

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. Alterations to fenestration of existing outbuilding/store and widen vehicle access.

LOCATION: Leaside, Rue de Francais, Vale.

APPLICANT: Urban Construction 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: 29/07/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 11/04/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: A7 Design 21-1371 PD/ 01, 02, 03, 04 & 05; A7 letter (dated 11/04/2022) & Tree Dimensions Landscapes Defined (dated 22/07/2022).

Application Ref: FULL/2022/0897

Property Ref: C003060000

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 landscaping scheme shall be fully completed, in accordance with the details submitted and hereby approved, 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 make sure that the appearance of the completed development is satisfactory and to help assimilate the development into its surroundings.

5.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.

6.The permeable hard surfaces shall not be constructed until details of the construction has been submitted to and agreed in writing by the Authority. Thereafter the development shall not be occupied until the permeable hard surfacing, electric car charging point, and all other sustainable design features set out in the A7 Design letter (dated stamped 11/04/2022) 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 28/07/2025 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/2022/0897
Property Ref: C003060000
Valid date: 11/04/2022
Location: Leaside Rue de Francais Vale Guernsey GY3 5NW
Proposal: Demolish dwelling and erect replacement dwelling. Alterations to fenestration of existing outbuilding/store and widen vehicle access.

Applicant: Urban Construction 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.

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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.

6. The permeable hard surfaces shall not be constructed until details of the construction has been submitted to and agreed in writing by the Authority. Thereafter the development shall not be occupied until the permeable hard surfacing, electric car charging point, and all other sustainable design features set out in the A7 Design letter (dated stamped 11/04/2022) 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.

OFFICER'S REPORT

Brief Description of the site:

The property known as 'Leaside' is a detached 1930's traditional bungalow which remains in its original state. The dwelling sits in the southeast corner of the site, it is still set back from and faces south onto Les Marais Lane/Rue de Francais. There is a

vehicular entrance from the southeast corner of the south boundary. There are other residential dwellings in each direction. The property is located Outside of the Centres as defined in the Island Development Plan.

Relevant History:

There is no relevant history pertaining to this application.

Existing Use(s):

Residential use class 1: dwelling house.

Assessment: *(Tick as appropriate)*

no representation	☒	visual amenity acceptable	☒
accords with policy	☒	no material neighbour impact	☒
within curtilage	☒	traffic not affected	☒
design acceptable	☒		

Policies considered most relevant:

GP1: Landscape Character and Open Land
GP8: Design
GP9: Sustainable Development
GP13: Householder Development
IP6: Transport infrastructure and support facilities
IP7: Private and Communal Car Parking
IP9: Highway Safety, Accessibility and Capacity.

Conclusion/Brief comment:

Planning permission is sought to demolish the existing and erect a replacement dwelling and change the fenestration on the existing outbuilding, and to widen the existing vehicular access.

The main considerations of this application relate to the:

- principle of the development;
- design, form, scale and massing of the proposed development;
- impact on neighbour amenity and the living environments of future occupiers;
- highway safety.

Principle of replacement dwelling

Proposals for the replacement of existing dwellings on a one-for-one basis are considered as a form of householder development under the provisions of IDP Policy

GP13, which operates a general presumption in favour of such development unless the existing building is of such architectural or historic quality that its retention would be preferred.

In this case the existing dwelling is not of sufficient architectural or historic quality to warrant retention and the principle of the development is therefore considered to be acceptable.

Design, form, scale and massing of the proposed development

Policy GP13: Householder Development sets out a number of criteria that should be satisfied. The policy also identifies that consideration must be given to the contribution the existing building makes to the character of the area concerned and that a Waste Management Plan should be submitted with a planning application. This must demonstrate how waste associated with the development process is to be minimised, how existing materials on site are to be reused on or off site and how residual waste will be dealt with.

The preceding text to Policy GP13, paragraph 19.14.10 states:

In considering proposals for the replacement of a dwelling on a one for one basis, consideration will be given to the impact of the new building on the openness of the area rather than a comparison between the impact of the existing dwelling compared with the impact of the new. A replacement dwelling can therefore be larger than the dwelling it is replacing and have a greater impact upon the openness of the area concerned compared with the existing dwelling and will be supported where the Authority is satisfied that the proposed impact is acceptable when considered against all relevant policies of the Island Development Plan.

There are various policy criteria that must be satisfied in order for Policy GP8: Design to be met and Policy GP13 clearly sets out that a comparison should not be made between the impacts of the existing dwelling compared with the impact of the new.

GP8 encourages multi storey design from the outset for an effective and efficient use of land. However, in this instance the surrounding neighbourhood has a low profile when it comes to the built environment, it is also located Outside of the Centres where no additional dwellings are permitted. Plus the footprint of the proposed dwelling sits well in the large plot, leaving plenty of outdoor space in each direction. In addition, GP13 allows for greater personal choice of type and style of dwelling Outside of the Centres.

