

**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 outbuilding, erect replacement dwelling, alter existing vehicle access to pedestrian access to west boundary and create new vehicle access to north boundary.

**LOCATION:** Coila, Rue De La Maladerie, St. Saviour.

**APPLICANT:** Mr N Gale

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:** 02/09/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 24/05/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

**Drawing Nos:** Turnstone Architecture - 315-03, 04, 05, 06, 07, 08, 09, 10 & 11.

**Application Ref:** FULL/2022/1140

**Property Ref:** E00686A000

**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 cill of the rooflight hereby permitted to the east elevation, serving en-suite bathroom, shall be positioned 1.7m above finished first floor level and thereafter maintained as such.

Reason - In the interests of neighbour amenity.

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.

**Expiry Date: This permission will cease to have effect on 01/09/2025 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](http://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](mailto: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/2022/1140  
**Property Ref:** E00686A000  
**Valid date:** 24/05/2022  
**Location:** Coila Rue De La Maladerie St. Saviour Guernsey GY7 9QT  
**Proposal:** Demolish dwelling and outbuilding, erect replacement dwelling, alter existing vehicle access to pedestrian access to west boundary and create new vehicle access to north boundary.  
**Applicant:** Mr N Gale

**RECOMMENDATION** - Grant: Planning Permission with Conditions:

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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.

## **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.

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## **OFFICER'S REPORT**

### **Brief Description:**

Demolish dwelling and outbuilding, erect replacement dwelling, alter existing vehicle access to pedestrian access to west boundary and create new vehicle access to north boundary.

### **Relevant History:**

Pre-application advice was sought in this case.

26/02/2019 – FULL/2019/0094 – Permission granted for the change of use of agricultural land to domestic garden.

**Existing Use(s):**

Residential Use Class 1

**Assessment:** *(Tick as appropriate)*

|                     |                                     |                              |                                     |
|---------------------|-------------------------------------|------------------------------|-------------------------------------|
| no representation   | <input checked="" type="checkbox"/> | visual amenity acceptable    | <input checked="" type="checkbox"/> |
| accords with policy | <input checked="" type="checkbox"/> | no material neighbour impact | <input checked="" type="checkbox"/> |
| within curtilage    | <input checked="" type="checkbox"/> | traffic not affected         | <input checked="" type="checkbox"/> |
| design acceptable   | <input checked="" type="checkbox"/> |                              |                                     |

**Policies considered most relevant:**

GP7: Archaeological Remains

GP8: Design

GP9: Sustainable development

GP13: Householder development

IP9: Highway Safety, Accessibility and Capacity

**Comments received:**Traffic and Highway Services

I can confirm that based on the plans supplied with the pre-application, and the existing boundary wall, that the creation of an access will enable a driver egressing the new access to have a sightline which meets the engineering guidelines in respect of both the oncoming and approach sightline. 85<sup>th</sup> percentile speeds past the property are in the order of 30-35mph, so the only concern that THS would have in relation to the site relate to the possibility of future planting on either the applicant's property or the property to the east interfering / blocking the visibility splay. As stated, this isn't currently a concern, and whilst appreciating that the applicant is not able to influence any planting undertaken at their neighbour's property, I would recommend that as far as the applicant's property is concerned, that any planting that they undertake close to the boundary with the main road is kept to low-level in order not to obstruct the visibility splay of approaching vehicles (from Perelle).

Overall, I would raise no objections to the application as presented from either a road safety or traffic management perspective.

States' Archaeologist

This development is taking place approximately 80m from a known find-spot of prehistoric (late Iron Age) pottery, and I would therefore be grateful if you could place an informative notice, 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.

**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.

The application is supported by a Design and Sustainability Statement and includes a site Waste Management Plan.

The site is situated Outside of the Centres designated in the Island Development Plan. The principle of one for one replacement of the existing dwelling within the recognised domestic curtilage is acceptable as a form of householder development under Policy GP13. In summary, the design and scale of the replacement dwelling is acceptable and in keeping with the character of the locality. There would be no significant impact on the amenity of neighbouring properties, subject to the rooflight to the east elevation having a cill height of 1.7m above finished floor level to avoid potential overlooking. Policies GP8 and GP9 are satisfied. Traffic & Highway Services have commented on the application and have no objections from either a road safety or traffic management perspective. Policy IP9 is satisfied.

The site is in an area of archaeological importance and a suitable informative is recommended, having regard to Policy GP7.

**Recommendation:**

Grant with Conditions



**Date:** 02/09/2022

