

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 with associated landscaping and parking (revised scheme).

LOCATION: Land at Rue Des Monts, St. Sampson.

APPLICANT: Aspire Development

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: 25/11/2025

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 05/08/2025 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: MAT Limited - 24-325 -01A, 02C, 03A, 04B, Guernsey Gardens
001-016-2025

Application Ref: FULL/2025/1262

Property Ref: B00575B000

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

i.A scheme of how the contractors will liaise with local residents to ensure that residents are kept aware of site progress and how any complaints will be dealt with reviewed and recorded (including details of any considerate constructor or similar scheme)

ii.A scheme of how the contractors will minimise complaints from neighbours regarding issues such as noise and dust management, vibration, site traffic and deliveries to and from the site

iii. Details of hours of construction including all associated vehicular movements

iv. Details of the construction compound and storage of materials on the site

v. A plan showing construction traffic routes

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

Reason - To manage construction activity in the interests of neighbour amenity and environmental considerations.

5.No development, including site works, shall begin on site until details of existing and proposed levels, including ground levels, finished floor levels, how any changes in levels to adjoining land are to be dealt with, 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.

6.No development, excluding demolition and site works, shall begin on site until precise details of the 'green roofs', including drawings showing the method of construction, details of the plant species to be used and a plan for their management and maintenance, have been submitted to and agreed in writing by the Authority. No occupation of the new dwellings shall begin until the 'green roofs' have been completed in accordance with the agreed details. The roofs shall then be maintained in accordance with the agreed management and maintenance plan.

Reason - To make sure that the completed development protects and enhances the biodiversity interest of the Area of Biodiversity Importance.

7.The hedge planting to the perimeter of the domestic curtilage and the border planting shown on the submitted drawing (Guernsey Gardens Dwg No. 001-016-2025) is not approved. No development, excluding demolition and site works, shall begin until an amended 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 a specification for the laying of all hard areas; and
- ii) full details of tree and hedge planting to the areas identified above, including planting schedules noting the species, sizes, numbers and densities of plants.

Reason - To make sure that a satisfactory landscaping scheme for the development is agreed, in order to help assimilate the development into its surroundings, to make sure that the land is managed to protect and enhance the biodiversity interest of the Area of Biodiversity Importance and to meet the requirements of Policy GP9.

8.No dwelling or building on the site shall be occupied until a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than domestic gardens, has been submitted to and agreed in writing by the Authority. The agreed landscape management plan shall then be fully implemented.

Reason - To make sure that the land is managed to protect and enhance the biodiversity interest of the Area of Biodiversity Importance.

9.The landscaping scheme shall be fully completed, in accordance with the approved plans and the amended 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 - To make sure that the appearance of the completed development is satisfactory and to help assimilate the development into its surroundings, to make sure that the land is managed to protect and enhance the biodiversity interest of the Area of Biodiversity Importance, and to meet the requirements of Policy GP9.

10. Bird and bat boxes shown on the approved plans shall be installed before the first occupation of any part of the development hereby permitted and shall thereafter be retained and so maintained.

Reason - To make sure that the completed development protects and enhances the biodiversity interest of the Area of Biodiversity Importance.

11. Cycle storage shown on the approved plans shall be installed before the first occupation of the associated dwelling hereby permitted and shall thereafter be retained and so maintained.

Reason - To encourage the use of bicycles as an alternative to the car.

12. 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.

13. The windows to the north elevations of the dwellings hereby approved shall be fixed shut and those windows and the privacy screens to the north side of the second floor roof terraces of both dwellings shall be glazed with obscure glass to a minimum level 3 on the Pilkington scale (or equivalent). The privacy screens shall be installed prior to the associated terrace being brought into use and shall thereafter be retained at all times.

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

14. The new and altered sections of stone wall and the gate pillars hereby approved to the east and north-east boundaries of the site shall be constructed using materials and a method of construction which match the existing wall located along the east boundary of the site.

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

15. Prior to installation, details of the fixed panel and gate proposed to the existing access in the east boundary shall be submitted to and agreed in writing by the Authority. The development shall be carried out only in accordance with the agreed details.

Reason - The information provided with the application does not include full details of the proposed features. This condition is imposed to make sure that the panel and gate are of satisfactory design and do not have any adverse impact on the character of the area.

