

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 dwelling including landscaping and parking. Alter wall and pedestrian access to create new vehicle access to north (roadside) boundary for Milford.

LOCATION: Milford, Rue Des Barras, Vale.

APPLICANT: Mr & Mrs D Griffin

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: 29/06/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 08/02/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Jason Hobbs 6239/A/ 1a & 2a.
Jason Hobbs letter dated 20/01/2022

Application Ref: FULL/2022/0340

Property Ref: C00563A000

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.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 existing roadside wall.

Reason - In the interests of visual amenity.

5.The solar panels shall not be installed and the permeable hard surfaces shall not be constructed until details of their construction has been submitted to and agreed in writing by the Authority. Thereafter the development shall not be occupied until the solar panels, permeable hard surfacing and all other sustainable design features set out in the agents letter dated 20/01/2022 have been installed/completed/made operational.

Reason - In the interests of sustainable development, these features having been proposed to address the requirements of Island Development Plan Policy GP9.

Expiry Date: This permission will cease to have effect on 28/06/2025 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

The application site is located within an area of known archaeological importance and your attention is drawn to the provisions of the Island Development Plan, Annex VIII on Archaeological Assessment.

It is requested that access be granted to the States Archaeologist, Culture & Heritage Service, and that you contact them to gain advice or make arrangements for

archaeological recording within the footing trenches and spoil heaps.
The Archaeology team can be contacted on 01481 709738, 01481 709739 or mobiles 07781 102219 or 07781 131061.

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/2022/0340
Property Ref: C00563A000
Valid date: 08/02/2022
Location: Milford Rue Des Barras Vale Guernsey GY3 5RF
Proposal: Erect dwelling including landscaping and parking. Alter wall and pedestrian access to create new vehicle access to north (roadside) boundary for Milford.

Applicant: Mr & Mrs D Griffin

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. 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 existing roadside wall.

Reason - In the interests of visual amenity.

5. The solar panels shall not be installed and the permeable hard surfaces shall not be constructed until details of their construction has been submitted to and agreed in writing by the Authority. Thereafter the development shall not be occupied until the solar panels, permeable hard surfacing and all other sustainable design features set out in the agents letter dated 20/01/2022 have been installed/completed/made operational.

Reason - In the interests of sustainable development, these features having been proposed to address the requirements of Island Development Plan Policy GP9.

INFORMATIVES

The application site is located within an area of known archaeological importance and your attention is drawn to the provisions of the Island Development Plan, Annex VIII on Archaeological Assessment.

It is requested that access be granted to the States Archaeologist, Culture & Heritage Service, and that you contact them to gain advice or make arrangements for archaeological recording within the footing trenches and spoil heaps.

The Archaeology team can be contacted on 01481 709738, 01481 709739 or mobiles 07781 102219 or 07781 131061.

OFFICER'S REPORT

Site Description:

The application site comprises of a detached hipped roof bungalow fronting onto the highway Rue des Barras to the north with gardens to the front and rear. The property is served by an access road to the east which serves two other dwellings and provides access to the rear of the property. The application site forms part of a cluster of detached mainly single storey residential dwellings to the south of Rue des Barras. The site is in a Main Centre Outer Area.

Relevant History:

None

Existing Use(s):

Residential use class 1: dwelling house

Brief Description of Development:

Planning permission is requested to erect a single storey hipped roof 2 bedroom dwelling within the rear garden of the existing dwelling, Milford. The dwelling will be accessed via an existing driveway to the rear of Milford. Permission is also sought to demolish a section of the north boundary wall to create a 4m wide vehicular access to serve the existing dwelling. The dwelling would be finished with smooth rendered walls, aluminium fenestration and a slate roof.

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

Policy MC2: Housing in Main Centres and Main Centre Outer Areas

Policy GP1: Landscape Character and Open Land

Policy GP7: Archaeological Remains

Policy GP8: Design

Policy GP9: Sustainable Development

Policy IP6: Transport Infrastructure and Support Facilities

Policy IP7: Private and Communal Car Parking

Policy IP9: Highway Safety, Accessibility and Capacity

Representations:

None

Consultations:

10/03/2022, States Archaeologist

"I would like to make a comment about possible archaeological interest at this site.

In 2015 we excavated three test-pits in the field immediately to the west of this property (see illustration). The closest (no. 1 on the image, about 15m from the location of the proposed development) contained little of archaeological interest because it had been heavily disturbed by greenhouses on the site. The eastern half of the garden on which it is proposed to build this dwelling was also under glass until the late 1990s, but the dwelling itself falls entirely within the undeveloped, western half of the garden.

For that reason, and in conjunction with the results from our test-pit no. 2, some 50m distant from the new dwelling, there is potentially some archaeological interest in this area. Test-pit 2 contained a large prehistoric pit or post-hole, radiocarbon dated to c.2400 BC, together with substantial quantities of prehistoric pottery and flint. There is thus presumably a prehistoric settlement in this vicinity, and it is possible that it extends north-eastwards beneath the site of the proposed new dwelling.

