

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 dwelling with associated landscaping and parking.

LOCATION: Les Jetteries, Rue Des Massies, St. Saviour.

APPLICANT: Mr & Mrs Walters

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: 13/06/2022

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

Drawing Nos: Lovell Ozanne & Partners - AA47-10441-S1-01E, 02B, 04B, 05A, 06A & 07B.

Application Ref: FULL/2022/0901

Property Ref: E003440000

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 work to construct the proposed dwelling hereby approved shall be commenced on site until such time as the existing dwelling has been demolished in its entirety and all ancillary materials, works and structures have been removed from the site.

Reason - To make sure the development takes the form hereby permitted.

5. No materials to be used on the exterior of the building shall be placed on the site until such time as precise details of the proposed granite walling and timber cladding, including samples as appropriate, have been submitted to the Authority. Only materials agreed in writing by the Authority shall be used in carrying out the development.

Reason - To secure the satisfactory appearance of the completed development.

6. The details of landscaping and proposed biodiversity enhancements forming part of the approved scheme shall be fully completed, in accordance with the approved details, 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.

7. The existing trees shown to be retained on the approved plans of the development shall be retained and shall not be felled, lopped, topped or uprooted without the previous written agreement of the Authority. Any trees removed, dying, being

severely damaged or becoming seriously diseased shall be replaced with trees of such size and species as previously agreed in writing by the Authority within one year of the date of any such loss, for a period of five years from the date development begins.

Reason - The trees are important features in the area and this condition is imposed to make sure that they are properly protected while building works take place on the site.

8. No development, including site works, shall begin on site until each tree shown to be retained on the approved plan has been protected, in a manner previously agreed in writing by the Authority. Each tree shall be protected in the agreed manner for the duration of building operations on the application site. Within the areas agreed to be protected, the existing ground level shall be neither raised nor lowered, and no materials or temporary building or surplus soil of any kind shall be placed or stored thereon. If any trenches for services are required in the protected areas, they shall be excavated and back-filled by hand and any tree roots encountered with a diameter of 5cm or more shall be left unsevered.

Reason - The trees are important features in the area and this condition is imposed to make sure that they are properly protected while building works take place on the site.

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 12/06/2025 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/2022/0901
Property Ref: E003440000
Valid date: 11/04/2022
Location: Les Jetteries Rue Des Massies St. Saviour Guernsey
Proposal: Demolish existing building and erect dwelling with associated landscaping and parking.
Applicant: Mr & Mrs Walters

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: 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.

OFFICER'S REPORT

Brief Description of the site:

Les Jetteries is located to the north of Rue Des Massies.
The site is located Outside of the Centres and within an Agriculture Priority Area in the Island Development Plan.

Relevant History:

FULL/2019/2368 - Demolish existing and erect replacement dwelling – Refused
24/04/2020

FULL/2011/2033 - Raise ridge and alter existing barn; and install a fuel tank –
Granted 01/10/2012

Existing Use(s):

Dwelling house (Residential Use Class 1) and agricultural land (Agriculture Use Class 28)

Assessment: *(Tick as appropriate)*

no representation

☐

accords with policy

☒

within curtilage

☒

design acceptable

☒

visual amenity acceptable

☒

no material neighbour impact

☒

traffic not affected

☒

Policies considered most relevant:

Island Development Plan policies:

OC1: Housing Outside of the Centres
GP1: Landscape Character and Open Land
GP13: Householder Development
GP15: Creation and Extension of Curtilage
GP8: Design
GP9: Sustainable Development
IP7: Private and Communal Car Parking

Strategy for Nature SPG, 2020

Representations:

One letter of support for the proposal has been received.

Conclusion/Brief comment:

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.

There is scope for the erection of a replacement dwelling on this site following the receipt of further information after determination of application FULL/2019/2368 that enabled the Planning Service to confirm that the residential use of the site had not been abandoned. Replacement dwellings on a one for one basis must be assessed against Policy GP13 of the Island Development Plan, this is irrespective of the size of the existing or proposed replacement dwelling.

Policy GP8 supports development that achieves good design that respects the local character but demonstrates an effective and efficient use of land and uses soft and hard landscape where appropriate to help mitigate and/or assimilate a scheme within its setting.

The scheme is acceptable in terms of the design and appearance of the proposed building and has been designed to provide for the future occupiers of the dwelling with flexible living accommodation, off-road parking and private amenity space which will provide access for all and should enable future occupiers to remain in the property for longer. Proposed materials (predominantly granite, timber and natural slate) and finishes are appropriate to the rural setting.

The proposed dwelling includes a farm-office for the applicants' efficient management of the adjoining agricultural land.

There are no immediate neighbours adjoining the site and the proposed development will not result in any issues relating to overshadowing or loss of privacy.

The domestic curtilage/garden associated with Les Jetteries was not historically defined but the matter was addressed as part of the refusal of permission for a replacement dwelling in 2019 (FULL/2019/2368). Policy GP15: Creation and Extension of Curtilage applies in relation to the formation or extension of a domestic garden.

Tree and hedge planting has already been carried out by the applicants. Further landscaping proposals are included with the application, along with proposed biodiversity enhancements and a landscape management plan. Having regard to the policy requirements it is considered that the domestic curtilage is acceptable when considering the aims of Policy GP15 and the Strategy for Nature SPG, 2020, and would not harm the landscape character of the area or the commercial agricultural function of the Agriculture Priority Area.

Information has been provided to satisfy the requirements of Policy GP9: Sustainable Development, including a waste management plan.

It is recommended that planning permission be granted, with conditions.

Recommendation:

Grant with Conditions



Date: 13/06/2022

