

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 and erect replacement dwelling.

LOCATION: La Cozette, St Peter's Valley, St. Martin.

APPLICANT: Mr L Stillwell

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: 06/09/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 13/05/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: A 7 Design - 20-1188/PD/01 - PD/05

Application Ref: FULL/2022/1082

Property Ref: J004400000

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.If any retaining structure is required on part of the south west boundary as a result of the re-siting of the dwelling hereby approved full details of such shall be submitted to and approved by the Authority prior to the commencement of work on that element of the development.

Reason - To ensure that the detailed design of the development is satisfactory.

5.No development, excluding demolition and site works, shall begin until a landscaping scheme, to include those details specified below, has been submitted to and agreed in writing by the Authority:

- i) the treatment proposed for all ground surfaces, including the method of laying for areas of permeable hardsurfacing;
- ii) full details of tree and hedge planting;
- iii) planting schedules, noting the species, sizes, numbers and densities of plants;
- iv) finished levels or contours; and
- v) all existing trees, hedges and other landscape features, indicating clearly those to be removed.

Reason - To make sure that a satisfactory 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, 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 new dwelling hereby approved shall not be occupied until such time as the existing dwelling has been demolished and all ancillary materials, works and structures have been removed from the site.

Reason - To make sure the development takes the form hereby permitted and only one dwellinghouse remains at the site.

8.The development hereby permitted shall be constructed in accordance with the details set out in the A7 Design Limited letter dated 12 May 2022, and there shall be no occupation of the dwelling until solar panels have been installed and made operational in accordance with details that have first been submitted to and approved in writing by the Authority.

Reason - In the interests of sustainable development.

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 05/09/2025 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

The application site is located within an area of known archaeological importance and your attention is drawn to the provisions of the Island Development Plan, Annex VIII on Archaeological Assessment.

It is desirable that access be granted to the States Archaeologist, Culture & Heritage Service, and that you contact them to gain advice or make arrangements for archaeological recording during any earth moving on the site.

The Archaeology team can be contacted on 01481 709738 , 01481 709739 or mobiles

07781 102219 or 07781 131061.

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/2022/1082
Property Ref: J004400000
Valid date: 13/05/2022
Location: La Cozette St Peter's Valley St. Martin Guernsey GY4 6XF
Proposal: Demolish existing and erect replacement dwelling.

Applicant: Mr L Stillwell

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.

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element of the development.

Reason - To ensure that the detailed design of the development is satisfactory.

5. No development, excluding demolition and site works, shall begin until a landscaping scheme, to include those details specified below, has been submitted to and agreed in writing by the Authority:

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Reason - To make sure that a satisfactory 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, 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.

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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

The application site is located within an area of known archaeological importance and your attention is drawn to the provisions of the Island Development Plan, Annex VIII on Archaeological Assessment.

It is desirable that access be granted to the States Archaeologist, Culture & Heritage Service, and that you contact them to gain advice or make arrangements for archaeological recording during any earth moving on the site.

The Archaeology team can be contacted on 01481 709738 , 01481 709739 or mobiles 07781 102219 or 07781 131061.

OFFICER'S REPORT

Site Description:

The property known as 'La Cozette' is a two storey pre-1900 cottage which sits on the southwest boundary of a very large plot. There is a stream running along the northwest boundary and the lane, St Peters Valley, runs along the eastern boundary and a steep bank creates the southern boundary. The site has plenty of trees and whilst there are other dwellings close to the site, they are hidden within the valley contours, with the properties to the southeast being on much higher ground. The property is located Outside of the Centres as defined in the Island Development Plan.

Relevant History:

FULL/2016/1796 - Demolish existing and erect replacement dwelling – Approved November 2016.

FULL/2012/0217 - Demolish existing and erect replacement dwelling – Approved May 2012.

PAPP/2008/1201 - Demolish existing and erect replacement dwelling in new location – Approved July 2008.

PAPP/2006/0821 - Demolish existing and erect replacement dwelling in revised location – Approved May 2006.

PAPP/2005/3240 - Demolish existing and erect replacement dwelling – Approved November 2005.

Existing Use(s):

Residential use class 1: dwelling house.

Brief Description of Development:

This application is to demolish the existing dwelling and erect a replacement two storey dwelling with two single storey elements and a northwest facing first floor balcony. The proposed dwelling would be sited on an alternative footprint, more central in the site, with the existing access retained. The replacement dwelling would be finished with coloured render walls and timber cladding, powder-coated fenestration, and a natural slate roof.

