

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 dwelling and erect replacement dwelling. Create field access to north boundary and infill/level pedestrian access staircase to south boundary.

LOCATION: Le Requin, Rue du Candie, St. Andrew.

APPLICANT: Mr & Mrs Atkinson

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: 05/08/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 22/03/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Studio: 010 / SK01, SK02, SK03, SK04, SK05, SK06, SK07 & SK08;
Studi-o letter dated 09/02/2022.

Application Ref: FULL/2022/0418

Property Ref: K003350000+K003340000

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 external cladding shall be installed until samples of the materials to be used have been submitted to and agreed in writing by the Authority. Only materials agreed in writing by the Authority shall be used in carrying out the development.

Reason - In the interests of visual amenity.

5.Prior to the occupation or completion of the replacement dwelling, whichever is the sooner, a landscaping scheme, to include those details specified below, shall be submitted to and agreed in writing by the Authority (see notes below):

- i) full details of tree and hedge planting;
- ii) planting schedules, noting the species, sizes, numbers and densities of plants; and
- iii) all existing trees, hedges and other landscape features, indicating clearly those to be removed.

Reason - To make sure that a landscaping scheme for the development is agreed, in order to help assimilate the development into its surroundings.

6.The landscaping scheme shall be fully completed, in accordance with the details agreed under the terms of the above condition 5, 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 in the interests of visual amenity.

7. Prior to the occupation or completion of the replacement dwelling, a scheme for the treatment of the north boundary of the curtilage to the replacement dwelling shall be submitted to and agreed in writing by the Authority. No occupation of the dwelling hereby permitted shall begin until the agreed scheme for boundary treatment has been fully completed, including the installation of the gate across the field access.

Reason - To clearly define the extent of domestic and agricultural uses and to prevent domestic uses encroaching onto the adjoining agricultural land.

8. The development shall not be occupied until the electric car charging point and all sustainable design features set out in the GP9 Sustainability section of the Studio letter dated 09/02/2022 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.

9. 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 04/08/2025 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

With regards to condition 5, it is recommended that additional tree planting is undertaken to the east of the dwelling with the aim of breaking up the outline of the dwelling in public views from Candie Road to the east.

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/2022/0418
Property Ref: K003350000+K003340000
Valid date: 22/03/2022
Location: Le Requin Rue du Candie St. Andrew Guernsey GY6 8UP
Proposal: Demolish dwelling and erect replacement dwelling. Create field access to north boundary and infill/level pedestrian access staircase to south boundary.

Applicant: Mr & Mrs Atkinson

RECOMMENDATION - Grant: Planning Permission with Conditions:

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Reason - To ensure that it is clear that permission is only granted for the development to which the application relates.

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Reason - In the interests of visual amenity.

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INFORMATIVES

With regards to condition 5, it is recommended that additional tree planting is undertaken to the east of the dwelling with the aim of breaking up the outline of the dwelling in public views from Candie Road to the east.

OFFICER'S REPORT

Site Description:

The site comprises of a detached 1½ storey hipped roof dwelling situated to the north of Candie Road and elevated above the highway by approximately 1.5 metres. The dwelling forms part of ribbon development of residential properties to the north of the highway but it is situated in a rural area with open agricultural land to the west, north and south of the site and the highway is bounded by earth banks and hedging.

The site is situated in an Agriculture Priority Area and is Outside of the Centres.

Relevant History:

06/09/2021 – PREA/2021/1793 – Pre-application advice regarding demolish dwelling and erect replacement dwelling.

Existing Use(s):

Residential use class 1: dwelling house

Brief Description of Development:

Planning permission is requested to largely demolish the existing dwelling and to erect a replacement two storey dwelling, create an access to the field in the north boundary and to infill/level a pedestrian access staircase to the south boundary.

The replacement dwelling is proposed to be of a modern design with single and two storey flat roof elements. The dwelling would be finished with a mix of corrugated metal or cement sheeting, natural timber cladding and rendered walls.

The application is supported by a letter from the agent dated 09/02/2022 which sets out details to explain the design response of the proposal and includes details regarding the sustainability of the development.

