

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 dwelling and erect replacement dwelling.

LOCATION: Le Menage, Rue Poudreuse, St. Martin.

APPLICANT: Mr & Mrs S Davison

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: 08/12/2021

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 27/10/2021 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: A7 Design Ltd - 21-1251 PD/01, PD/02 & PD/03.

Application Ref: FULL/2021/2376

Property Ref: J004170000

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.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.

5.The replacement dwelling hereby permitted shall not be occupied until the electric vehicle charging points, permeable hard surfaces, and other sustainability measures specified at section VI. in the application covering letter have been completed and made available for use.

Reason - In the interests of sustainable development.

Expiry Date: This permission will cease to have effect on 07/12/2024 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/2021/2376
Property Ref: J004170000
Valid date: 27/10/2021
Location: Le Menage Rue Poudreuse St. Martin Guernsey GY4 6NN
Proposal: Demolish existing dwelling and erect replacement dwelling.

Applicant: Mr & Mrs S Davison

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.

4. 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.

5. The replacement dwelling hereby permitted shall not be occupied until the electric vehicle charging points, permeable hard surfaces, and other sustainability measures specified at section VI. in the application covering letter have been completed and made available for use.

Reason - In the interests of sustainable development.

OFFICER'S REPORT

Site Description:

The property known as 'Le Menage' is a mid-20th century large detached two storey hipped roof dwelling, which is set far back from and faces west onto Rue Poudreuse, there is a driveway and front garden between the dwelling and the road, a large rear garden to the east and other large detached residential properties to the north and south. The property is located Outside of the Centres as defined in the Island Development Plan.

Relevant History:

PREA/2021/0911 – Demolish existing and erect replacement dwelling.

Existing Use(s):

Residential use class 1: dwelling house.

Brief Description of Development:

This application is to demolish the existing dwelling and replace it with a two storey flat roof modern dwelling in approximately the same location.

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

GP8 – Design

GP9 – Sustainable Development

GP13 – Householder Development

Representations:

There has been one letter or representation and the issues are:

- Only the impact to the southern neighbours' amenity has been considered.
- The much higher end wall of the new house would be very close to the northern neighbour's boundary which would be unnecessarily oppressive and adversely encroach on the enjoyment of our property.
- Consideration should be given to moving the footprint of the proposed dwelling further to the south west.
- If an air source heat pump is installed in future this could be noisy and adversely impact neighbours.

Consultations:

None

Summary of Issues:

- Impact of the development on the character and appearance of the area.
- Impact of the development on neighbouring properties.

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 as set out in 2 below.

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

Policy GP8 expects proposals to achieve a high standard of design which respects and where possible enhances the character of the environment. GP13 supports development where there are no significant adverse effects on the amenities of neighbouring properties. Both policies provide for a high degree of personal choice on design matters in less sensitive areas (outside of Conservation Areas and not affecting the setting of protected buildings).

The site is located along one of the main routes out of the main centre of St Peter Port where residential dwellings have sprung up over the years either side of the road all with different architectural styles, some closer to the road and some located

further away, set behind boundary walls and mature planting. Le Menage is one of these larger properties which are predominately screened from the road, with the only public view coming from the main vehicular entrance.

The proposed dwelling will sit in the same position as the existing, but will appear smaller as it has a flat roof. It is located 5m from the north boundary, which is an improvement on the existing and 7m to the south, which is the same. Although the 2-storey element would be closer to the north boundary, given the existing boundary treatment and the fact that there is a driveway immediately beyond that, the building is not considered to have any adverse impact on adjoining properties in terms of overshadowing or overbearing.

Due to the limited public views onto the site and the improved bulk and mass of the proposed structure the character and appearance of the surrounding area will not be detrimentally effected.

There are no window openings on the north or south elevations, all fenestration looks either west or east. The windows are recessed, with 1m wide balconies, but from these locations the nearest options for overlooking are over 20m away and screened by high granite wall and trees to the north and granite wall and raised earthbanks to the south, which mitigates any possible overlooking. Overall the proposal is not considered to have any significant impact on the amenities of adjoining properties.

The proposals achieve a good standard of design, using the principals set out within the 'Lifetime Homes Standards. The new dwelling will provide adequate levels of sunshine and daylight, and give the occupiers more flexible and adaptable accommodation, including space to incorporate a lift up to the first floor in the future.

There are to be no changes to the main entrance to the property and the majority of all landscaping will be retained.

Confirmation has been received that the proposed development has been designed to take into account matters of energy efficiency and current Building Regulations in accordance with Policy GP9. A Waste Management Plan has also been submitted.

No air source heat pump is proposed as part of this application, and should the applicant wish to install one in future that may require the separate grant of planning permission.

The proposals are considered to conform to the above policies of the Island Development Plan and grant of permission is recommended, subject to conditions.

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

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. Where relevant the issues are considered in section 2 above.

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

The proposal would have no impact on Protected Buildings, Trees or Monuments or on SSS's.

For the reasons set out within this report, it is recommended that planning permission be granted, subject to conditions.

Date: 08/12/2021