issues relating to anti-social behaviour, verbal aggression which lead to physical altercations amongst residents and Police attendance and an increase in occupiers could result in this situation worsening

Traffic, parking and pedestrian safety

- The footpath is on the opposite side of the road to the site and offers occupiers no safety for residents exiting properties
- Significant caution is required when crossing the road and the pedestrian crossing referred to in the submission is c. 50m from the site
- Current occupiers walk in the road posing a risk to themselves, other pedestrians and motorists
- Although active travel is proposed the double occupancy that will result from the development will increase the volume and flow of pedestrians and vehicle use

- It is not possible to prevent occupiers from acquiring cars in an area that is already congested – on street parking is in high demand and is compounded by timescale restrictions

Emergency access

- Despite the new access arrangements, if emergency services were called to the property, access would continue to be limited and there would be a delay in emergency care/response

Other matters

- This will not help the current housing situation for families

Consultations:

Office of Environmental Health and Pollution Regulation - do not wish to raise any objections to the proposals, however it should be noted that the States of Guernsey passed the Housing (Standards and Regulation) (Enabling Provisions) Law in 2021. The purpose of this law is to enable the drafting of legislation which will improve rental property housing standards, including houses in multiple occupation. The applicant is advised to consider the applications in relation to future legal requirements.

Fire and Rescue Service - Following on from the previous application that we consulted with you on in March of this year, members of my team have had a consultation meeting with the developers regarding the concerns we had with the proposals.

Having carefully reviewed all the documents associated with this latest planning application, we are pleased to see that all of our feedback has been understood, accepted and suitably addressed.

I can now confirm that we are able to support the application ref FULL/2024/1907.

Summary of Issues:

The key issues in this case relate to the principle of the proposed development, the design and layout of the building along with its impact on the character and appearance of the Conservation Area and on residential amenity and the health and well-being of neighbours and future occupiers.

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 relevant 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,

Principle of development

Policy MC2 supports housing development in this location and plot sizes in the locality are varied, utilising the rear garden space of Bardigana for further development will not be at odds with the local character (GP8 c.). The site is currently in use for multiple occupation purposes and the proposal would extend this use. The scheme proposes multi-storey development which therefore represents efficient and effective use of land (GP8 b.) and the external materials would be reflective of other properties in the locality (GP8a. and c., GP4 and GP9 b.).

Design

The scheme as proposed sees the building split, with a lower section to the front, visible in views from the east and west of the site. The division of the building as proposed assists in reducing its overall scale and massing when considering its position, in between the frontage development of Le Bouet and the clos development. Other properties are two/three storeys in height and the proposed development would not appear unduly obtrusive in the wider area nor out of keeping with the character and appearance of development in this area, within a Conservation Area.

Policy GP1 relates primarily to Outside of Centres locations it also addresses opportunities to improve visual and physical access to open and undeveloped land in built up areas. The land is private garden and therefore does not currently contribute to physical access to open and undeveloped land. Although the development would alter aspect and outlook from adjoining buildings the use of the rear garden area for development, in this location, is supported through the Island Development Plan. The siting of the proposed building is such that, in wider public views, the scheme will not unacceptably impact on visual access to open spaces between building in line with the aims of Policy GP1.

Although the scheme would reduce the degree of separation between buildings the siting of the development, in combination with the changes to the scale and mass of the development and proposed boundary planting is such that the erection of a building in the location proposed would not result in undue harm to the character of the locality, within a Conservation Area (GP8 a. design and c. respect the local built environment, GP4 conservation areas and GP9 b. conservation areas).

The proposals also incorporate changes to Bardigana in order to facilitate safe access between the proposed development and the street in the event of an emergency/fire. Whilst the submission has been accompanied by other nearby examples of carriage arches and varied ground floor fenestration arrangements no two sites are the same and each case must be considered on its own merits and against the planning policies in place at that time. The scheme has sought to address concerns relating to the impact of such changes on the character and appearance of the locality, within a Conservation Area, by incorporating render band/quoin details and site frontage planting. On balance, and subject to planning conditions relating to the mitigation measures proposed, this alteration to Bardigana would not have an unacceptable adverse impact on the character and appearance of the locality when considering Policies GP4, GP8 and GP9 of the Island Development Plan.

