

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 building and erect dwelling with associated landscaping and create new gated vehicle access (Revised Scheme).

LOCATION: Le Hamel De Bas, Rue Mainguy, Vale.

APPLICANT: Les Crabbes 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: 24/02/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 25/01/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Mark Frampton & Company: 2021 / 604 / 02, 03 & 04

Application Ref: FULL/2022/0129

Property Ref: C02302A000+C023020000

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.

5.Notwithstanding the provisions of the Land Planning and Development (Exemptions) Ordinance, 2007 (or any other Ordinance replacing or re-enacting that Ordinance), no walls, fences, extensions, sheds, greenhouses, outbuildings or other buildings, structures or other development otherwise constituting exempt development within Class 1 of The Land Planning and Development (Exemptions) Ordinance, 2007, shall be erected or constructed within the curtilage of the dwelling hereby approved.

Reason - In view of the location of the site in relation to wider areas of open and undeveloped land, the erection of such structures as 'exempt development' may have an adverse impact on the character and appearance of the locality. This condition is imposed to make sure that any proposals can be properly considered.

6.The landscaping scheme shall be fully completed, in accordance with the details set out on drawing 2021/604/04, 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 help assimilate the development into its surroundings and to ensure that the scheme addresses the requirements of the Strategy for Nature, 2020.

7.Within four weeks of the new access being brought into use, the existing access shall be closed permanently and the land within the highway reinstated.

Reason - To minimise the number of points of access, in the interests of highway safety and the character of the area.

8. 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 preserve the character and appearance of the locality.

10. The dwelling hereby approved shall not be occupied until such time as the existing building, shown to be demolished on drawing 2021/0604/03 has been demolished and all ancillary materials, works and structures have been removed from the site.

Reason - To make sure the development takes the form hereby permitted.

Expiry Date: This permission will cease to have effect on 23/02/2025 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

To ensure the local genetic integrity, seeds should be collected locally (e.g. wild flower mix shown on approved plans). Importing seeds runs the risk of alien species becoming a pest. The applicant/developer may wish to contact La Societe Guernesiaise regarding these matters. La Société can be contacted on 07781 166924 or email societe@cwgsy.net

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/2022/0129
Property Ref: C02302A000+C023020000
Valid date: 25/01/2022
Location: Le Hamel De Bas Rue Mainguy Vale Guernsey GY6 8NL
Proposal: Demolish existing building and erect dwelling with associated landscaping and create new gated vehicle access (Revised Scheme).

Applicant: Les Crabbes 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.

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.

5. Notwithstanding the provisions of the Land Planning and Development (Exemptions) Ordinance, 2007 (or any other Ordinance replacing or re-enacting that Ordinance), no walls, fences, extensions, sheds, greenhouses, outbuildings or other buildings, structures or other development otherwise constituting exempt development within Class 1 of The Land Planning and Development (Exemptions) Ordinance, 2007, shall be erected or constructed within the curtilage of the dwelling hereby approved.

Reason - In view of the location of the site in relation to wider areas of open and undeveloped land, the erection of such structures as 'exempt development' may have an adverse impact on the character and appearance of the locality. This condition is imposed to make sure that any proposals can be properly considered.

6. The landscaping scheme shall be fully completed, in accordance with the details set out on drawing 2021/604/04, 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 help assimilate the development into its surroundings and to ensure that the scheme addresses the requirements of the Strategy for Nature, 2020.

7. Within four weeks of the new access being brought into use, the existing access shall be closed permanently and the land within the highway reinstated.

Reason - To minimise the number of points of access, in the interests of highway safety and the character of the area.

8. 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 preserve the character and appearance of the locality.

10. The dwelling hereby approved shall not be occupied until such time as the existing building, shown to be demolished on drawing 2021/0604/03 has been demolished and all ancillary materials, works and structures have been removed from the site.

Reason - To make sure the development takes the form hereby permitted.

To ensure the local genetic integrity, seeds should be collected locally (e.g. wild flower mix shown on approved plans). Importing seeds runs the risk of alien species becoming a pest. The applicant/developer may wish to contact La Societe Guernesiaisie regarding these matters. La Société can be contacted on 07781 166924 or email societe@cwgsy.net

OFFICER'S REPORT

Site Description:

The site is located to the north of Rue Mainguy and the south site boundary is marked by a high granite wall. The east boundary is marked by a wall and landscaping with glasshouse on the adjoining land, attached to La Tonnellerie. A wall is situated along the west site boundary with a number of breaks in order to provide access to the site. A substantial two-storey timber clad outbuilding is situated to the west of the site and has previously been granted planning permission to be extended/converted to a dwelling. A former barn, Le Hamel de Bas, is situated behind frontage residential development to the north of Rue Mainguy and this barn has been converted to a dwelling with garage building adjacent to the north boundary. Numerous windows and doors exist in the east elevation of the dwelling facing the application site.