16. Prior to installation, full details of the electric vehicle charge points shall be submitted to and approved by the Authority. The approved charge points shall be installed and made operational prior any dwelling hereby approved being occupied.

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

17. This development shall be carried out in accordance with the mitigation strategy/programme and associated post-development works set out within the Sexton Green Ltd German Ivy Report dated 15.04.2020.

Reason - To make sure that the conservation value of the Area of Biodiversity Importance is enhanced and maintained.

18. The area labelled as 'ABI Wild Meadow' on Drawing No 24-325-04/B does not form part of the domestic curtilage of the dwellings hereby approved and shall not be used for domestic purposes at any time.

Reason - To define the permission for the avoidance of doubt.

19. For the avoidance of doubt, no fencing is approved along the south site boundary and, notwithstanding the provisions of the Land Planning and Development (Exemptions) Ordinance, 2023 (or any other Ordinance replacing or re-enacting that Ordinance), no gate, fence, wall or other means of enclosure (other than any hereby expressly permitted) shall be erected, constructed or placed on any part of the site.

Reason - In view of the sensitive nature of the site, the erection of such structures as 'exempt development' may have an adverse visual impact and/or impact on the Area of Biodiversity Importance. This condition is imposed to make sure that any proposals can be properly considered.

Expiry Date: This permission will cease to have effect on 24/11/2028 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

The application site is located within an area of potential archaeological importance and your attention is drawn to the provisions of the Island Development Plan, Annex VIII on Archaeological Assessment.

It is desirable that access be granted to the States Archaeologist, Culture & Heritage Service, and that you contact them to gain advice or make arrangements for archaeological recording during any earth moving on the site.

The Archaeology team can be contacted on 01481 220729 or 01481 220722 , or mobiles 07781 102219 or 07911 721210.

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/2025/1262
Property Ref: B00575B000
Valid date: 05/08/2025
Location: Land at Rue Des Monts St. Sampson Guernsey
Proposal: Erect 2 dwellings with associated landscaping and parking (revised scheme).

Applicant: Aspire Development

RECOMMENDATION - Grant: Planning Permission with Conditions:

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i. A scheme of how the contractors will liaise with local residents to ensure that residents are kept aware of site progress and how any complaints will be dealt with reviewed and recorded (including details of any considerate constructor or similar scheme)

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

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- ii) full details of tree and hedge planting to the areas identified above, including planting schedules noting the species, sizes, numbers and densities of plants.

Reason - To make sure that a satisfactory landscaping scheme for the development is agreed, in order to help assimilate the development into its surroundings, to make sure that the land is managed to protect and enhance the biodiversity interest of the Area of Biodiversity Importance and to meet the requirements of Policy GP9.

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Reason - To encourage the use of bicycles as an alternative to the car.

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

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Reason - The information provided with the application does not include full details of the proposed features. This condition is imposed to make sure that the panel and gate are of satisfactory design and do not have any adverse impact on the character of the area.

16. Prior to installation, full details of the electric vehicle charge points shall be submitted to and approved by the Authority. The approved charge points shall be installed and made operational prior any dwelling hereby approved being occupied.

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

17. This development shall be carried out in accordance with the mitigation strategy/programme and associated post-development works set out within the Sexton Green Ltd German Ivy Report dated 15.04.2020.

Reason - To make sure that the conservation value of the Area of Biodiversity Importance is enhanced and maintained.

18. The area labelled as 'ABI Wild Meadow' on Drawing No 24-325-04/B does not form part of the domestic curtilage of the dwellings hereby approved and shall not be used for domestic purposes at any time.

Reason - To define the permission for the avoidance of doubt.

19. For the avoidance of doubt, no fencing is approved along the south site boundary and, notwithstanding the provisions of the Land Planning and Development (Exemptions) Ordinance, 2023 (or any other Ordinance replacing or re-enacting that Ordinance), no gate, fence, wall or other means of enclosure (other than any hereby expressly permitted) shall be erected, constructed or placed on any part of the site.

Reason - In view of the sensitive nature of the site, the erection of such structures as 'exempt development' may have an adverse visual impact and/or impact on the Area of Biodiversity Importance. This condition is imposed to make sure that any proposals can be properly considered.

INFORMATIVES

The application site is located within an area of potential archaeological importance and your attention is drawn to the provisions of the Island Development Plan, Annex VIII on Archaeological Assessment.