In view of this possible archaeological interest, I would be grateful if a condition could be placed on the decision notice to the effect that we should be given sufficient opportunity to inspect the footings trenches for the new dwelling. I do not consider a watching brief is required in this instance, but an opportunity to check the trenches and spoil heaps would be welcome”.

Summary of Issues:

The main issues in deciding this application are:

1. Whether the principle of new housing is acceptable.
2. Design and impact of the development on the appearance and character of the area.
3. The impact of the development on the amenity of people living in the area.
4. Whether the development would result in a satisfactory living environment for the occupiers of the new dwellings.
5. Road safety, traffic management and parking.

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).**

Whether the principle of new housing is acceptable

As set out in Policy MC2, the majority of the Island's housing supply is to be provided within and around the Main Centres. The site is located in a Main Centre Outer Area and does not form Important Open Land. As such Policy MC2 supports the development of the site for housing where it accords with all other relevant policies of the Island Development Plan and where able to the site provides an appropriate mix and type of dwellings.

Current evidence regarding private market housing suggests a need for homes of 1-3 bedrooms, with an emphasis on 2 and 3 bedrooms. Taking into account the modest size of the site and the character of the surrounding area, the proposal to erect a 2 bedroom dwelling would provide an appropriate mix and type of dwellings whilst making an effective and efficient use of land.

Design and impact of the development on the appearance and character of the area

The majority of adjoining properties to the south of Rue des Barras comprise of single storey dwellings. As a result, although multi-storey designs are encouraged, in this instance a single storey dwelling would reflect the predominant character of the adjoining properties. The proposed dwelling is of a modest size for the site but its hipped roof design, palette of materials and plot size broadly reflects adjoining properties and the erection of a dwelling within the garden of the existing dwelling would constitute an effective and efficient use of land. The proposal achieves a good

standard of design and would have no adverse effects on the character and appearance of the area, in accordance with Policies GP1 and GP8.

The impact of the development on the amenity of people living in the area

By virtue of its single storey nature and its positioning within the site, set back from neighbouring boundaries, the proposal is unlikely to have any adverse effects on the amenities of neighbouring residents.

Whether the development would result in a satisfactory living environment for the occupiers of the new dwellings

The dwelling would substantially exceed the Guernsey Technical Standards minimum internal space standards and would exceed the best practice minimum internal space standards which are published on the Authority's website. The dwelling is dual aspect and would have sufficient daylight, sunlight and privacy. Outdoor amenity space would be good and the proposal would provide a satisfactory quality of residential environment for future occupiers, in accordance with Policy GP8.

Road safety, traffic management and parking

The proposed dwelling would be served by the existing vehicular access, with the access to the existing dwelling blocked off. Although the existing shared access has restricted sightlines due to the height of the roadside walls, the proposal would result in a similar arrangement to the existing situation and would not result in an intensification of use of the shared access. The existing dwelling would be served by the creation of a new access onto Rue des Barras within the north roadside boundary. The proposed access includes reducing the height of the roadside wall either side of the access and this would result in an improvement in the sightlines over the existing access, without detriment to the character of the area.

As set out in the Traffic Engineering Guidelines for Guernsey, the highway is classified as a Neighbourhood and Country Road where the functional emphasis is primarily one of access to individual properties and provision for vulnerable road users. Due to the low traffic flows along Neighbourhood and Country Roads, the control of frontage activities is not important and a greatly relaxed regime of traffic management is permissible. In this case, due to the nature of the highway, the deficiencies noted with the existing access are unlikely to result in any significant road safety or traffic management concerns.

The car parking provision is adequate for both dwellings and both dwellings have a shed or garage which could be used to store bicycles. The proposal accords with Policy IP7 and the Parking Standards and Traffic Impact Assessment Supplementary Planning Guidance.

Other Matters

The application is supported by a letter from the agent which includes sustainable development considerations for the proposal. This includes the incorporation of

permeable paving for the driveway, the installation of solar panels and the use of water butts. Overall the layout and form of the development and the information submitted is sufficient to demonstrate that the development has been designed to take into account the use of energy and resources, in accordance with Policy GP9.

The agent advises that the dwelling would include a level threshold for wheelchair access and the hallway width would be suitable for manoeuvrability. The information submitted is sufficient to demonstrate that the single storey dwelling provides adequate accessibility and offers flexible and adaptable accommodation, in accordance with Policy GP8.

To address the comments raised on behalf of the States Archaeologist, it is recommended that a note is attached to the decision notice to request that the States Archaeologist is given an opportunity to inspect the footing trenches and spoil heaps of the new dwelling.

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.

It is recommended that the application is approved.

Date: 29/06/2022