ONLINE VERSION

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: Replace timber windows and doors with uPVC windows and doors.

LOCATION: The Torteval Rectory, Rue Du Belle, Torteval.

APPLICANT: The Constables Of Torteval

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: 25/06/2015

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 18/05/2015 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Application Ref: FULL/2015/0770

Property Ref: G001560000

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 Environment Department 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 Environment Department and (ii) it is commenced or, as the case may be, continued, in accordance with that requirement and any further requirements imposed by the Environment Department 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.

Expiry Date: This permission will cease to have effect on 24/06/2018 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

Effect of planning permission:

Section 18 of the Land Planning and Development (Guernsey) Law, 2005 ('the Law') defines the effect of the planning permission hereby granted, namely:

(1) Planning permission ceases to have effect unless the development permitted by it is commenced within a period of three years immediately following the date on which it is granted (or such shorter period as may be specified in the permission).

(2) Planning permission enures for the benefit of the land concerned and of every person for the time being having an interest in it.

(3) Any conditions subject to which planning permission is issued are enforceable in accordance with the provisions of Part V of the Law.

(4) Planning permission for the erection of a building is only permission to use it for the purpose specified in the permission or, subject to any restriction so specified, for any other purpose for which it is designed.

(5) Planning permission is only permission to carry out the development specified in it (subject to any conditions so specified), and does not imply the giving of any other approval or consent required under this Law or any other enactment or under any rule of law.

Right of appeal against planning decisions:

Your attention is drawn to the provisions of Section 68(1) of the Land Planning and Development (Guernsey) Law 2005, which provides a right of appeal, on the merits against a decision to grant planning permission subject to conditions (except a building condition), to the Planning Tribunal, which is independent of the States of Guernsey. An appeal to the Planning Tribunal under section 68 of the Law against this decision must be made before the expiry of the period of six months beginning with the date on which the Department made this decision. The official Appeal Notice Forms are available on the Department's website at www.gov.gg/planning-appeals 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 Department took into account any written representations arising from consultations made under Section 11(1) of the Land Planning and Development (General Provisions) Ordinance, 2007 ('the Ordinance'). A copy of any representations made to the Department under section 11 will be included with this decision in accordance with section 19 of the Ordinance.

Other Remarks:

You should note that any work which abuts or affects the public highway requires prior approval by the Public Services Department (PSD). You must also ensure that any access/es to the development are constructed to meet the existing road/footway levels in accordance with PSD 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

ENVIRONMENT
A STATES OF GUERNSEY GOVERNMENT DEPARTMENT

PLANNING APPLICATION REPORT

Application No: FULL/2015/0770
Property Ref: G001560000
Valid date: 18/05/2015
Location: The Torteval Rectory Rue Du Belle Torteval Guernsey GY8 0LN
Proposal: Replace timber windows and doors with uPVC windows and doors.

Applicant: The Constables Of Torteval

RECOMMENDATION - Grant: Planning Permission with Conditions:

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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 Environment Department 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.

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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 Environment Department and (ii) it is commenced or, as the case may be, continued, in accordance with that requirement and any further requirements imposed by the Environment Department 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.

OFFICER'S REPORT

Site Description:

The former Rectory is a substantial building located between the Church and the Church Hall. It is located in a conservation area and is within the setting of the Church, a protected building.

Relevant History:

None

Existing Use(s):

Flats

Brief Description of Development:

The application seeks planning permission to replace the existing timber windows and doors with new uPVC ones of similar design. It is submitted in support of the application that replacement timber windows are unduly expensive.

Reference is made to other properties in the vicinity where similar replacement has taken place.

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

RH6 - Extensions & alterations to dwellings
RCE10 - Conservation Areas
RCE11 - Buildings of special interest

Representations:

None

Consultations:

None

Summary of Issues:

The main issues in deciding this application are:
1. the impact of the development on the appearance and character of the area, a conservation area;
2. the impact of the development on the setting of Torteval Church,

taking into account the policies set out above and the Department's general approach to replacement windows.

Assessment against:

1 - Purposes of the law.

The objectives of the Law, as set out in Section 1(2), have been considered and this forms part of the assessment of policy issues set out in 2 below.

2 - Relevant policies of any Plan, Subject Plan or Local Planning Brief.

There is a statutory duty to have regard to the desirability of preserving and enhancing the special interest and setting of Protected Buildings. These duties are reflected in Policy RCE11 of the Rural Area Plan.

There is a statutory duty to have regard to the desirability of preserving and enhancing the character and appearance of conservation areas, a duty reflected in Policy RCE10 of the Rural Area Plan.

The former Rectory occupies a prominent position within the setting of Torteval Church and with significant views being available from the south and east. It has architectural and historic interest, but is not protected.

Although the proposal would have an adverse impact on the character of the building, and thus also on the character and appearance of the conservation area and the setting of the Church, the established practice of the Department is to accept the replacement of timber windows and doors by uPVC, except where the building is protected. As such, it would be inequitable to refuse this application.

3 - General material considerations set out in the General Provisions Ordinance.

The matters to be considered under Section 13 of the Land Planning and Development (General Provisions) Ordinance 2007 have been assessed as part of the section dealing with policy issues set out in 2 above.

4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).

The proposal would have no impact on protected trees or sites. The impact on the setting of Torteval Church is considered in section 2 above.

Date: 26 June 2015