

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 2 dwellings and associated works (revised scheme).

LOCATION: St Martins Court, Rue Maze, St. Martin.

APPLICANT: Mr Le Moignan

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: 15/07/2025

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 01/04/2025 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: PF+A Ltd - 789-01-B1A, B2, B3, B4, B5A.

Application Ref: FULL/2025/0528

Property Ref: J000810000

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, excluding demolition and site works, shall begin until a landscaping scheme, to include those details specified below, has been submitted to and agreed in writing by the Authority:

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

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

5.The landscaping scheme shall be fully completed, in accordance with the details agreed under the terms of condition 5, in the first planting season following the first occupation of any part of the development or completion of development whichever is the sooner, or in accordance with a programme previously agreed in writing by the Authority. Any trees or plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by trees or plants of a size and species similar to those originally required to be planted.

Reason - To ensure that the landscaping scheme is implemented within a reasonable timeframe in the interests of visual amenity.

6.A finished sample of the cladding material to be installed shall be submitted to and agreed in writing by the Authority. The agreed works shall thereafter be fully implemented.

Reason - to ensure the approved cladding material is acceptable in the interests of visual amenity.

7. Notwithstanding the information submitted, the first floor and second floor windows in the east elevation of Unit 2 shall be glazed with obscure glass to a minimum of Level 3 on the Pilkington scale (or equivalent) and fixed shut below 1.7m above floor level in the room they serve, and shall thereafter be retained at all times.

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 14/07/2028 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

Notwithstanding the grant of planning permission, should any future housing application be submitted for the site, such application should take into account the most up-to-date States Strategic Housing Indicator, therefore the mix and type of habitable accommodation may need to reflect the latest information available.

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/2025/0528
Property Ref: J000810000
Valid date: 01/04/2025
Location: St Martins Court Rue Maze St. Martin Guernsey GY4 6LL
Proposal: Erect 2 dwellings and associated works (revised scheme).

Applicant: Mr Le Moignan

RECOMMENDATION - Grant: Planning Permission with Conditions:

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

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

INFORMATIVES

Notwithstanding the grant of planning permission, should any future housing application be submitted for the site, such application should take into account the most up-to-date States Strategic Housing Indicator, therefore the mix and type of habitable accommodation may need to reflect the latest information available.

OFFICER'S REPORT

Site Description:

The site consists of a hard surfaced car park forward of and associated with the St Martin's Court Apartments.

The site is situated to the south of La Rue Maze and is located within the St Martin Local Centre as designated in the Island Development Plan.

The application site has received numerous planning permissions over the years to erect new dwellings on the site.

Relevant History:

PREA/2025/0170	Erect 2 new dwellings with parking and gardens	Pre-application enquiry
FULL/2023/1956	Erect two dwellings and associated works.	Granted
FULL/2020/1989	Erect two semi-detached dwellings.	Granted
FULL/2017/0001	Erect two semi-detached dwellings.	Granted

Existing Use(s):

Residential

Brief Description of Development:

Planning permission is requested to erect two semi-detached 2½ storey dwellings fronting onto La Rue Maze, with 4 associated car parking spaces (two per dwelling).

The application involves erecting 2x 3bedroom dwellings, finished in a mix of natural slate roofs, zinc dormer windows and parapets, timber cladding, aluminium window and doors, and rendered blockwork walls.

The application was deferred over the lack of fenestration on the south elevation, the building line (siting) of the development, fenestration on the east elevation, bicycle storage and landscaping. The revised application seeks to justify the original scheme and has not affected the general design of the scheme, although has included bicycle storage and additional landscaping.

Consequently, it is unnecessary to delay the application any further when the proposal has not affected the principal issues raised in the representations received.

