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: Demolish existing and erect new dwelling, erect detached car port/store and create new vehicular access.

LOCATION: Petite Maison, Rue De La Bonne Fleur, Le Vauquiedor, St. Andrew.

APPLICANT: Mr & Mrs M Seabrook

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: 20/11/2020

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 28/08/2020 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Tyrrell Dowinton Associates: 2023.03.02, 03, 04, 05, 06, 07, 08 & 09

Application Ref: FULL/2020/1517

Property Ref: K00422A001

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) any screen walls or similar structures; and
vi) all existing trees, hedges and other landscape features, indicating clearly those to be removed.

Reason - To make sure that a satisfactory 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 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.

6. Within four weeks of the new access being brought into use, the ends of the new opening shall be finished off using materials and a method of construction which match the remainder of the wall.

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

7. The development hereby permitted shall be carried out in accordance with the Site Waste Management Plan submitted as part of this application, and no part of the development shall be occupied or brought into use until there has been submitted to the Authority a report providing verification that the development has been carried out fully in accordance with the agreed Site Waste Management Plan. Where there has been any variation from the Site Waste Management Plan as originally submitted, the report shall highlight and detail the reasons for this.

Reason: To ensure that the development is managed to minimise waste during the demolition of any existing buildings or structures or during construction, that existing materials are reused, recycled or disposed of either on or off site, and that residual waste will be dealt with appropriately, in accordance with the aims and objectives of Policy GP9.

Expiry Date: This permission will cease to have effect on 20/11/2023 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.

ONLINE VERSION

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

States of Guernsey
Planning Service

PLANNING APPLICATION REPORT

Application No:	FULL/2020/1517
Property Ref:	K00422A001
Valid date:	28/08/2020
Location:	Petite Maison Rue De La Bonne Fleur Le Vauquiedor St. Andrew Guernsey GY6 8TS
Proposal:	Demolish existing and erect new dwelling, erect detached car port/store and create new vehicular access.
Applicant:	Mr & Mrs M Seabrook

RECOMMENDATION - Grant: Planning Permission with Conditions:

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OFFICER'S REPORT

Brief Description of the site:

The application site comprises a detached property situated to the south of Rue de la Bonne Fleur. Surrounding the site the area comprises residential properties of mixed building types and design.

The site is situated Outside of the Centres as designated in the Island Development Plan.

Relevant History:

None relevant

Existing Use(s):

Residential – Use Class 1

Assessment: *(Tick as appropriate)*

no representation	✓	visual amenity acceptable	✓
accords with policy	✓	no material neighbour impact	✓
within curtilage	✓	traffic not affected	✓
design acceptable	✓		

Policies considered most relevant:

OC1: Housing Outside of the Centres
GP1: Landscape Character and Open Land
GP8: Design
GP9: Sustainable Development
GP13: Householder Development
IP7: Private and Communal Car Parking
IP9: Highway Safety, Accessibility and Capacity

Conclusion/Brief comment:

Planning permission is sought to demolish the existing and to erect a replacement dwelling, to erect a detached car port/store and to create a new vehicular access.

<u>Whether the principle of demolition and the construction of a replacement dwelling is acceptable in this location</u>

In the case of proposals involving demolition and replacement of existing buildings, Policy GP13 requires the particular positive contribution that an existing building may

be considered to make to the character of the area concerned to be taken into account. Proposals will be supported where the replacement would enhance the character of the area and make a more positive contribution to the area.

The existing dwelling is of no particular architectural or historic interest. Its form a (circa) 1970's single storey bungalow at a right angle to the road, is not altogether attractive nor does it make a positive contribution to the surrounding area. The proposed replacement dwelling would (for reasons discussed in the design section of this report) make a more positive contribution to the area thus enhancing its character. The principle of demolition and construction of a replacement dwelling is acceptable in this location.

Whether the design and appearance of the proposal is in-keeping with the surrounding area

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

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

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

Whilst it is noted that the bulk and massing of the proposed replacement dwelling is larger than the existing, the plot size is more than capable of accommodating the size of dwelling proposed and multi-storey buildings are advocated in the policies of the IDP. Furthermore, the design, scale and massing of the proposed dwelling has been modelled on neighbouring dwellings which are of similar design, style and proportions, some of which have also been extended in the past.

