

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 new dwelling.

LOCATION: La Rocque A Chancre, Rue Du Dos D`Ane, Castel.

APPLICANT: Mr & Mrs T Humphries

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: 24/06/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 08/04/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: PF+A 7147-02 B1, B2 & B3; Application covering letter dated 07/04/22; Sustainability Report

Application Ref: FULL/2022/0874

Property Ref: D003450000

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 development shall begin on site until full details of the hedge planting, noting the species, sizes, numbers and densities of plants, proposed to the application site boundaries have been submitted to and agreed in writing by the Authority. The hedge planting shall be fully completed in the first planting season following the occupation of the dwelling 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 make sure that a satisfactory landscaping scheme for the development is agreed, in order to help assimilate the development into its surroundings, and to enhance biodiversity.

5. No development shall begin on site until precise details of the 'green roof', including drawings showing the method of construction, details of the plant species to be used and a plan for its management and maintenance, have been submitted to and agreed in writing by the Authority.

Reason - The inclusion of a 'green roof' is an integral part of the design concept for the development hereby permitted. Its provision is essential to secure the satisfactory appearance of the completed development and to enhance the sustainability of the design in accordance with Policy GP9 and GP16(B).

6. No occupation of the new dwelling shall begin until the 'green roof' has been completed in accordance with the details agreed under the above condition. It shall then be maintained in accordance with the management and maintenance plan

agreed under the above condition.

Reason - The inclusion of a 'green roof' is an integral part of the design concept for the development hereby permitted. Its satisfactory maintenance is essential to secure the satisfactory appearance of the completed development and to enhance the sustainability of the design in accordance with Policy GP9 and GP16(B).

7. The permeable hard surfaces shall not be constructed until a written specification for their construction has been submitted to and agreed in writing by the Authority. Thereafter the development shall not be occupied until the permeable hard surfacing and all other sustainable design features, including electric vehicle charging points, set out on the approved plans and in the submitted Sustainability Report and application covering letter dated 07/04/22 have been installed/completed/made operational.

Reason - The applicant has relied on these features of the design to demonstrate that the development will achieve a significantly enhanced sustainable design over the previous scheme for conversion of the existing buildings, and it is important that the development is constructed on that basis to ensure compliance with Island Development Plan Policies GP16(B) and GP9.

8. No development, including site works, shall begin until a scheme showing the provision to be made for the parking of cycles, under cover and secure, has been submitted to and agreed in writing by the Authority, and no part of the building or development hereby permitted shall be used or occupied until the agreed scheme has been fully implemented. The provision for cycles shall not be used for any other purpose.

Reason - To encourage the use of bicycles as an alternative to the car.

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 23/06/2025 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

Your attention is drawn to the Animal Welfare (Guernsey) Ordinance 2012 and the local Strategy for Nature, and the need to comply with their provisions. The existing building may be used by bats or other wildlife for roosting and nesting. We strongly recommend that the building be inspected for current or recent use by bats or other wildlife by a suitably qualified person prior to any demolition or building works. Measures should also be taken (including consideration of the timing of the works and provision to support wildlife in the long term) to ensure that protected species are not impacted by the works. It is recommended that you contact La Société Guernesiaise for advice or to arrange a site visit. La Société can be contacted on 07781 166924 or by emailing info@societe.org.gg.

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/2022/0874
Property Ref: D003450000
Valid date: 08/04/2022
Location: La Rocque A Chancre Rue Du Dos D`Ane Castel Guernsey GY5 7LB
Proposal: Demolish existing building and erect new dwelling.
Applicant: Mr & Mrs T Humphries

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. No development shall begin on site until full details of the hedge planting, noting the species, sizes, numbers and densities of plants, proposed to the application site boundaries have been submitted to and agreed in writing by the Authority. The hedge planting shall be fully completed in the first planting season following the

occupation of the dwelling 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 make sure that a satisfactory landscaping scheme for the development is agreed, in order to help assimilate the development into its surroundings, and to enhance biodiversity.

5. No development shall begin on site until precise details of the 'green roof', including drawings showing the method of construction, details of the plant species to be used and a plan for its management and maintenance, have been submitted to and agreed in writing by the Authority.

Reason - The inclusion of a 'green roof' is an integral part of the design concept for the development hereby permitted. Its provision is essential to secure the satisfactory appearance of the completed development and to enhance the sustainability of the design in accordance with Policy GP9 and GP16(B).

6. No occupation of the new dwelling shall begin until the 'green roof' has been completed in accordance with the details agreed under the above condition. It shall then be maintained in accordance with the management and maintenance plan agreed under the above condition.