It is desirable that access be granted to the States Archaeologist, Culture & Heritage Service, and that you contact them to gain advice or make arrangements for archaeological recording during any earth moving on the site.

The Archaeology team can be contacted on 01481 220729 or 01481 220722 , or mobiles 07781 102219 or 07911 721210.

OFFICER'S REPORT

Site Description:

The application site comprises the north east corner of an overgrown and irregularly shaped parcel of land which is designated as an Area of Biodiversity Importance (ABI), and is located within a Main Centre Outer Area and adjacent to a Conservation Area under the Island Development Plan (IDP). The site itself had been cleared of all vegetation, although there is now some evidence of regrowth, and a temporary post and mesh fence has been erected along the south boundary, with hedge planted on the southern side. Access to the site is provided from Rue des Monts to the east, and a private drive (Waters Rocque) runs along the north boundary, separating the site from a residential property in that direction. Further residential properties are located across the open land to the south, set at a lower level than the application site, and across the road to the south-east.

Relevant History:

Application site

FULL/2025/0047 Erect 2 dwellings with associated landscaping and parking. (Revised scheme). Refused 24/04/2025 for the following reasons:

- 1) Impacts on the biodiversity interests of the Area of Biodiversity Importance;
- 2) The proposals would not achieve a good standard of architectural design.

FULL/2024/0437 - Variation to previously approved plans to erect 2 dwellings with associated landscaping and parking - widen vehicle access to create additional parking space and alter landscaping. Refused 02/05/2024.

FULL/2022/1906 - Erect 2 dwellings with associated landscaping and parking. Approved 21/09/2023

FULL/2021/0016 - Erect dwelling, alter existing vehicular access and create new vehicular access (Revised Scheme – Dwelling relocated to rear of site). Approved 22/03/2022 – subject to a planning covenant preventing completion of the development approved under FULL/2017/0669 should the permission granted be implemented. This permission has now expired.

FULL/2020/0128 - Erect two dwellings. Refused 04-09-2020. Appeal (PAP-001-2021) withdrawn 06/10/2022.

FULL/2017/0669 - Erect a dwelling with associated landscaping and parking (to front of site). Approved 05-05-2017. Previously accepted that physical works sufficient to implement this permission have been carried out.

Site to the south (B00575C000)

FULL/2023/2078 - Erect dwelling with associated works and create vehicle access to north boundary. Refused 15/02/2024 due to impacts on the Area of Biodiversity Importance.

Existing Use(s):

Residential development site/Undeveloped land

Brief Description of Development:

This application proposes a revised scheme for the erection of 2no 3-storey, 3-bedroom detached dwellings, one located at the front (east) and one at the rear (west) of the site.

The building footprint and position remains substantially the same as those previously approved, increased c700mm east-west at ground floor level (essentially infilling below the first-floor overhang previously approved). At first floor level the floor area is not significantly altered, however the wrap around terrace has been omitted for a corner terrace and two Juliet balconies. At second floor level, the floor area has been increased slightly to the east and south, omitting the overhangs in each direction (including the roof terrace to the south).

Fenestration has changed to all elevations. Previously two windows were proposed to the east elevation upper levels of both dwellings, both obscurely glazed, and an additional full-length window was proposed to the east elevation of Unit 2. Now three obscurely glazed and one full length window are proposed to each dwelling. West elevation fenestration is reduced, including use of high-level horizontal windows. A full length obscurely glazed window is proposed in the north elevation to serve the stairwell. Apertures remain similar to the south elevation, with the exception of the westernmost first floor aperture which is re-sized and re-positioned, however design/means of opening are changed, particularly at second floor level which is proposed to be a large sliding sash element, and an additional window is proposed at ground floor.

The timber strip cladding has been replaced with composite cladding, brown oak effect vertical and diagonal at first floor and light grey vertical at second floor level. The green roof to the third storey has been retained.

The site access would be onto Waters Rocque to the north, in the same position as previously approved but reduced c2m across the bellmouth and c1m across the internal parking area and projecting a further c1.5m into the site. That parking area would provide 3no full sized parking spaces, one of which is to serve a neighbouring property. Cycle and bin storage are proposed within the garden area of each dwelling.

The bank/dry stone wall along the north boundary is to be replaced with a low rendered wall and the northern section of the east boundary wall is to be replaced in granite and reduced in height, a new gate pillar installed and a gate and fixed panels inserted into the existing gateway.