The proposed outbuilding to serve as a refuse store and cycle store is single-storey and represents a good standard of design that will not result in harm to the character and appearance of the Conservation Area.

With a separate means of escape proposed, with suitable upgrades to the existing building, the previous reason for refusal regarding safe access has now been overcome in terms of achieving good design.

Amenities

- Overshadowing

The proposed building will be situated to the north of properties in Le Bouet, with The Energy Centre situated to the east and north of the site and parking/turning areas associated with Phoenix Way to the northwest. Adjoining garden areas are situated to the west of the proposed building. The scheme has been accompanied by a shadow survey for the summer and winter solstices which show that overshadowing will generally be across the parking area at The Energy Centre, the off-road parking/turning in Phoenix Court and some overshadowing to the northernmost part of the garden of an adjoining property for part of the morning.

The building will not result in unacceptable levels of overshadowing to adjacent dwellings or sensitive areas of garden, which are generally considered to be the areas closest to the house (GP8 d.). The development will impact on aspect/outlook from surrounding properties given the height, scale and mass of the building although it is noted that it will be situated c.25m from properties in Le Bouet so this alone would not be sufficient grounds on which to refuse permission (GP8 a. design and d. health and well-being of neighbours).

- Overlooking

Fenestration in west elevation is limited at ground floor level and although a number of windows are proposed in the east elevation in both cases these windows will be screened by existing/exempt and proposed boundary treatments. Multiple first floor bedroom windows are proposed to the east and west elevations although as a number of bedrooms would be dual aspect consideration may be given as to the benefit of obscure glazing secondary windows (bedrooms 3, 4, 7 and 8) in order to reduce the potential for overlooking and loss of privacy. Given that the Energy Centre is situated to the east of the site there is no need to require those bedroom windows to be obscure glazed (for privacy reasons). The secondary (west facing) window to bedroom 3 could impact on the amenities of adjoining residential neighbours and it would be reasonable to require this to be obscure glazed. Bedrooms 7 and 11 are situated close to the rear/north boundary of the adjoining dwelling and the adjoining access road and the secondary, west facing windows would not generate unacceptable overlooking and loss of privacy.

The building is set away from neighbouring properties, including Bardigana itself in order to manage overlooking/mutual overlooking to the south. The proposed outbuilding and alterations to Bardigana will not result in overlooking or loss of privacy.

Subject to relevant conditions relating to obscure glazing of relevant windows (including upper floor ensuite windows) the scheme therefore complies with GP8a. design and d. health and well-being of neighbours of the IDP.

- Disturbance and nuisance

An HMO represents a residential use and the site is within a primarily residential area therefore the two uses are, in principle, compatible. Nonetheless, the matter of noise and nuisance has been highlighted given previous experiences at Bardigana.

The number of occupants traversing the site daily would be significant, whether all at one time or at varying times throughout the day. It is however, acknowledged that the number of occupants proposed has been reduced and that a management plan has been presented in order to help allay concerns regarding impact on the occupiers of neighbouring properties. This may be the subject of a planning condition. This, with existing, proposed and exempt boundary treatments which could help to mitigate some noise and nuisance caused would be sufficient to address the previous reason for refusal. As amended the scheme represents a good standard of design having regard to the health and well-being of neighbours of the development (GP8 a. good design and d. health and well-being of neighbours). Statutory noise nuisances and anti-social behaviour fall outside the remit of the Planning Service and there is no evidence to demonstrate that either will occur as a result of this particular proposal therefore, they cannot form the justification to refuse permission for this proposal.

With a separate access now proposed the development will impact less on occupiers of the frontage building, although an element of nuisance may occur to the occupiers of the ground floor rooms in particular with people moving between the building and site frontage in Le Bouet. On balance however, the relationship and potential for undue noise and disturbance for occupiers of Bardigana is considered to remain within acceptable limits.

Consideration could be given to the inclusion of a planning condition relation to maximum occupancy which would further help control occupancy in order to mitigate the effects on residential amenity.

- Amenity for future occupiers

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

Annex I 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.

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.

Outlook and aspect to the north of the site would offer views across the palisade fencing that marks the boundary with the Energy Centre and the car parking associated with this (GP8a. and Annex I). The scheme has however, been amended to provide dual aspect accommodation for bedrooms in this part of the building thereby offering enhanced outlook for future occupiers. When combined with the changes to the ground floor layout and fenestration in addition to access to amenity space the scheme would, on balance, be satisfactory for future occupiers of the proposed building.