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

Policy GP1: Landscape Character and Open Land
Policy GP8: Design
Policy GP9: Sustainable Development
Policy GP13: Householder 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:

None

Summary of Issues:

The main issues in deciding this application are:

1. Design, scale and impact of the development on the open character and appearance of the area.
2. The impact of the development on the amenity of people living in the area.

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).

Policy GP13 indicates that proposals for the demolition of existing dwellings and the erection of replacement dwellings on a one for one basis will be supported subject to certain criteria being met including with regards to the impact on the amenities of neighbouring properties, taking into account the surrounding character and where they accord with all the relevant policies of the Island Development Plan. In this instance Policies GP1, GP8, GP9, IP6, IP7 and IP9 are also relevant. In addition, the preceding text of Policy GP13 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.

Policy GP1 sets out that development will be supported where it respects the relevant landscape character type within which it is set, where development does not result in the unacceptable loss of any specific distinctive features that contribute to the wider landscape character and local distinctiveness of the area, and takes advantage where practicable of opportunities to improve visual and physical access to open and undeveloped land.

Policy GP8 seeks to ensure that new development achieves a good standard of design making effective use of land whilst respecting the character of the open landscape character concerned. Development should also give consideration to the amenities of occupiers and surrounding neighbours and provide accessibility for all.

Policy GP8 requires development to make the most effective and efficient use of land. In this respect, it highlights that multi-storey buildings are a more efficient use of land than single storey buildings and it states that development proposals should consider a multi-storey design from the outset, unless there are overriding reasons why this design approach would be unacceptable within a particular locality.

Properties within the area are of a mixed size and design. The proposal would result in a modest increase to the ridge height of the dwelling (0.3m) but a more substantial increase to the scale and mass of the dwelling by virtue of the alterations to the form of the first floor. Due to its elevated position above the highway, the site is prominent in views along sections of the highway, particularly from Candie Road to the east and La Mare to the south. However, the replacement dwelling would be situated on a similar footprint to the existing dwelling and it would be viewed in context with the ribbon development of neighbouring properties to the east which would limit its impact on the character and openness of the area. In addition, the proposed soft landscaping for the site would help to soften the visual impact of the dwelling and this could be further reduced by additional tree planting to the east to break up the outline of the dwelling in views from Candie Road to the east. Landscaping details can be dealt with by condition.

Whilst the proposal will introduce a contemporary two storey design to the area, the property is not located within a Conservation Area or other sensitive area as set out in the preceding explanation to Policy GP8, and Policy GP8 provides support for personal choice in design matters in such circumstances. There is a mix of style of properties within the wider area and the contemporary two storey design and materials proposed would not detract from the openness of the area and would not have a significant adverse effect on the character of the local built environment. Further details of the external materials are required, this can be dealt with by condition. The overall design of the dwelling is good and the scale, mass and design of the replacement dwelling accords with Policies GP1, GP8 and GP13.

The replacement dwelling would be set back approximately 18 metres from the eastern boundary with the adjoining neighbouring property. The distance to the neighbouring property to the east would be sufficient to safeguard the amenities of neighbouring residents.

The parking layout remains similar to the existing arrangements and there is scope to provide storage for bicycles if required. Precise details of the north boundary treatment are required to ensure that there is a suitable boundary between domestic and agricultural uses, this can be dealt with by condition.

Policy GP9 is wide-ranging and includes requirements for sustainable design and construction with reference to the design, layout and orientation of buildings, flood risk and surface water run-off, renewable energy, the use of materials and the management of waste. The application is supported by a letter from the agent which sets out how the development has been designed to take into account sustainable design principles. The agent advises that the entire scheme is driven by a sustainable approach and the design and construction will far exceed Building Regulation requirements in terms of the thermal envelope and air tightness. The design re-uses part of the existing building fabric including concrete floor slab and structural walls to minimise new construction, all lighting is to be low energy LED fittings to reduce energy consumption, glazing has been positioned to take advantage of solar gain and to minimise heat loss. The overall 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. A Waste Management Plan has been submitted which sets out how construction waste is to be minimised and dealt with.

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: 02/08/2022