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

Relevant History:

FULL/2016/0938 - Extend and alter existing outbuilding to form new dwelling - granted

FULL/2017/2514 – Change of use of agricultural land to domestic curtilages - granted

FULL/2019/0231 - Demolish existing and erect replacement dwelling and demolish walls to north of site – refused

FULL/2019/1886 - Demolish dwelling and erect replacement dwelling (revised scheme) – granted

Existing Use(s):

01 dwelling house
28 agriculture

Brief Description of Development:

The application relates to the demolition of the existing building and the erection of a replacement dwelling on the site with associated landscaping. The scheme also incorporates a new vehicular access with gate. The application represents a revised scheme to the previously approved development to construct a replacement dwelling on this site.

The application has been accompanied by supporting information, in addition to the details contained on the application drawings, regarding relevant planning policies including matters relating to sustainable development, biodiversity enhancements and waste management.

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

Island Development Plan:

OC1: Housing Outside of the Centres

GP1: Landscape Character and Open Land

GP8: Design

GP9: Sustainable Development

GP15: Creation and Extension of Curtilage

GP16(A): Conversion of Redundant Buildings

GP16(B): Conversion of Redundant Buildings – Demolition and Redevelopment

IP7: Private and Communal Car Parking

IP9: Highway Safety, Accessibility and Capacity

Representations:

One letter of representation has been submitted querying whether there will be any increase in curtilage and recommending that advice should be sought from Environment Guernsey or La Societe Guernesaise Botany to avoid importing seeds which runs the risk of alien species becoming a pest.

Consultations:

None.

Summary of Issues:

The key issues in this case relate to the principle of the proposed development, the design and appearance of the proposed dwelling and its likely effect on the character and amenity of the locality and the potential impact on residential amenity with regard to sunlight and daylight and loss of privacy.

Assessment against:

1 - Purposes of the law.

The objectives set out in Section 1(2) of The Land Planning and Development (Guernsey) Law, 2005, 'the Law', have been considered and this report forms part of the assessment, with policy issues set out in Section 2 below.

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

Planning permission has previously been granted for the conversion of a redundant building on the site at Le Hamel de Bas. Policies OC1 and GP16(A) have thus been satisfied and the scheme must now be considered with regard to Policy GP16(B) and other relevant policies of the Island Development Plan.

Policy GP16(B) sets out that the demolition and redevelopment of a building that accords with the requirements of the conversion of redundant buildings policy may be acceptable without the need to implement the permission for conversion by physically carrying out the development. There are specific criteria that must be addressed:

a) the conversion scheme has first been granted planning permission

Planning permission was granted for the redevelopment of the existing two-storey barn under planning reference FULL/2016/0938 and was considered under policies in the Rural Area Plan that have now been superseded by those in the Island Development Plan. The planning permission remained extant until 15 September 2019 and planning permission has subsequently been granted for the erection of a replacement dwelling on the site therefore Policy GP16(B) criterion a) has been addressed in this case.

b) the redeveloped scheme is of broadly the same floor space and volume as the approved conversion scheme and, in the case of development for residential purposes, the number of units approved in the conversion scheme is not exceeded

The 2016 and 2019 planning permissions relate to the formation of a single unit of residential accommodation and the current scheme also proposes a single dwelling in accordance with criterion b). The floor area of the conversion scheme was 130 square metres and its volume was 515 cubic metres. The approved replacement dwelling was shown to have a floor area of 128 square metres and volume of 515 cubic metres. The current application sets out that a floor area of 156 square metres and a volume of 618 cubic metres. Both the floor space and volume of the building will increase by 20%.

The scheme is considered to represent a development of broadly the same floorspace and volume as the approved conversion scheme and meets the aims of criterion b) of Policy GP16(B) of the Plan.

- c) *where the existing building makes a particular positive contribution to the character of an area the replacement building would make an equal or enhanced contribution to the character of that area*

The existing building is set back from the road but due to its height is a feature in the street scene. The timber clad building does not make a particular positive contribution to the character of the area and in this respect Policy GP16(B) criterion c) is satisfied.