Overall, with many bedrooms being dual aspect and those which are single aspect being east and west facing, the accommodation proposed would benefit from a good level of aspect/outlook along with sunlight and daylight to bedrooms and communal space within the building.

- *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 impact of the development on neighbour amenity is considered elsewhere in this report. The proposed building is set sufficient distance from all existing neighbouring properties so as not to be unacceptably overlooked from surrounding properties or garden areas.

- *Access to external open space*

A reasonable area of external amenity space would be retained for occupiers of Bardigana and to serve the proposed building and sunlight and daylight would be satisfactory to the proposed accommodation, although rooms are single aspect. It is also noted that the site is within easy reach of the coast, beaches and amenities available within St Peter Port (GP8 d. and Annex I of the IDP). Outlook from rooms with fenestration to the south would be satisfactory with views across the proposed garden area.

- *Internal space provision*

All bedrooms exceed the minimum room sizes for sleeping accommodation for two persons as set out in Part G of the Building Regulations (lodgings, institutions or other accommodation) however, the application form sets out that the building will be occupied by 17 persons, an increase from 13 at present to a total of 30. Notwithstanding the information contained in the application form, without a planning condition relating to the number of occupants however, the building could be occupied by up to 24 people. OEHPR have raised no objections to the proposals in terms of the amount of bedrooms/level of occupancy and provided the level of communal space/kitchen facilities etc. complies with the relevant legislation. In this case however, a balance must be struck between the occupation capacity of the building and residential amenity. As indicated elsewhere therefore, a condition relating to occupancy is considered reasonable and necessary, although it should be noted that this would not preclude a future application being made in order to vary the condition/level of occupancy but such an application would need to be accompanied by appropriate supporting information.

- Accessibility and flexible accommodation

All floors will be served by a staircase only which would likely preclude access for wheelchair users however, the staircase would offer access to the upper floors by ambulant disabled. The layout of the building/rooms proposed could be adapted at a later date to meet the changing needs of occupiers (e.g. grab rails in WCs/bathrooms, installation of hoists provided bedroom and bathroom ceilings are constructed in an appropriate manner and careful and appropriate siting of service controls). The scheme therefore addresses GP8 criteria f. and g.

Parking and Cycle storage

There is no requirement for a development in a central location such as this to incorporate any off-road parking. Parking standards in the Supplementary Planning Guidance would be maximum provisions for a site in this area.

The scheme incorporates cycle storage for the existing and proposed building and with the external changes proposed would make storing cycles in the rear garden more accessible (not being brought through Bardigana itself). At present cycle parking takes place in the front garden area and the proposal seeks to centralise this in a secure and covered area for security and the appearance of the Conservation Area.

The site is located in a sustainable location with easy access to public transport, coastal cycle/footpaths and the scheme seeks to promote sustainable modes of transport. It would be reasonable to impose a condition requiring the cycle store to be provided and, as Bardigana falls within the application site area a condition could be imposed specifying that cycle parking should not take place in the frontage area of the site given the purpose-built storage proposed at the rear. The scheme therefore addresses Policy IP6 of the IDP.

The single-storey bike store would largely be screened by existing/exempt boundary treatments and would not result in overshadowing or loss of privacy to the occupiers of surrounding properties.

Sustainable development

The application incorporates a written statement as part of the covering letter that seeks to address Sustainable Development (GP9) highlighting the use of high levels of insulation with rendered blockwork offering additional benefits of the thermal mass approach. Materials are indicated to be locally sourced to reduce emissions during transportation with support for the local economy. Slates proposed are noted as being suitable for re-use at the end of the building life cycle. Surface water management on site is also referenced and solar panels are also proposed. The scheme is considered to comply with Policy GP9 and matters relating to sustainable construction, solar panels and permeable paving can be addressed through planning conditions.

Other matters

Reference is made in the submission to previous development approval on land to the rear of properties in Le Bouet and other developments deemed relevant to this case. The Le Bouet proposal pre-dates the Island Development Plan and furthermore, each case must be considered on its own merits, against the policies in place at that time.

Conclusions

In view of the above it is recommended permission is granted for the proposed development subject to necessary planning conditions.

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: 07/01/2025