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

Policy LC2: Housing in Local Centres

Policy GP1: Landscape Character and Open Land

Policy GP8: Design

Policy GP9: Sustainable Development

Policy IP6: Transport infrastructure and support facilities

Policy IP7: Private and Communal Car Parking

Policy IP9: Highway Safety, Accessibility and Capacity

Representations:

The Authority has received 3 representations objecting to the proposal. Grounds for objection principally relate to the following issues:-

- The structural integrity of the existing wall and the safety of the proposal.
- The lack of bio-diversity net gain.
- Clarification whether bio-diversity net gain applies to new dwellings.
- Appropriateness of development, design, layout, scale, siting and materials and its impact on the character and appearance of the area, and neighbour amenity.
- Large dormer window to the front of the dwellings, impact on character and neighbour amenity in terms of loss of privacy.
- Overdevelopment of the site and the surrounding area.
- When neighbouring properties were constructed in 2000 they were subject to restrictions in height, siting, the use of the roof space and the installation of dormer windows and roof lights.
- Additional traffic.

Consultations:

None.

Summary of Issues:

The main issues in deciding this application are:

1. The principle of housing development on this site.
2. Design and impact of the development on the appearance and character of the area.
3. The impact of the development on the amenity of people living in the area.
4. Whether the development would result in a satisfactory living environment for the occupiers of the new dwellings.
5. Road safety and traffic management.

Assessment against:

- 1 – Purposes of the law.**
- 2 – Relevant policies of any Plan, Subject Plan or Local Planning Brief.**
- 3 – General material considerations set out in the General Provisions Ordinance.**
- 4 – Additional considerations (for protected trees, monuments, buildings and/or SSS's).**

All material considerations as set out in the Land Planning and Development (Guernsey) Law, 2005 and the Land Planning and Development (General Provisions) Ordinance, 2007 have been taken into account in the assessment of this application.

Policy LC2 makes provision for a limited amount of housing in Local Centres to enable community growth and to reinforce them as sustainable centres where the scale of such development does not undermine the aims and objectives for the Main Centres. Housing development in Local Centres is required to be appropriate to and complement the scale, setting and character of the Local Centre concerned and be compatible with the level of existing and planned services and facilities available in the Local Centre.

The application remains similar to the applications approved in 2017 (FULL/2017/0001), 2020 (FULL/2020/1989) and 2023 (FULL/2023/1956), in terms of the type, scale and density of development. There has been no material change in planning policies since the previous permissions. As a result, the density of the development, mix and type of dwellings and parking provision for the proposed dwellings remains acceptable. Although the States Housing Indicator has been updated on the Authority's website since the validation of this application, therefore it is considered appropriate to attach an informative to decision to notify the applicant/agent should they decide to submit an application in the future for new housing provision.

Whilst there have been some noticeable changes to the proposed dwellings when compared to the approved schemes, with particularly emphasis on the building line, materials, fenestration and general appearance, the scheme proposed achieves a holistic design approach.

Whilst the dwellings are sited closer to the highway than neighbouring dwellings, it is acknowledged that the depth of frontages of properties to the south of La Rue Maze varies. It is however regrettable that the building line proposed is not staggered when compared to the previous schemes which helped break up the front building line when viewed in the street scene. Although, it is recognised that the design has been submitted as proposed due to the limited depth of the plot. If the dwellings were set back further from the highway which would be an improvement to visual amenity, it is likely that this would negatively affect the quality of the internal accommodation provided.

On this basis, the forward building line is likely to be noticeable when viewed in context with other building lines to the south of La Rue Maze which raises some concerns, although these concerns are not considered to have an unacceptable effect to reasonably justify refusal given the circumstances. In light of the amendments secured, the application proposes additional tree planting to the front of the site which will help to soften the dwellings in the street scene.

The application has justified the creation of a 'maintenance gap' to the rear (south) of the dwellings, and not build on the south boundary of the application site.