Although the proposed replacement dwelling is larger than the one that it replaces, the application site is located in an area where development is varied in terms of its size, height and design. Furthermore the orientation of the property is on an angle which is set back from the existing building line creating a modern low profile dwelling that would not impact on the character of the area.

There is no uniform design or palette of materials to the surrounding properties and as this is not a particularly sensitive area, it is considered that the proposed development will respect the character of the local built and open environment concerned.

There will be an integrated double garage, which will have a large permeable paved area in front, with plenty of room for vehicles to manoeuvre on site.

Policy GP8 also refers to the provision of soft and hard landscaping to reinforce the local character. A landscaping scheme has been provided as part of the proposal, the design concept for sustainable landscaping is taken from the partial retention and management of existing boundary planting and established shrubs, to increase the biodiversity of the garden using native trees and hedges. The landscaping scheme is considered to be acceptable but it is recommended that a condition is included for it to be implemented within a timely manner.

The replacement dwelling proposed will not have an unacceptable adverse impact on the character or quality of the built environment or the character and amenity of the locality and therefore the aims of Policies GP13 and GP8 of the Island Development Plan have been satisfactorily addressed in this respect.

Impact on neighbour amenity and the living environment of future occupiers

GP8: Design indicates that new development will be supported where it is demonstrated that it will not have an unacceptable impact on neighbouring amenity and considers the health and well-being of the future occupiers.

Although much larger the proposed dwelling is a single level dwelling, which will sit at a lower level than the existing. There will be no first floor windows to cause possible overlooking and due to the low profile of the dwelling and its orientation there will be no overshadowing.

The orientation of the proposed dwelling is at an angle to allow more habitable rooms to have enhanced connectivity with the garden, this will bring additional sunlight and daylight into the property. The garden will wrap around the property rather than there being a separate front garden and rear garden, and carefully considered landscaping will bring a level of privacy without barricading.

The site is capable of accommodating the replacement dwelling proposed, which would be served by ample external amenity space for enjoyment by future occupiers.

The scheme has been designed to provide the future occupiers of the dwelling with flexible living accommodation and ample private amenity space. The scheme will provide access for all and enable future occupiers to remain in the property for longer. The scheme accords with Policies GP8, GP9 and GP13 in this respect.

Highway Safety

Policies IP7 & IP9 relate to private parking & highway safety, accessibility and capacity respectively, whilst Policy GP1 is relevant insofar as it relates to existing built and natural features, including boundary features, that contribute to landscape character.

The existing access arrangements are to be altered as part of the scheme. The existing access is an opening of 2.9m which has large upright pieces of granite as the entrance pillars, the boundary comprises a 29.5m granite wall. The proposal is to widen the entrance by 1.1m to 4m, still leaving 28.4m of boundary wall. The increased opening will have a positive effect on highway safety, as although there may be a slight increase in vehicular movements, there are adequate sightlines in an area which is not highly trafficked.

In this particular instance it is considered therefore that any adverse impact on the character of the area as a result of the development is not so substantial to warrant the refusal of planning permission. This conclusion is reinforced by the preceding text to Policy IP9, which notes that, *“the Authority will balance any impact on the character of the locality concerned with affording a significant degree of flexibility so that reasonable development aspirations can be met.”*

The scheme incorporates onsite parking, garaging and hardstanding for turning along with an integrated garage. The level of off-road parking provision is acceptable having regard to IP7 and the Supplementary Planning Guidance. Although a relatively large area of hardstanding is proposed it is noted that hardstanding within the domestic garden of a dwelling constitutes exempt development that does not require the specific grant of planning permission. The level of hardstanding will not result in harm to the character and appearance of the area.

With regard to sustainable design principles, the drawings show that the area of hardstanding will comprise permeable paving and is therefore in accordance with Policy GP9 of the IDP.

The scheme indicates that there will be covered and secure cycle storage within the garage. As such the scheme satisfies Policies IP7 and IP9 with regard to parking and highway safety.

Waste Management Plan and Sustainable Development

The application has been accompanied by a Waste Management Plan which is considered to be satisfactory in this case, the implementation and monitoring of which can be further controlled by planning condition.

With regard to Policy GP9: Sustainable Development, the application has been supported by a statement setting out that the scheme will be the subject of a full Building Control application and is designed to meet and exceed current technical

standards in terms of heat loss, energy efficiency, water usage and drainage etc. It has been demonstrated that the proposed development has taken into account the use of energy, resources and any adverse impact on the environment.

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 and in view of the above it is recommended that planning permission is granted for the proposed development subject to conditions.

Recommendation:

Grant with Conditions



Date: 25/07/2022