- d) *it can be demonstrated that the new building can be constructed in such a way as to significantly enhance its sustainable design*

The application has been supported by Sustainability Statement setting out how consideration has been given to the orientation of the dwelling, position of windows and opportunities for passive solar gain and optimal natural ventilation. The foundation type proposed, raft foundations, are identified to reduce the need for substantial excavation and the removal/disposal of waste from the site. Furthermore, the submission sets out the various benefits of concrete masonry as a sustainable building material. Using load bearing thermal insulating blocks are indicated to eliminate cold bridges and the aim is to create an airtight building envelope using air sealing techniques throughout. The statement also makes reference to the reuse of oak timber cladding and that the site will be served by mains electric for heating and hot water.

The application drawings show the provision of permeable paving to the front and rear, with reference to SUDS, and an electric vehicle charging point.

Paragraph 19.17.14 of the Island Development Plan states that consideration can be given to *“the potential to relocate a structure on the site or to the use of sustainable building and construction techniques to achieve enhancements not possible through the conversion alone. ... in order to support such proposals the Authority will need to be satisfied that there is a significant enhancement in terms of sustainable design and construction of the new building and that there are no increased impacts on ... the character or openness of an area.”*

The level of information provided is considered sufficient in order to demonstrate that the dwelling now proposed would *significantly* enhance sustainable design. The information submitted in this case does demonstrate compliance with Policy GP16(B) criterion d).

Consideration to the impact of the development on the character or openness of the area is assessed below in relation to criterion e).

- e) *it can be demonstrated that the new building can be constructed in such a way as to not have any unacceptable adverse impacts on the landscape character or openness of an area*

The siting of the revised scheme remains to the front of the site, set closer to the road than the approved scheme. Although the development does not use the approved building footprint in its entirety the development does not project as far north into the part of the site that has been retained and protected, through the removal of exemption rights, as open land to the rear of the dwelling.

The northern part of the site forms part of the Lowland Hills landscape character area whilst the southernmost part adjacent to the road forms part of the Wetlands landscape character area. The extensive Marais areas across the north of the Island are essentially freshwater marshes which have been drained and because these areas are low lying, existing development can obscure much of their character which can now only be fully appreciated from within the remaining areas of open meadow and in occasional views from surrounding higher land.

The Island Development Plan sets out that a development should have “no increased impact” on the character or openness of an area. The siting of the replacement dwelling, adjacent to Rue Mainguy, will maintain the openness of the site to the north. The location of the dwelling adjacent to the west site boundary, albeit further from the boundary than the 2019 scheme, also ensures that the dwelling does not appear entirely isolated from existing built development in the vicinity.

The 2019 permission saw the building position identified as more prominent in the streetscene. Although situated forward of the approved building line on this site, there are benefits to the siting in terms of sustainable development. The siting and design of the dwelling is considered in more detail below but will not appear unduly obtrusive in the streetscene.

The proposed development would not have an adverse impact on the openness of the area and complies with Policy GP16(B) criterion e).

- f) *it can be demonstrated that the new building can be constructed in such a way as to not have any increased impacts on the amenities or reasonable enjoyment of occupiers of neighbouring properties and the surrounding area*

This matter is considered in more detail below with regard to Policy GP8 of the Island Development Plan.

The siting of the building will not result in harm to the openness and character of the area. The revised scheme adopts a more traditional design approach, with tiled roof and render exterior to a one and a half-storey dwelling where the first floor is served by dormers and rooflights. The dwelling represents a good standard of architectural design that respects the local built environment. The scheme accords with Policy GP8 criteria a) design and c) character of area of the Island Development Plan.

The approved scheme was described as “a mainly two-storey dwelling, with subservient element to the rear/north”. The approved scheme was 6.9m high with the first-floor accommodation with the roofspace, albeit with a high eaves level. The scheme under consideration still represents multi-storey development (GP8 b)) which is in keeping with other development in the locality and demonstrates efficient and effective use of land. The siting and layout of the dwelling is such that it will not result in overshadowing, loss of sunlight/daylight or overlooking of any adjoining dwelling and therefore satisfactorily considers the health and well-being of neighbours of the development. The scheme is also designed to have regard to the health and well-being of occupiers of the development with regard to sunlight/daylight and amenity space (GP8 d)).

The scheme includes a downstairs bedroom and a WC with separate utility room. The accommodation could be used in a different way to that shown on the application drawings (e.g. create accessible wet room utilising utility room) and the property could also be extended. All accommodation on the ground floor is on a single level and the building benefits from level thresholds. Overall, the scheme therefore demonstrates accessibility to and within the building for people of all ages and abilities, offering flexible and adaptable accommodation that can respond to people’s needs over time (GP8 f) and g)).