Reason - The inclusion of a 'green roof' is an integral part of the design concept for the development hereby permitted. Its satisfactory maintenance is essential to secure the satisfactory appearance of the completed development and to enhance the sustainability of the design in accordance with Policy GP9 and GP16(B).

7. The permeable hard surfaces shall not be constructed until a written specification for their construction has been submitted to and agreed in writing by the Authority. Thereafter the development shall not be occupied until the permeable hard surfacing and all other sustainable design features, including electric vehicle charging points, set out on the approved plans and in the submitted Sustainability Report and application covering letter dated 07/04/22 have been installed/completed/made operational.

Reason - The applicant has relied on these features of the design to demonstrate that the development will achieve a significantly enhanced sustainable design over the previous scheme for conversion of the existing buildings, and it is important that the development is constructed on that basis to ensure compliance with Island Development Plan Policies GP16(B) and GP9.

8. No development, including site works, shall begin until a scheme showing the provision to be made for the parking of cycles, under cover and secure, has been

submitted to and agreed in writing by the Authority, and no part of the building or development hereby permitted shall be used or occupied until the agreed scheme has been fully implemented. The provision for cycles shall not be used for any other purpose.

Reason - To encourage the use of bicycles as an alternative to the car.

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.

INFORMATIVES

Your attention is drawn to the Animal Welfare (Guernsey) Ordinance 2012 and the local Strategy for Nature, and the need to comply with their provisions. The existing building may be used by bats or other wildlife for roosting and nesting. We strongly recommend that the building be inspected for current or recent use by bats or other wildlife by a suitably qualified person prior to any demolition or building works. Measures should also be taken (including consideration of the timing of the works and provision to support wildlife in the long term) to ensure that protected species are not impacted by the works. It is recommended that you contact La Société Guernesiaise for advice or to arrange a site visit. La Société can be contacted on 07781 166924 or by emailing info@societe.org.gg.

OFFICER'S REPORT

Site Description:

The application site is set c65m to the north of Rue du Dos D'Ane, behind a residential property known as La Rocque a Chancre, which is set adjacent to the road, and on the periphery of an area of open fields falling away towards the coast to the north. The site is accessed via a track from the Rue du Dos D'Ane, along the side of the residential property.

The application site was formerly a vinery site, and the land immediately to the north, south and east of the building which forms the subject of this application was

under glass for the first half of the C20th. The glass at the site pre-dates the building, which was constructed between 1900 and 1938, with later extension to the south and east (subsequently removed). All glass was however cleared from the site by 1990 and the land to the north and east of the building has reverted to agricultural, whilst that to the south appears to have been incorporated within the domestic use of La Rocque a Chancre.

The surrounding agricultural land is predominantly used in association with the farm located to the west of the site or for equestrian purposes, associated with the riding school and livery yard located adjacent to the farm.

The building which forms the subject of the application is a monopitch structure of low profile set against the planted boundary with the field to the west, and immediately adjacent to a gateway into that field. The building is divided from the field within which it sits by temporary post and rope, or post and tape, fencing.

The building is visible in views from the Rue du Dos D'Ane to the south-east, however those views are distant and interrupted by planting on intervening boundaries, and the building is read against the adjacent boundary treatment further limiting any impact in those views.

The site is located Outside of the Centres in the Island Development Plan, within an Agriculture Priority Area.

Relevant History:

FULL/2021/0867 Convert stables into dwelling. (Revised scheme) – Approved 19/08/21

Existing Use(s):

Agricultural Use Class 28

Brief Description of Development:

Permission is sought to demolish the existing building and to construct a new dwelling on a L-shaped footprint. The building would remain a single storey one bed unit, with a flat green/sedum roof and vertical timber cladding to the walls.

The proposal retains access over the existing track, with no alterations proposed to the track or access, and the provision of two parking spaces to the south of the building and the proposed curtilage would remain as previously approved.

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

OC1 Housing Outside of the Centres

OC5(A)	Agriculture Outside of the Centres – within the Agriculture Priority Areas
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 rebuild
IP6	Transport Infrastructure and Support Facilities
IP7	Private and Communal Car Parking

Representations:

La Societe Guernesiaise:

As highlighted on other applications for this property, we would point out that buildings of this type can be used by roosting bats. This likelihood increases when the property is located within a variable landscape with habitats such as large gardens or woodland nearby.

We would request that the building be inspected for current or recent use by bats or other wildlife by a suitably qualified person prior to any demolition or building works. This would reduce the risk of disturbing or destroying animals which are protected under the Animal Welfare Ordinance 2012. It would also be beneficial to include suitable measures to support roosting bats and nesting birds within the development proposal.

