

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 dwelling and erect replacement dwelling with infinity pool and associated landscaping, alteration to gated vehicle access, erect earth-bank to north and east boundaries and create new access to agricultural land (revised).

LOCATION: Le Courtil Boullion (formerly Cliffdale), Retot Lane, Castel.

APPLICANT: Mr & Mrs C Hay

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: 31/03/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 18/08/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: The Drawing Room drawing no's: 322 C1A, C2, C3, C4, C5, C6, C7, C8 & C9.
Design and Sustainability Statement, V2, 28/03/2023

Application Ref: FULL/2022/1549

Property Ref: D010720000

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 replacement 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 prevent the erection of a new build dwelling which is precluded under Policy OC1.

5.The replacement dwelling hereby approved shall not be occupied until the agricultural access has been completed in accordance with the approved plans and made available for use.

Reason - To ensure that the development does not have an adverse effect on the agricultural use of an Agriculture Priority Area.

6.The replacement dwelling hereby approved shall not be occupied 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 hard areas;
- ii) full details of tree and hedge planting;
- iii) planting schedules, noting the species, sizes, numbers and densities of plants;
- iv) and all existing trees, hedges and other landscape features, indicating clearly those to be removed.

Reason - To make sure that a landscaping scheme for the development is agreed, in order to help assimilate the development into its surroundings.

7.The landscaping scheme shall be fully completed, in accordance with the details agreed under the terms of the above condition 6, in the first planting season following the first occupation of the replacement dwelling hereby approved 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 - In the interests of visual amenity and to help assimilate the development into its surroundings.

8.The replacement dwelling hereby approved shall not be occupied until the earth bank along the east and north boundaries of the domestic curtilage has been completed.

Reason - In the interests of visual amenity and to prevent the encroachment of domestic uses onto the adjoining agricultural land.

9.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 Design and Sustainability Statement, V2, 28/03/2023, 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.

10.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 30/03/2026 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

Your attention is drawn to The Animal Welfare (Guernsey) Ordinance, 2012 and the need to comply with its provisions. The building is located in an area where bats and or other wildlife may be roosting/nesting and measures may therefore need to be taken (including undertaking inspections prior to any building works or the consideration of the timing of the works) to ensure that any protected species present 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 email info@societe.org.gg.

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.

If anything of interest is uncovered please contact the States Archaeologist, Culture & Heritage Service.

The Archaeology team can be contacted on 01481 220729 or 01481 220722, or mobiles 07781 102219 or 07911 721210.

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/2022/1549
Property Ref: D010720000
Valid date: 18/08/2022
Location: Le Courtil Boullion (formerly Cliffdale) Retot Lane Castel
Guernsey GY5 7EG
Proposal: Demolish existing dwelling and erect replacement dwelling
with infinity pool and associated landscaping, alteration to
gated vehicle access, erect earth-bank to north and east
boundaries and create new access to agricultural land
(revised).
Applicant: Mr & Mrs C Hay

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. The replacement 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 prevent the erection of a new build dwelling which is precluded under Policy OC1.

5. The replacement dwelling hereby approved shall not be occupied until the agricultural access has been completed in accordance with the approved plans and made available for use.

Reason - To ensure that the development does not have an adverse effect on the agricultural use of an Agriculture Priority Area.

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- ii) full details of tree and hedge planting;
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- iv) and all existing trees, hedges and other landscape features, indicating clearly those to be removed.

Reason - To make sure that a landscaping scheme for the development is agreed, in order to help assimilate the development into its surroundings.

7. The landscaping scheme shall be fully completed, in accordance with the details agreed under the terms of the above condition 6, in the first planting season following the first occupation of the replacement dwelling hereby approved 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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Reason - In the interests of sustainable development, these features having been proposed to address the requirements of Island Development Plan Policy GP9.