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

GP8: Design

GP9: Sustainable Development

GP13: Householder Development

Representations:

There has been one letter of representation and the concerns are:

- The height of the new dwelling in relation to the bank and the level of the neighbours property.
- There are concerns over whether the bank will have any reinforcement work done to protect it during construction.
- That the planting of additional trees, particularly on the grass bank, could further reduce the light on to the neighbours property.

Consultations:

Guernsey Water - 30/06/2022:

'Guernsey Water is pleased to see the stream that currently runs through the land is shown on the plans submitted. We would like to take the opportunity to remind the applicant and their agent that any alterations to the stream, not shown on the plans, must be approved by Guernsey Water. This includes the current section of stream that flows under the existing house that is to be demolished.'

The stream must remain free flowing both during and after construction.'

Guernsey Museums and Galleries – 24/06/2022:

'I would be grateful if you could place an informative notice on this development, should planning permission be granted, to the effect that the developers are encouraged to contact the States Archaeologist if they observe anything of archaeological interest during the building works.

Although there are no known sites in the immediate vicinity the development is relatively large, and occupies an area with no previous history of structures (other than the building to be demolished at the southern end of the plot). The location near a stream might have been attractive for earlier settlement and as such I believe the site warrants some acknowledgement of potential archaeological interest.'

Summary of Issues:

- Principle of the development
- Design of the development.
- Impact of the development on the character and appearance of the area.
- Impact of the development on neighbouring properties.

Assessment against:

1 - Purposes of the law.

The objectives of the Law, as set out in Section 1(2), have been considered and this forms part of the assessment of policy issues as set out in 2 below.

2 - Relevant policies of any Plan, Subject Plan or Local Planning Brief.

Principle.

Policy GP13 states that the redevelopment of existing dwellings to provide replacement dwellings, on a one for one basis where there is no increase in the number of residential units provided on the site, can provide a positive opportunity to improve and upgrade the existing building stock. Replacement of dwellings on a one for one basis, in less built up environments particularly, enables reconsideration of the layout, location and form of the building within the site to potentially improve its sustainability and its contribution to the character and openness of an area or visual access to open land and can offer opportunity for enhancement and more efficient use of the site.

Design.

The design is essentially the same design as the 2016, 2012 and the 2008 approved applications, with a few internal changes and a simplified external appearance. Each of the previous application noted that the location, scale and massing of the

proposed dwelling are appropriate for the site. There have been no over-riding changes in the area for the assessment to change.

Although the proposed new dwelling is large in footprint and modern in design both in external appearance and construction, it would not detrimentally affect its immediate surroundings, especially with a careful landscaping plan that would ensure the existing screening is either retained or replaced.

Impacts on area and neighbours.

The proposed new location for the property is considered to be acceptable as it is still approximately 20m from the road and given the characteristics of the site, which is well screened from the road, located at the bottom of the valley in a hollow with the land rising steeply to the south, it is considered that the proposal would not result in any detriment to the character and appearance of the surrounding area.

Due to the location of the site within the valley and the fact that most of the adjacent properties are sited on much higher ground than the proposed dwelling, the new development would not affect residential amenity.

In terms of public views, because the new dwelling will be heavily screened by mature trees and landscaping, and is within a dip, it would not be seen from Ruelle Braye or St Peters Valley, and no long distance views would be affected by the proposal.

The ridge height of the building will be 8.3m. Looking at the Site Layout Plan, which has spot heights on, it can be seen that the building is at least 3m away from the bank, which is considered appropriate without the need for any reinforcement works and no such works are proposed as part of the current application. A landscaping scheme will concentrate mainly on the north and east parts of the site, which should not affect the neighbour to the south.

With regards to Policy GP9 the dwelling will be made with a timber frame that will allow for a greater volume of insulation and inherent thermal performance. The roof design also features overhangs that offer solar shading and rain protection. The scheme makes provision for permeable paving and solar panels (not shown on the application drawings), matters that can be controlled by planning condition to ensure the scheme, as constructed, offers enhanced sustainable design in line with Policy GP9.

The provision of a garage also provides secure and covered cycle parking to enable occupiers to travel by alternative modes of transport. Having regard to the above, the scheme demonstrates how the scheme can incorporate sustainability measures and that it has been designed to take account the use of energy and resources and has regard to the location, orientation and appearance of the dwelling therefore Policy GP9 has been satisfied in this respect. Plus the house has been designed with 'Lifetime Homes' standards which allow for more flexibility and adaptability over time.

The application has been accompanied by a brief Waste Management Plan which is considered to be satisfactory in this case.

3 - General material considerations set out in the General Provisions Ordinance.

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. Where relevant the issues are considered in section 2 above.

4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).

The proposal would have no impact on Protected Buildings, Trees or Monuments or on SSS's.

Date: 06/09/2022