We would request that, if this application is approved, an informative note be added to the Information Sheet as follows -

‘Your attention is drawn to the Animal Welfare (Guernsey) Ordinance 2012 and the local Strategy for Nature, and the need to comply with their provisions. The existing building may be used by bats or other wildlife for roosting and nesting. We strongly recommend that the building be inspected for current or recent use by bats or other wildlife by a suitably qualified person prior to any demolition or building works. Measures should also be taken (including consideration of the timing of the works and provision to support wildlife in the long term) to ensure that protected species are not impacted by the works. It is recommended that you contact La Société Guernesiaise for advice or to arrange a site visit. La Société can be contacted on 07781 166924 or by emailing info@societe.org.gg

Consultations:

None undertaken.

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).**

New dwelling

Policy OC1 (Housing Outside of the Centres) indicates that new dwellings will only be supported where the proposal is achieved through the subdivision of an existing dwelling or the conversion of a redundant building, in accordance with Policies GP16(A) and GP16(B) (Conversion of Redundant Buildings).

In this case, permission has been granted for the conversion of that building under Policy GP16(A), and permission is now sought for the demolition of that building and the construction of a new dwelling under Policy GP16(B).

Policy GP16(B) states that the demolition and redevelopment of a building that is able to accord 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, provided that:

a. the conversion scheme has first been granted planning permission;

Permission was granted 19/08/21.

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 proposal remains for a single one bed dwellinghouse.

The submitted information details the floor area of the approved building (the submitted plans state existing, however measurements have confirmed these numbers relate to the approved scheme) at 37.4m², and that of the proposed new dwelling at 44.9m², comprising an increase of 7.5m² or 20%. The volume of the approved building is stated to be 135.7m³, and that of the proposed new dwelling 151.3m³, an increase of 12%. The proposed floor space and volume would therefore be considered broadly the same as those of the approved scheme in terms of this policy.

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 not of particular character. The building is a former horticultural structure of utilitarian form and design which, due its low profile, simple form and position against established boundary treatment, is of limited impact within the wider character of the area.

As noted above, the proposed dwelling would be of comparable scale and similar form to the existing building, and would be similarly positioned away from the surrounding roads and against the existing boundary treatment. The proposed scale, form and materials would respect the character of the area.

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 states the proposed construction would be of 'passive' design, with high levels of thermal performance and air tightness, and would be constructed of highly sustainable materials. A green roof (sedum) would be used to enhance insulation and biodiversity and to attenuate surface water run-off. Two electric charge points are included.

The proposed new build would therefore be constructed in such a way as to significantly enhance its sustainable design. It would be reasonable to impose conditions to ensure that the sustainable features of the proposed design are delivered in the final construction.

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 new dwelling would be located in a similar position to the existing building and, of comparable scale and similar form, would not have any greater impact on landscape character or openness. The domestic curtilage would remain as previously approved and would be appropriately enclosed. In respect of biodiversity enhancements, the limited site area precludes significant contributions, however a green roof is proposed and the decision could be conditioned to ensure the use of appropriate species in the hedge planting.

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.

The proposed dwelling and associated curtilage would be bounded by agricultural land to the north, east and west. The dwelling at the property to the south is set away from the property boundary and, taking into account the single storey nature of the building, the orientation to the neighbouring property and the high fencing on the intervening boundary, there would be no adverse impact on that property.

Access and parking

Access and parking would be as previously approved, and remain appropriate. No cycle storage is proposed, however there is clearly capacity to provide this on site and this provision can be addressed by condition.

Residential amenity

The proposal is for a one bed dwellinghouse, capable of sleeping two persons. Part G of the Guernsey Technical Standards requires minimum accommodation provision for two persons of 35m², in the form of 22m² for kitchen, living, dining and bathing, 12m² for sleeping and 1.25m² for storage. The proposed accommodation would marginally exceed the requirements of the Building Regulations.

The size and quality of the outdoor space would be adequate for a dwelling of the proposed size and there would be an attractive outlook from the dwelling. Overall the proposed dwelling could provide an adequate living environment, in accordance with Policy GP8(d) and Annex I: Amenities.

Accessibility, adaptability and waste management

The proposal provides all accommodation on a single level, with level threshold and approaches. The building would therefore be accessible for all users and could be adapted to respond to people's needs over time.

A Waste Management Plan has been submitted in support of the proposal, the implementation of which could be monitored by way of condition.

Conclusion

Overall, the proposal accords with the purpose of the Law, material considerations and relevant planning policies and approval is recommended, subject to conditions.

Date: 24/06/2022