The reduction in the height of the roadside wall in connection with the provision of a new vehicular access will not have an unacceptable impact on the character and appearance of the locality. Permeable surfacing is proposed around the site along with soft landscaping which will contribute towards sustainable construction and the impacts of the development (GP8 e).

Policies IP7 and IP9 relate to private car parking and highway safety, accessibility and capacity respectively. The scheme proposes adequate off-road parking to serve the development along with on-site turning to enable vehicles to turn and exit the site in a forward gear. The proposed dwelling, having regard to the conversion scheme, will not result in an intensification in the use of the access nor an unacceptable increase in traffic on the local roads. The proposed access onto Rue Mainguy is considered satisfactory, the proposed alterations to the roadside wall will ensure the access provides suitable visibility onto Rue Mainguy. The proposed gates are not set sufficient distance from the highway to enable a vehicle to pull clear of the highway whilst the gates are open, but this section of Rue Mainguy would enable vehicles to pause, where the road widens opposite the site, for the gates to open without impeding the free flow of traffic. The scheme therefore accords with the requirements of Policies IP7 and IP9 of the Island Development Plan.

Policy GP9, paragraph 19.17.14 states:

This will enable consideration to be given to the potential to relocate a structure on the site or to the use of sustainable building and construction techniques to achieve enhancements not possible through the conversion alone. In this respect, when the demolition and redevelopment of the redundant building is proposed, in order to support such proposals the Authority will need to be satisfied that there is a significant enhancement in terms of the sustainable design and construction of the new building and that there are no increased impacts on neighbouring properties or the character or openness of an area.

Having regard to the assessment above, the scheme has been designed to take account the use of energy and resources and has regard to the location, orientation and appearance of the dwelling. The development will not have a detrimental impact on neighbour amenity and is considered to accord with all other relevant policies in the IDP therefore Policy GP9 has been satisfied in this respect.

The application has been accompanied by a Waste Management Plan setting out information relating to the recycling and disposal of waste arising from demolition on the site. This information contributes to the assessment of the proposal against Policy GP9. As no existing dwelling exists on the site it is not a policy requirement for this matter to be managed further by planning condition.

The scheme does propose the change of use of agricultural land to domestic garden however, this area of land has not altered since the earlier planning permissions. There has been no material change on site or in the policies against which the change of use of land would be considered therefore the principle of the change of use is accepted. Although the site is not situated in an Area of Biodiversity Importance (GP15 criteria b.) in line with the States' Strategy for Nature, 2020, which has been adopted as Supplementary Planning Guidance, an application involving the change of use of agricultural land to domestic garden must demonstrate environmental benefits in respect of biodiversity that will be incorporated should planning permission be granted. A landscaping scheme accompanies the application along with information to address the States' Strategy for Nature, 2020. Subject to an appropriately worded condition, relating to the implementation of the landscaping scheme, the biodiversity enhancement requirements will have been met in this case. The comments raised through the public consultation process regarding biodiversity matters and the importing of seeds has been noted and an informative note can be placed on the permission regarding these matters.

In view of the above it is recommended that planning permission is granted for the development proposed subject to conditions relating to:

- Demolish existing building
- Implementation of landscaping scheme

- Provision of the access and finishing the ends of the opening
- Details of west boundary enclosure (where existing access is situated)
- Removal of exemption rights

Although a condition was previously imposed on the permission for a dwelling on the site relating to parking and turning the site is of sufficient size to enable parking and turning to be provided to meet the needs of occupiers. Exemption rights relating to hardsurfacing have not been removed therefore the condition is not considered necessary in this case. The earlier application referred to the removal of the original barn and imposing a condition requiring its removal. Although such a condition was not imposed the demolition of the building granted permission for conversion under GP16(A) is required through GP16(B). It is considered necessary, reasonable and appropriate on this site because the barn does not need to be demolished to allow the dwelling to be constructed and its retention would not meet the aims of Policy GP16(B) nor protect the open landscape concerned.

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

In addition to the consideration of policy issues, Section 13 of the Land Planning and Development (General Provisions) Ordinance, 2007 identifies other material planning considerations which could be relevant. These include; the appropriateness of the development in relation to its surroundings in terms of design, layout, scale, siting and materials; the likely effect on the character and amenity of the locality; any possible fall-back position by way of extant planning permissions or exempt development; the likely effect on the reasonable enjoyment of neighbouring properties. These issues where relevant are considered above.

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

The proposal would have no adverse impact on protected trees, buildings or sites.

Date: 23 February 2022