Garden spaces are retained as previously approved, demarked by hedging, with the land outside of those spaces to be a native wild meadow. Further hedging is proposed to the site boundary with planting of 7 no trees to the south of the dwellings. Border planting is to be undertaken along the north boundary, around the parking area and to the east of Unit 2.

The Sexton Green Germany Ivy report dated 15/04/2020 has been resubmitted in support of this application.

A Site Waste Management Plan has also been provided.

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

Island Development Plan

MC2 – Housing in Main Centres and Main Centre Outer Areas

GP1 – Landscape Character and Open Land

GP3 – Areas of Biodiversity Importance

GP8 – Design

GP9 – Sustainable Development

GP15 – Creation and Extension of Curtilage

IP6 – Transport Infrastructure and Support Facilities

IP7 – Private and Communal Car Parking

IP9 – Highway Safety, Accessibility and Capacity

Supplementary Planning Guidance

The Strategy for Nature (July 2020)

Parking Standards and Traffic Impact Assessment

Bicycle Parking

Representations:

A letter of objection has been received from 14 signatories, stating to be on behalf of the Delancey Conservation Committee. 6 further letters of representation have been received from 8 persons, 6 of whom also signed the first letter, raising the following points:

- The submitted plans do not identify the changes from the previous refusal;
- The 3D visuals are not a close representation of the 2D drawings;
- The area of green roof stated is inaccurate, at 37.73m², whereas the actual area measured up to the drainage channel is 31.79m²;
- The proposal represents overdevelopment of the site, with too little amenity and parking for dwellings of the size proposed;

- The overall design is weaker than previously approved, including substitution of natural material with composite, and is not in keeping with its environment;
- There is no specification for the green roofs, which may need to be made higher to incorporate the necessary construction and drainage;
- The scheme intrudes further into areas previously identified for landscaping, affecting the fine balance achieved by the approval;
- There are no proper section drawings to demonstrate the relationship between the proposed dwellings and adjacent properties, therefore the overshadowing and other impacts on adjacent properties cannot be assessed;
- The first and second floor windows and terrace areas will overlook the property to the south. This could be partially mitigated through the inclusion opaque balustrade and glazing to a low level;
- Parking can only be accessed over privately owned road “Waters Rocque” and there is no right of access. The application form is not therefore correct where it states written consent of the owner of any part of the land is obtained and the application should not be valid;
- Parking provision is insufficient for the size of dwellings;
- There is insufficient space to manoeuvre cars into and out of their spaces, without access on to land outside of the site ownership;
- Inaccurate dates for commencement and completion within the SWMP.

La Societe Guerneslaise comment as follows:

We are aware that this site has been subject to a number of applications over recent years and would highlight the land's designation as part of an ABI. The location is also important as it forms part of a network of several ABIs in the wider Delancey area.

If the application is considered further, we would recommend that the plans are assessed independently by a suitably qualified person in order to determine if an ecological net gain is likely to be achieved and if so, to ensure that this of an appropriate extent to justify the new development.

We would also highlight the environmental impact of new or additional light pollution on many types of wildlife such as birds, bats and insects. We would ask that consideration be given to the increased light pollution which may arise from this development. There is a risk that associated light pollution could extend over a large area, including the wider ABI designation.

Consultations:

The States Archaeologist previously commented in respect of previous applications at this site as follows:

As the field has not previously been developed and is 150m south of the destroyed prehistoric Menhir (Le Rocque Pointue), along with large stones identified on the 1898 Ordnance Survey map lying immediately to the west of the site, I would be grateful if you could place an informative notice on this development, should planning permission be granted, to the effect that the developers are encouraged to contact the Assistant Archaeologist if they encounter anything of archaeological interest during the building works.

Summary of Issues:

- Principle of housing development;
- Principle of development within an ABI;
- Design and impacts on character;
- Impacts on neighbouring amenity;
- Amenity of the proposed development;
- Parking and access;
- Sustainable development.

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).**

This application follows a series of applications at this site. Currently there are two extant permissions, that issued for a single dwellinghouse at the front of the site under FULL/2017/0669 and that issued for two dwellinghouses under FULL/2022/1906. A further application for a revised scheme for two dwellinghouses was subsequently refused under FULL/2025/0047. The current application comprises a revised version of the latter scheme.