Although the roof fenestration in the surrounding area comprises generally of pitched roof dormers which differ from the flat roof dormers proposed, given that the site is not within a sensitive location and the flexible and proportionate approach advocated by IDP Policy, any harm on the character of the area would not be so substantial to warrant the refusal of permission.

Modern contrasting materials are proposed, which also help to break up and add detail to each elevation of the proposed dwelling.

Although the proposed carport will be situated forward of an elevation of the dwelling that faces the highway, given its limited scale and that this projects onto an estate road it is considered that any harm on the character of the area, would not be so substantial to warrant the refusal of planning permission.

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

Paragraph 19.10.4 of the IDP (which forms the preceding text to Policy GP9) outlines that the design, layout and orientation of buildings, their form of construction and the materials used have a key role in delivering more sustainable development and reducing energy demand.

A supporting statement has been submitted confirming that the requirements of Policy GP9 regarding energy use and current Building Regulations have been considered. Although renewable energy has not been included as part of the proposal, the applicant's agent has confirmed that the thermal insulation and the construction of the dwelling in terms of air tightness will exceed Guernsey Technical Standards thus reducing heat loss. Furthermore, other design elements such as heat recovery systems and double glazing and using highly energy efficient materials as proposed will ensure that the proposal meets the sustainable design requirements in accordance with Policy GP9.

A Site Waste Management Plan with a detailed account of how waste associated with the development will be disposed of has been provided. Based on the contents of the Site Waste Management Plan it is considered that the waste at this site will be appropriately controlled and provided that the waste is disposed of in accordance with the Waste Management Plan (which can be controlled by condition) the proposal satisfies the provisions of Policy GP9 & GP13 in this respect.

<u>Impact on neighbour amenity and the living environment of future occupiers</u>

GP8: Design indicates that new development will be supported where it is demonstrated that it will not have an unacceptable impact on neighbouring amenity and considers the health and well-being of the occupiers.

The proposed replacement dwelling would be situated in the area of the existing dwelling, which occupies a relatively large plot. The site is capable of accommodating the replacement dwelling proposed, which would be served by ample external amenity space for enjoyment by future occupiers.

The siting of the dwelling is such that it will not result in overshadowing of adjoining properties and gardens.

The proposed dwelling will be situated circa 15.5m from the boundary shared with the neighbouring residential property (Le Mouillage) to the west and at this distance any overlooking or loss of privacy would not be so substantial to warrant the refusal of planning permission.

To the south at it closest point the proposed dwelling will be situated circa 5.5m from the boundary shared with the neighbouring property in this direction (Lanvallay). However, the southern element includes a projecting element in which only ground floor doors are proposed which although facing towards Lanvallay would be screened by existing boundary screening. The nearest window in the southern elevation at first floor level is setback from the projecting element and is positioned circa 15.5m from the shared boundary and at this distance no undue harm would be caused to neighbouring amenity. Sufficient separation distance exists from other windows proposed in the north and east elevations to maintain privacy and residential amenity.

For these reasons it is considered that the proposed development will not result in unacceptable harm to the amenities of surrounding residential occupiers and the scheme accords with Policies GP8, GP9 and GP13 in this respect.

The agent advises that the proposal has been designed in accordance with the principles set out in the Lifetime Home Design Guide, and will provide adequate accessibility and offers flexible and adaptable accommodation, in accordance with Policy GP8.

Parking and access issues

The existing access arrangement onto Rue de la Bonne Fluer will be relocated from the northwest corner of the site a further 4m to the east within the site. A driveway with a turning facility will be provided within the site, to enable a car to access and exit the site forward facing. The applicant has demonstrated that sufficient car parking space exists to accommodate the required level of off road parking. The block layout plan also shows that a carport will be constructed in the northeast corner of the site which will provide sufficient space to accommodate two cars.

Based on the above the proposal would not negatively impact on highway safety.

Conclusion

All material considerations as set out in the Land Planning and Development (Guernsey) Law, 2005 and the Land and Planning (General Provisions) Ordinance 2007 have been taken into account in the assessment of this application. For the reasons contained within this report it is considered that the proposal accords with the above

mentioned Policies of the Island Development Plan and it is recommended that planning permission is granted subject to conditions.

Recommendation:
Grant with Conditions ☑

Date: 16/11/2020