

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, and alterations to vehicle access.

LOCATION: Le Four, 3 La Margion, La Rue Du Crocq, St. Saviour.

APPLICANT: Ms T Pham

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: 01/09/2021

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 02/08/2021 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: SOUP Architects - 090, 100, 110, 130, 200, 300, 301, 302 & 303.

Application Ref: FULL/2021/1488

Property Ref: E007040001

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 materials to be used on the exterior of the buildings shall be placed on the site until such time as a written schedule and 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.

5. Precise details of the privacy screening to the first floor "study balcony" and living area shall be submitted to and agreed in writing by the Authority before the construction of those parts of the development. The development shall be completed in accordance with the agreed details and thereafter so maintained.

Reason - In the interests of neighbouring residential amenity.

6. 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 31/08/2024 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 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/2021/1488
Property Ref: E007040001
Valid date: 02/08/2021
Location: Le Four 3 La Margion La Rue Du Crocq La Rue Du Crocq St.
Saviour Guernsey GY7 9XQ
Proposal: Demolish existing and erect new dwelling, and alterations to
vehicle access.
Applicant: Ms T Pham

RECOMMENDATION - Grant: Planning Permission with Conditions:

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.

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used in carrying out the development.

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

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Reason - In the interests of neighbouring residential amenity.

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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.

OFFICER'S REPORT

Site Description:

The application site comprises a linked-detached 2-storey dwelling, part of a development that dates from the 1960's/70's. The garden lies to the east of the dwelling, forms the corner with La Route De La Margion, La Rue Du Crocq, and La Margion, and contains a WWII bunker. To the south and rear of the existing dwelling is a neighbouring 1 ½ storey dwelling with relatively shallow rear garden. The site is located Outside of the Centres and is the subject of no other designation under the Island Development Plan.

Relevant History:

FULL/2021/0173 - Extend and alter at ground and first floor level with first floor terrace to north east (side) elevation and alterations to fenestration. Erect garden shed/store and glasshouse to east boundary.

Approved 09-03-2021

FULL/2020/0933 - Demolish existing and erect replacement dwelling.

Approved 21-12-2020

Existing Use(s):

Residential Use Class 1

Brief Description of Development:

This application proposes the demolition and replacement of the existing dwelling.

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

Island Development Plan

GP8 – Design

GP9 – Sustainable Development

GP13 – Householder Development

Representations:

1 letter of objection, concerns raised summarised as follows:

- Concerned about the overall mass, height and proximity of the proposed building because of related drainage issues but also for aesthetic reasons;
- Enormous chimney stack would dominate the clos and views across and from Vazon Bay;
- Ridge height would be higher than neighbouring house presumably as a result of the ground floor level being raised;
- Development could cause water damage to neighbouring property, new building should be positioned a minimum 1.2m away;
- New connection should be made from the application site to the communal surface water drainage pump, the capacity of which (and of a communal sewage pump) should be checked;
- Newly exposed neighbouring garage wall will need strengthening externally.

Consultations:

None.

Summary of Issues:

- Principle of development
- Design
- Impact on neighbouring residential amenity

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).

The purposes of the Land Planning and Development (Guernsey) Law, 2005, are to protect and enhance, and to facilitate the sustainable development of, the physical environment of Guernsey.

The purposes of the Law are reflected in the Island Development Plan, the principal aim of which is to help maintain and create a socially inclusive, healthy and economically strong Island, while balancing these objectives with the protection and enhancement of Guernsey's built and natural environment and the need to use land wisely. Relevant policies will be addressed below in assessing the key issues.

Principle of development

Policy GP13 provides in-principle support for householder development, and makes clear that this involves the replacement of existing dwellings on a one-for-one basis. As an alternative scheme for a replacement dwelling has previously been approved and remains capable of implementation, it is clear that this application is acceptable in principle.

Design

The proposed design is very similar to the most recent permission to extend and alter the existing dwelling. That being the case, and as the property is not located in a sensitive area, the proposed design is considered to be acceptable in the context of policies GP8 and GP13.

The application is also accompanied by a Site Waste Management Plan and information that addresses the requirements of Policy GP9.

Issues relating to surface water drainage and proximity to the neighbouring dwelling in constructional terms fall to be considered separately under the Building Regulations.

Impact on neighbouring residential amenity

The application is supported by a comparative analysis of this current scheme and those previously approved, which satisfactorily demonstrates that there would be no materially greater impact on the amenity of any neighbouring property (the omission of first floor windows from the south elevation represents a clear improvement). Although concerns have been raised that finished floor levels and the ridge height are to be raised, the submitted plans and supporting information make clear that this is not the case. Any works required to be carried out to the exposed wall (which appears to be a party structure) following demolition of the existing linked-garage would require separate agreement to be reached between the applicant and neighbouring property owner and is not something that the Authority can take into account or seek to control by way of condition. Consequently it is not considered that the proposed development would have any greater impact on neighbouring amenity than either of the previously approved schemes.

Conclusion

Subject to the imposition of similar conditions to those attached to the most recent permission, it is recommended that planning permission be granted.

Date: 31-08-2021