Principle of Housing Development

Policy MC2 states that proposals for new housing development in Main Centres and Main Centre Outer Areas will be supported where:

- a. they are in accordance with all other relevant policies of the Island Development Plan; and,*
- b. where they are able to accommodate a variety of dwellings they provide an appropriate mix and type of dwellings; and,*

c. where the site is identified as Important Open Land, new housing is achieved only through the subdivision of existing dwellings or the conversion of existing buildings.

The current proposal is for 2 no 3 bed dwellinghouses, as per the extant permission for 2 houses at this site. Subsequent to the previous approval, the States Strategic Housing Indicator: 2024 has been published. Whilst this indicator no longer identifies a requirement for 3 bed dwellinghouses, it is accepted that there may be instances where there is justification for development to depart from the indicator. In this case, taking into account the history at this site, the extant permissions for development and the similarities between the extant permission and that now proposed, it is considered reasonable to accept this housing type.

Given the limited number of dwellings proposed, and the Plan objective and policy direction to make an efficient and effective use of land, it was not previously considered reasonable to require a mix of development in this case and that remains the case in respect of the current application.

Principle of development within an ABI

The site is designated as part of an ABI within the Island Development Plan, and forms approximately 7% of the ABI designation. As part of the Focussed Review of the Island Development Plan, a review of Areas of Biodiversity Importance has been published (dated December 2019). The ABI of which the application site forms a part of is designated as No 37 Delancey Lane within that report and, whilst acknowledging the disturbance at the application site relating to the commencement of FULL/2017/0669 and identifying the threat posed by the approved development, the report recommends retention of the ABI designation without alterations. Notwithstanding the works which have been undertaken, and those which are approved at the site, it must therefore be concluded that the land retains value as part of the wider ABI site.

Policy GP3 is applicable to development within ABIs, and states that:

Development within an Area of Biodiversity Importance will be supported provided that:

- a. proposals demonstrate that the biodiversity interest of the site has been considered and taken into account as part of the design and development process; and,*
- b. the biodiversity interest of the area has been protected and, where possible, enhanced; or,*
- c. any negative impacts can be appropriately and proportionately mitigated in accordance with a scheme to be approved by the Authority.*

The preceding text to Policy GP3 states at para. 19.4.4 that:

Designation of an Area of Biodiversity Importance is not intended to prevent development that is capable of satisfying the tests in this policy and would otherwise be acceptable under the policies of the Island Development Plan. However, in recognition of the identified importance of the biodiversity of these sites, proposals for development within an Area of Biodiversity Importance will be carefully assessed in order to secure protection and positive enhancement of biodiversity through development, where possible, and to minimise any negative impacts. Where impacts cannot be avoided, appropriate mitigation will be sought.

Permission was initially granted for a single dwelling at the site on the basis that invasive German Ivy was present and the proposed development provided an opportunity to eradicate that ivy from the site, thus preventing spread to the wider ABI area. The works to clear the ivy have been undertaken, as part of the commencement of FULL/2017/0669, and the reports submitted as part of the subsequent applications noted that that work had been successful, although ongoing work would be required to ensure there was no resurgence. A condition was therefore attached to the subsequent permissions, requiring ongoing maintenance of the site to prevent any resurgence, and it is recommended that that condition is reapplied as part of any permission issued under this application.

The previous approval retained c165sqm of ABI land to the south of the site, falling outside of the domestic curtilage of the dwellings, together with a strip of planting to the west of the site and a planted boundary to the north and provision of green roofs to the buildings. Whilst not specifically designated, the domestic curtilages were clearly identifiable on the plan, and entirely separated from the ABI land. The plans submitted under this application retain a comparable area of ABI land, positioned to the south and west of the proposed buildings, and clearly segregate the curtilages from the ABI land. The proposal could therefore achieve the same level of contribution to the ABI as the previous approval.

In terms of the proposed planting, the previous approval included the planting of 7no trees of appropriate species and the planting of native hedging, scrub and meadow. The current application retains 7no trees of appropriate species, the planting of native hedging to the south and west boundaries of the site and locally specific wild meadow planting. The hedge planting proposed to the boundary of the curtilages and the planting beds does not however comprise native planting appropriate within the ABI designation. Overall however the areas of planting are acceptable and the details and implementation of that planting, and the management of the meadow, can be managed by planning condition. The erection of any fencing or gates at the site could however be detrimental to both the character and biodiversity value of the area, and it is recommended that exemption rights are withheld for such features.