Similarly, the lack of fenestration on the south elevation of the proposed dwellings raises some concern as there is little aspect and outlook along this elevation, nor solar gain, which is considered to negatively impact on the amenities of future occupiers of both properties. The agent has justified the lack of fenestration in their letter dated 23rd June 2025, noting that:

"Fenestration has not been provided on the south elevation to reduce the impacts of solar gain in the summer. Windows on the south elevation often results in blinds or curtains being constantly drawn. By positioning the windows on the east and west elevations, the bedrooms would benefit from morning and evening sunlight which is when the rooms would likely be accommodated. Improving the enjoyment and comfort of the spaces'.

This is considered to be directly contrary to Policy GP9 which aims to maximise thermal efficiency and make use of solar gain. However, the provision of windows in the rear elevation would be difficult due to the location 1m or less from a relevant boundary and requirements of Guernsey Technical Standard Volume 1, B4. The alternative would be to push the units forward and this would further compromise the building line on Rue Maze. For this reason, the design is considered to be acceptable, on balance, despite resulting in a poor outlook for the master bedroom.

Whilst the materials are different than that found in the immediate locality, Policy GP8 enables sufficient flexibility with regards to design matters to enable the reasonable aspirations of the land owner to exert a degree of personal choice. The use of timber cladding as indicated on the photomontages, together with aluminium windows and zinc dormer windows achieves a good standard of design when viewed comprehensively. Whilst different to the design of buildings in the surrounding area, the proposal is not considered to cause unacceptable harm. Such flexibility exists under Policy. A finished sample of the timber cladding proposed should be agreed in writing by the Authority. A Condition to this effect should be attached to the decision.

Overall, the siting, scale and design of the dwellings is acceptable and would have no significant adverse effects on the character or appearance of the surrounding area to warrant refusal.

Careful consideration has been given to the effect of the development on the amenities of neighbouring residents. It was previously concluded that the distance between the first floor windows on the proposed dwellings and neighbouring dwellings to the south elevation (approximately 20m), and the north elevation (approximately 18m, now approximately 15m-18m) together with the relative orientation of the dwellings is sufficient to safeguard the amenities of neighbouring residents. Whilst the building line of the proposed dwellings is slightly forward of that recently approved, and that the dormer windows to the front of the properties are larger than that approved, the distance and relationship between the proposed dwellings and neighbouring dwellings to the north, separated by La Rue Maze remains acceptable, despite recognising the neighbour's concerns regarding the additional impact on privacy.

Similar to the previous applications, and notwithstanding the agent's justification set out in their letter dated 23rd June 2025, conditions should be attached to ensure that the first floor and second floor windows on the east elevation (of Unit 2) are obscure glazed to prevent overlooking. The first floor windows would be approximately 5.5m from the boundary, as measured off drawing 7891-01 B5A, and given the neighbours windows at ground and first floor level (11-12m from the proposed dwelling), has the potential to adversely affect their amenity provision. Incorporating obscure glass on the principal window of the first floor bedroom of Unit 2 is likely to impact on the quality of the accommodation for this room, hence the Planning Service's rationale to include additional fenestration on the south elevation, as set out in the deferral.

Overall, the development is not considered to have any significant adverse effects on the amenities of neighbouring residents with regards to overshadowing, overlooking or overbearingness.

The comments raised by the representations are noted regarding additional traffic movements, although the degree of increase is likely to be negligible based on the density proposed and there has been no material change in circumstance to come to a different outcome when taking into account the previous decisions. Bio-diversity net gain is not required for the proposed development, although the planting proposed will have an ecological benefit.

With regards to the comments in the representations about planning restrictions during the building of neighbouring properties in 2000. Planning applications in 2000 were considered under previous planning policy and any planning restrictions that may have been in place in 2000 are not relevant to the consideration of this current application. With regards to the height of the roadside wall, the proposed plans indicate the existing circa 2m high wall to be retained.

Sufficient information has been submitted that has taken into account the criteria of Policy GP9 (Sustainable Development).

Based on the above, the application is considered compliant with the relevant Island Development Plan policies, and accords with the purpose of the Law and the Material Planning Considerations. It is therefore recommended that planning permission be granted, subject to conditions.

Date: 02/07/25

