

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 single storey extension with terrace at first floor level to east (front) elevation and alterations to vehicle access.

LOCATION: The Bunker, Route De Rocquaine, St. Pierre Du Bois.

APPLICANT: Bridge Developments Ltd

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: 10/03/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 15/10/2021 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: A7 Design: 18-968-P2 PD/01, PD/02 & PD/03

Application Ref: FULL/2021/2326

Property Ref: F011510000

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.

Expiry Date: This permission will cease to have effect on 09/03/2025 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/2021/2326
Property Ref: F011510000
Valid date: 15/10/2021
Location: The Bunker Route De Rocquaine St. Pierre Du Bois Guernsey
GY7 9HT
Proposal: Erect single storey extension with terrace at first floor level to
east (front) elevation and alterations to vehicle access.
Applicant: Bridge Developments Ltd

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.

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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 application site is on the eastern side of Route De Rocquaine and is located Outside of the Centres as defined in the Island Development Plan. The site is located within an Agriculture Priority Area and an area of known or suspected archaeological importance.

The site comprises a large agricultural field adjoining a number of other fields. A WWII bunker sits adjacent to the road, accessed via a track to the north of the site. The bunker is constructed of reinforced concrete and a steel plated roof and was erected during the occupation.

The topography of the site is generally flat although the bunker and east boundary of the site is slightly raised. Due to the topography of the wider area, views into the site are afforded from a coast path to the west and the escarpment to the east.

Rocquaine Industrial Centre is located to the north of the site with domestic properties to the south.

Planning permission was granted in 2018 to convert the bunker to a dwelling-house and to change the use of part of the agricultural land to domestic garden, with further permission granted in 2019 to install a door and external stair/lightwell in the west elevation due to Building Control requirements.

Relevant History:

FULL/2018/1166	Convert WWII bunker to a dwelling and change of use of agricultural land to domestic garden.	Granted
FULL/2019/1495	Variations to plans previously approved to convert WWII bunker to a dwelling - install door and external stair/lightwell on west elevation.	Granted

Existing Use(s):

Residential.

Brief Description of Development:

Planning permission is sought to erect a single storey extension with a terrace at first floor level to the east (front) elevation and alter the vehicular access.

Relevant Policies of any Plan, Subject Plan or Local Planning

GP8 Design
GP9 Sustainable Development
GP13 Householder Development
IP9 Highway Safety, Accessibility and Capacity

Representations:

The Authority has received nine representations from seven parties objecting to the proposal. Grounds for objection principally relate to the following issues:-

- The extension and terrace will be out of keeping with the bunker and surrounding area.
- The front of the building is west facing, not east as per the application.
- Mass and bulk of the proposal and will be detrimental to the surrounding area.
- The decking area/balcony will overlook neighbouring properties and noise generated would cause nuisance to nearby residents.
- The justification for the extension is unconvincing.
- Impact on plants and wildlife.
- Impact on visual amenity.
- The manicured effect of the turf to the front of the bunker is out of keeping with the bunker.
- Impact on private views.
- The proposal should be assessed in context with the Site of Special Significance.
- The light pollution.
- The proposal could lead to further development of the bunker and should be resisted.
- The new extension roof should not be accessible and landscaped with a green roof to mitigate the loss of biodiversity.
- Additional traffic and noise for a 3 bedroom house.
- Dispute over land with regards to landscaping.
- Flooding of neighbouring land.
- Reasons for refusal for bunker development at Jerbourg, St.Martin, reference to Policy GP16(A).

Consultations:

None generated.

Summary of Issues:

- Whether the site is recognised as a development site, or a dwelling-house.
- Whether the design, scale, mass, siting, form and materials of the development is acceptable.
- The impact of the development on the character and appearance of the area.
- The impact of the development on neighbour 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.

Prior to determination of the application, it is necessary to establish whether the level of construction carried on site has resulted in the creation of a 'dwelling-house' to which the proposed development would be considered an extension and where Policy GP13 would apply. If that was not the case, then this application would need to be assessed as a revised scheme for the conversion of a redundant building under the provisions of Policy GP16(A), which imposes limitations on the scale of any extension that is permissible.

