

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 and 1 ½ storey detached garage to east boundary.

LOCATION: Land adjacent to Rose Cottage, La Marette Road, St. Sampson.

APPLICANT: Mr J Verdellis

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: 11/10/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 14/04/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: G. E. Le Friec J. V. / 3, 4 & 5A.
G. E. Le Friec letter dated 23/08/2022.

Application Ref: FULL/2022/0672

Property Ref: B01669B001

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 fence along the rear (north) boundary shall be installed prior to the first occupation of the dwelling hereby approved.

Reason - To minimise the effect of the development on the privacy and amenities of nearby residents.

5.The first floor windows in the side (east) elevation shall be glazed with obscure glass to a minimum of level 3 on the Pilkington scale (or equivalent) which shall thereafter be retained at all times.

Reason - To minimise the effect of the development on the privacy and amenities of nearby residents.

6.The cill of the rooflights to the rear (north) elevation shall be set a minimum of 1.7 metres above the finished first floor level.

Reason - To minimise the effect of the development on the privacy and amenities of nearby residents.

7.The dwelling shall not be occupied until the electric vehicle charging point, air source heat pump and all other sustainable design features set out in the G.E. Le Friec letter dated 23/08/2022 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.

8.Noise associated with plant and machinery incorporated within the development shall be controlled such that the Rating Level, measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 5 dB(A) below the existing LA90 background noise level, including low frequency tones.

Rating Level and existing background noise levels shall be determined as per the guidance provided in BS 4142:2014.

Reason - To minimise the effect of the development on the amenities of nearby residents.

Expiry Date: This permission will cease to have effect on 10/10/2025 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/2022/0672
Property Ref: B01669B001
Valid date: 14/04/2022
Location: Land adjacent to Rose Cottage La Marette Road St. Sampson
Guernsey GY2 4FR
Proposal: Erect dwelling and 1 ½ storey detached garage to east
boundary.
Applicant: Mr J Verdellis

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.

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

8. Noise associated with plant and machinery incorporated within the development shall be controlled such that the Rating Level, measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 5 dB(A) below the existing LA90 background noise level, including low frequency tones. Rating Level and existing background noise levels shall be determined as per the guidance provided in BS 4142:2014.

Reason - To minimise the effect of the development on the amenities of nearby residents.

OFFICER'S REPORT

Site Description:

The site consists of a small agricultural field to the north-west of La Marette Road and is within the L'Islet Local Centre.

Relevant History:

27/02/2019 – PREA/2019/0275 – Pre-application advice regarding erect a dwelling.

29/03/2018 – FULL/2018/0007 – Permission granted to erect new dwelling.

Existing Use(s):

Agricultural use class 28

Brief Description of Development:

Planning permission is requested to erect a 1½ storey pitched roof 4 bedroom dwelling (as the proposed study is of sufficient size to be used as a bedroom) and a 1½ storey pitched roof detached garage.

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

Policy LC2: Housing in Local Centres
Policy GP1: Landscape Character and Open Land
Policy GP8: Design
Policy GP9: Sustainable Development
Policy GP15: Creation and Extension of Curtilage
Policy IP6: Transport Infrastructure and Support Facilities
Policy IP7: Private and Communal Car Parking
Policy IP9: Highway Safety, Accessibility and Capacity

Representations:

None

Consultations:

The Office of Environmental Health and Pollution Regulation, 23/08/2022

"I have reviewed the additional information for the proposed plans for an air source heat pump to be installed to the west facing wall of a new development which were received by email on 23rd August 2022.

I would recommend placing the below condition on the application:

- Noise associated with plant and machinery incorporated within the development shall be controlled such that the Rating Level, measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 5 dB(A) below the existing LA90 background noise level, including low frequency tones. Rating Level and existing background noise levels shall be determined as per the guidance provided in BS 4142:2014.

Should you have any queries, please do not hesitate to contact me”.

The Office of Environmental Health and Pollution Regulation, 11/08/2022

“I have reviewed the proposed plans for an air source heat pump to be installed as part of a dwelling development on the land adjacent to Rose Cottage on La Marette Road. At present, there is insufficient information included within the application to allow me to comment.

I would welcome the following information to allow me to comment:

- Confirmation of the make and model of the air source heat pump
- Distance to the closest noise sensitive property (this includes domestic gardens)
- Evidence that the noise level the proposed pump would operate at would be at least 5 dB(A) below the lowest background noise level at any time (this is generally at night)
- Details of any proposed attenuation measures to reduce the level of the air source heat pump.

I would urge the applicant to contact an acoustic consultant I have attached a list of consultants who are prepared to operate on the island. Please note that inclusion on the list does not infer any kind of recommendation by the department.

Any measurements and assessment shall be made in accordance with British Standard 4142:2014. Please do not hesitate to contact me at the above address should you require any additional information regarding this matter”.

Summary of Issues:

The main issues in deciding this application are:

1. The principle of new housing.
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.

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 principle of new housing

The site is located within the L'Islet Local Centre and is not identified as Important Open Land. The erection of a 4 bedroom dwelling is an appropriate scale for the L'Islet Local Centre and would not negatively affect the vitality and viability of the Main Centres. The assessment of the proposal against other relevant policies is discussed below but in principle the residential development of the site involving a 4 bedroom dwelling could accord with Policy LC2.

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

Although the site forms an area of open land, it is bounded to the north, east and south-west by residential properties and it does not contribute to a wider area of open and undeveloped land. The site is not designated as Important Open Land and Local Centres are required to make provision for limited forms of development including new housing. The size of the associated curtilage for the dwelling is reasonable and follows existing well established boundaries. The development of the site would not conflict with Policies GP1 and GP15.

The scale, design and siting of the dwelling and garage is appropriate and would have no significant adverse effects on the character and appearance of the area, in accordance with Policy GP8.

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

The dwelling is set back 8 metres from the east boundary. The east elevation includes obscure glazed first floor windows. The use of obscured glazing as indicated would sufficiently safeguard the amenities of the neighbouring residents to the east when combined with the distance and relationship/positioning of the windows relative to the neighbouring property.

First floor rooflights in the north elevation are proposed to have a minimum cill height of 1.7m and a 2m high fence is proposed to be installed along the rear (north) boundary which would be sufficient to safeguard the amenities of the neighbouring residents to the north.

Following the submission of additional information The Office of Environmental Health and Pollution Regulation raise no objections to the installation of an air source heat pump and a condition is recommended to ensure that noise levels are limited to prevent a nuisance to neighbouring residents.

In summary, the proposal would have no significant adverse effects on the amenities of neighbouring residents.

Other Matters

There are no set standards for car parking within Local Centres and the generous car parking provision is acceptable in this location. There is ample space to provide safe and secure storage for bicycles and the modest intensification of use of the shared access raises no significant road safety or traffic management concerns.

The size, layout and ground floor facilities of the dwelling are sufficient to demonstrate that the development provides adequate accessibility and offers flexible and adaptable accommodation, in accordance with Policy GP8.

Information has been submitted to demonstrate that the design has taken into account the use of energy and resources, in accordance with Policy GP9. A condition is recommended to ensure that the sustainable design feature sets out in the agent's letter dated 23/08/2022 are completed.

Date: 07/10/2022