Under the previous application, it was noted that the value of green roofs depends entirely on their initial specification, ongoing health and future maintenance and the overall biodiversity contribution of those roofs to the scheme was weighted accordingly, but did contribute towards the biodiversity benefits of a finely balanced scheme. This application retains the green roofs and, as previously, conditions can be applied to ensure the initial specification and maintenance programme are appropriate. Any such specification should ensure the use of locally specific species and should not introduce inappropriate species.

Bird and bat boxes remain part of the proposal, and implementation can be controlled by condition.

On balance, and taking into account the comments of the specialist reports, it is considered that the development could achieve the same level of contribution to the Area of Biodiversity Importance as the previously approved application and would therefore be acceptable under the provisions of Policy GP3, subject to the conditions set out above.

Design and impacts on character

The land to the north and east of the site is designated a Conservation Area. Policy GP4 (Conservation Areas) only however applies to development within designated Conservation Areas and would not therefore be relevant to the consideration of this application.

Notwithstanding the Conservation Area designation of the adjoining area, development along this part of Rue des Monts varies significantly in terms of its scale, architectural character and relationship to the road, and there is no defining character or features to the built form. In this context, it was previously considered that the introduction of a pair of detached, 3-storey, flat-roofed buildings of contemporary design and materials of construction could be acceptable.

The detailed design of the previously approved dwellings incorporated discrete and subservient architectural elements positioned to break up the overall massing of the buildings, a monopitch roof to the upper floor softened with planting, a considered pattern of fenestration and natural materials. These elements combined to achieve a successful and coherent design.

The design put forward under the previous refused application omitted a number of the elements which previously made the proposal successful, resulting in a monolithic appearance to the buildings emphasised by both the exterior finish and fenestration selections.

The scale and positioning of the proposed development would be similar to that previously approved and the revisions made as part of the current application makes some alterations to the refused design, aligning the design more closely to the approved scheme. Whilst the size of the second floor element remains dominant, on

balance the alterations made are sufficient to render the application acceptable, subject to samples of the proposed cladding material.

In respect of the boundary treatments, the alterations to the north and east walls would have no adverse impacts, subject to details of the new gates and panel to the east access and construction of the replacement east boundary wall to match the existing. Other boundary treatments are shown to be formed by hedging. For the avoidance of doubt, the use of fencing would be inappropriate in this context and it is recommended that exemption rights for fencing be withheld as part of any permission issued.

In terms of the accessibility and adaptability of the buildings, the submitted information notes that the buildings include ground floor bedrooms designed for disabled access, and a Part M compliant WC. The submission notes that external doors would be level threshold. Whilst external ramped access to the buildings has been omitted in favour of stepped access, it is stated that the steps would be shallow, and it is confirmed the proposed design would meet the requirements of the Building Regulations. Whilst this would not allow access for all, it would enable access for ambulant disabled, and it is understood this is a factor of the site constraints. On balance therefore, the accessibility of the dwellings would be adequate.

Impact on neighbour amenity

The closest neighbouring residential property, 'Mont San Michel', stands on the north side of Waters Rocque. The overall scale of the elevations presented to this property would not be significantly greater than those previously approved. Given the relative positions of the buildings on the application site and the neighbouring property, the orientation of the building on the neighbouring property and the relative site levels, it is however considered that any overbearing or overshadowing impact would not be sufficient to warrant refusal of the application. The proposals incorporate an additional first floor window to the north elevation, serving the stairwell, however this would be fixed and obscurely glazed (as noted on the floor plans), preventing any overlooking. An obscure glazed privacy screen is proposed to the north elevation of the second-floor terrace, to prevent potential overlooking of 'Mont San Michel' from that terrace. Taking into account the wall upstand around the perimeter of the terrace, the screen would reach a total height of 1.8m above finished terrace level. Implementation of these privacy features can be secured by planning condition.

In respect of the nearest property to the south, it was previously found that sufficient separation distance exists to that property to prevent any significant impact on the associated amenity. The buildings as now proposed are in a similar location to those previously approved and the alterations to fenestration and balconies proposed under this application would not significantly alter the potential impacts on the adjacent property. Whilst there would be no objection to the incorporation of obscure glazing to the balustrades or lower parts of doors as

requested in the representation, it is not considered necessary or reasonable to require such glazing as part of the determination of this application.