Following a recent site visit, it is apparent that the bunker has been significantly altered in accordance with the earlier permissions with the exterior to the front of the bunker being laid to grass. The rear elevation has been blocked up and fitted out with new windows and doors, lintels, and includes sun tunnel openings through the roof of the bunker. The access door and stair to the front of the bunker has also been carried out, and internal works are underway including electrics, plumbing and general carpentry work.

Due to the level of works undertaken which has resulted in a 'wind and watertight' building, the property is recognised as a dwelling-house and the gateway policy is therefore Policy GP13.

Policy GP13 (Householder Development) states that proposals for the alteration and/or extension of residential properties within the residential curtilage, will be supported where there are no significant adverse effects on the amenities of neighbouring properties; the design, scale, mass and form would not detract from the open character of open locations; and they do not affect the special interest of Conservation Area, Area of Biodiversity Importance, protected building or protected monument.

In this instance Policy GP8 (Design) is also relevant. In addition, the preceding text to this policy refers to the need to consider the material planning considerations as specified in Part IV, Section 13 of the Land Planning and Development (General Provisions) Ordinance 2007. These include the appropriateness of the development in relation to its surroundings in terms of its design, layout, scale, siting and the materials to be used, as well as its likely effect on the character and amenity of the locality in question and its likely effect on the reasonable enjoyment of neighbouring properties.

In light of the relevant policies, the proposed extension is considered to be appropriate and sympathetic to the style and form of the building by virtue of its position and relationship to the flanking blast walls of the former bunker and therefore to an extent is 'contained' to the rear elevation of the property. The scale, mass, and form of the extension is sensitive and respectful to the size of the developable space to the rear of the building, without projecting beyond the confines of the flanking blast walls. Support is also given under Policy to ensure development makes the most and effective use of land in which this application satisfactorily demonstrates which causing undue harm to the landscape character or visual amenity.

The choice and palate of the building materials continues on from that used as part of the approved scheme and respects the materiality of the former bunker.

The incorporation of a first floor terrace does raise some concerns in terms of utilising the building at first floor level if designed inappropriately. Although, due to the incorporation of a glass balustrade and a galvanised steel staircase, the resultant effect on the landscape is likely to be negligible when viewed in context with the development itself, especially as public vantage points to the east of the site are at a considerable distance. Similar to the above, the flanking blast walls will limit the majority of public views of the terrace from the coast road.

Careful consideration has been given to the effect of the development on the amenities of neighbouring residents. Whilst the size of the terrace is extensive, the potential impact on neighbour amenity is likely to be limited when taking into account the distance and relationship to neighbouring properties when viewed in context with the building line of properties to the south, coupled with the incorporation of a privacy wall to the south of the terrace area. Consequently, the proposal is not considered to result in any significant effect of overlooking. Any excessive noise associated with the use of the terrace that causes disturbance to

neighbouring properties could be investigated by the Police, and/or Office of Environmental Health and Pollution regulation should any statutory nuisance be identified.

Due to the position and orientation of the extension together with its relationship to neighbouring properties is not considered to affect the amenities of neighbouring residents.

The alterations to the access point are supported under the relevant policies and do not raise any serious road safety or traffic management concerns.

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

The contents of the representations received have been carefully considered and addressed above where appropriate, although the following comments are made in response to some of the points raised.

The proposal is unlikely to adversely affect associated wildlife or raise any archaeological concerns as a result of the limited footprint of the extension. In addition, the site is not located within a Site of Special Significance.

With regards to the potential discrepancy in the ownership of land raised by a letter of representation, any planning permission that might be granted would be without prejudice to the normal legal rights and privileges of third parties.

It is noted that the loss or impact on private views is not a material planning consideration as defined in Part IV, 13.1 of The Land Planning and Development (General Provisions) Ordinance, 2007.

It would not be reasonable to defer the application to request that further investigation is sought with regards to nearby flooding which may or may not be caused by the undergoing development, especially as the site is not located within a flood risk area, and given that permission has previously been granted to create a dwelling through conversion of the bunker.

Any future development of the site would be carefully assessed on its own merits against the relevant planning policies of the current Development Plan at the time of determination.

All planning applications are assessed on a case by case basis and determined on the individual merits of that particular application.

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.

Based on the above, the application is considered compliant with the relevant Island Development Plan policies; it is therefore recommended that planning permission be granted, subject to conditions.

Date: 09/03/22