Across the road to the east is an education campus, with further residential properties located to the south-east. The fenestration proposed to the east elevation of Unit 2 remains as previously approved. Whilst openable, the upper floor windows are positioned away from the residential property in that direction and would not result in any significant overlooking. The first-floor balcony previously approved has been omitted in favour of Juliet balconies, which would reduce potential impacts on neighbours in that direction.

Overall the proposals would not significantly alter the impacts on the amenity of adjacent residential properties, and any potential impacts can be managed by planning condition.

Amenity of the proposed development

The scheme proposed under this application would not fundamentally alter the amenity of the proposed dwellings and, whilst the amenity space and associated facilities (e.g. internal and external storage) would remain extremely constrained, particularly relative to the size of dwellings proposed, it would, on balance, be acceptable.

Parking and access

In respect of access to the site, the proposed access is in the same location and the proposed parking area takes a similar form to that previously approved under FULL/2021/0016 and FULL/2022/1906. The width of the access is slightly reduced from 8.4m to 7.2m, however this would not fundamentally affect either the functionality or appearance of the access and parking area. Whilst the depth of the space between the parking spaces and the wall on the far side of Waters Rocque falls short of the Technical Standard requirements for a standard vehicle turning head and some manoeuvring may be required to access/egress the spaces, this is not considered to represent a significant road safety issue taking into account the nature of Waters Rocque.

The previous application proposed 3 small car parking spaces. It was however noted under that application that, given the extent of the hard surfacing, it would be possible to use these as 3 standard parking spaces. This was found to accord with adopted maximum standards set out within the Parking Standards and Traffic Impact Assessment Supplementary Planning Guidance. It was further noted that the proposed development was unlikely to give rise to significant additional vehicle movements along Waters Rocque and at its junction with Rue des Monts, and it was therefore considered that there should not be any material impact on highway safety. In light of the above, the application was considered to accord with the aims and objectives of policies IP7 and IP9.

This assessment remains valid in respect of the current application. The proposal is for three standard parking spaces, although one of those spaces is stated to be for off-site use, resulting in a single parking space allocated to each of the dwellings. Whilst this is limited for the size of dwelling proposed, the emphasis within the SPG is on the use of sustainable and alternative modes of transport, especially where there is good access to facilities. In the context of this site, the parking provision proposed would be acceptable having regard to the SPG and would therefore accord with Policy IP7.

The application shows the reduction in height of the existing wall to the north-east corner of the site and the existing access being infilled with a fixed panel and pedestrian gate. Similar alterations were proposed as part of the previous application, however these alterations were not required within a specified timeframe and it would be unreasonable to impose such a time frame under the current application. The location of the eastern dwelling would prevent vehicular use of that access and there is no requirement to control the closure of the access, subject to provision of details of the fixed panel and gate.

Covered cycle storage is provided for each dwelling. Accessibility to the storage would be limited by the stepped access however, on balance, whilst this may discourage use of the storage for bicycles, it would not preclude such storage.

Sustainable development

Information has been submitted which demonstrates that sustainable development principles have been considered in developing this scheme, including the provision of EV charge points, in accordance with the requirements of Policy GP9.

The submitted information states that permeable paving will be used on the parking area, and the supporting information states that soakaways associated with that paving will be located below the parking area, and not on the ABI land. Permeable paving is also proposed around the dwellings, at a lower level than the parking area. It is not entirely clear how this area would drain however, for the avoidance of doubt, no soakaways would be permitted on the ABI land.

Foul water management is stated to be through connection to the existing main drain, and would not therefore require provision of cesspits.

Other matters

The grant of planning permission cannot override separate legal ownership rights. Representations relating to the access track are noted, but would need to be resolved between the relevant parties independent of the planning process.

Conclusion

The issues in respect of the previous approvals at this site were finely balanced, particularly in relation to the density of development at the site and potential impacts on the Area of Biodiversity Importance. The previous application for a revised scheme at the site was not considered to achieve an acceptable balance in respect of the ABI or the design of the building. In light of the above, it is however considered that the revised proposals submitted under this application address the previous reasons for refusal and meet the purpose of the Law, material planning considerations and relevant planning policies. Consequently it is recommended that the application be approved, subject to the conditions set out above.

Date: 19/11/2025