10. 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 need to comply with its provisions. The building is located in an area where bats and or other wildlife may be roosting/nesting and measures may therefore need to be taken (including undertaking inspections prior to any building works or the consideration of the timing of the works) to ensure that any protected species present 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 email info@societe.org.gg.

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.

If anything of interest is uncovered please contact the States Archaeologist, Culture & Heritage Service.

The Archaeology team can be contacted on 01481 220729 or 01481 220722, or mobiles 07781 102219 or 07911 721210.

OFFICER'S REPORT

Site Description:

The application property comprises of a detached traditional 1½ storey cottage situated to the east of the highway, Retot, and elevated above the highway by approximately 1 metre. Agricultural fields to the east and north are also under the applicant's ownership. The property forms part of a ribbon development of residential properties to the east of the highway with a large area of open and undeveloped agricultural land bounding the dwelling to the north and east. To the west of the highway dwellings are interspersed with open and undeveloped agricultural land and this creates an overall semi-rural character to the lane. The site is situated on the West Coast Escarpment which rises from the west to the east and the north-west to the south-east across the site.

The site is located in an Agriculture Priority Area and is Outside of the Centres.

Relevant History:

25/06/2021 – PREA/2021/0241 – Pre-application advice regarding demolish existing and erect replacement dwelling

Existing Use(s):

Residential Use Class 1: dwelling house
Agricultural use class 28

Brief Description of Development:

Planning permission is requested to demolish the existing dwelling and to erect a replacement 5 bedroom dwelling with an infinity pool, alterations to gated vehicle access, the erection of an earth-bank to the north and east boundaries and the creation of a vehicular access in the west boundary of the agricultural land. The replacement dwelling takes the form of two, 1¼ pitched roof gables orientated west to east which are linked with a single storey flat roof element.

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

OC5(A): Agriculture Outside of the Centres – within the Agriculture Priority Areas
GP1 - Landscape Character and Open Land
GP7 – Archaeological Remains
GP8 - Design
GP9 - Sustainable Development
GP13 – Householder Development
IP7 - Private and Communal Car Parking
IP9 - Highway Safety, Accessibility and Capacity

Representations:

One letter of representation was received on behalf of La Société Guernesiaise which highlights that buildings of this type can be used by roosting bats, nesting birds and other wildlife particularly when the property is located within a variable landscape with habitats such as farmland or woodland nearby. La Société Guernesiaise recommend that the buildings are inspected for current or recent use by bats by a suitably qualified person prior to any demolition works to reduce the risk of disturbing or destroying animals which are protected under the Animal Welfare Ordinance 2012. La Société Guernesiaise recommend that an informative note to highlight the above is included in the decision notice.

Consultations:

States Archaeologist, 12/09/2022

“Although there are no known archaeological sites in the immediate vicinity, there is medieval settlement recorded at two locations about 400m distant. In view of the size of the development, and that fact that most of the ground is previously undisturbed, I would be grateful if you could place an informative notice on any approval to the effect that the States Archaeologist should be contacted if anything of interest is uncovered”.

Summary of Issues:

The main issues in deciding this application are:

1. Design, scale and impact of the development on the open character and appearance of the area.
2. The impact of the development on the amenity of people living in the area.

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).**

Properties within the area are of a mixed size and design. The proposal would result in a substantial increase to the footprint, scale and mass of the dwelling, with the ridge height increasing by 1.8 metres. Due to the scale and mass of the dwelling and its elevated nature above the highway, the replacement dwelling would be visible from the highway to the north.

However, the dwelling would be situated on a good sized plot and despite the increase to its scale and mass, the size of the replacement dwelling would be proportionate to the size of the plot as a whole. In addition, the dwelling would be viewed in context with neighbouring properties, it would be positioned further back

from the highway than the existing dwelling and it would be partially screened by existing planting along the highway, all of which would limit its impact on the landscape character and openness of the area. The visual impact of the dwelling could be further softened by incorporating additional tree planting, particularly to partially screen the dwelling in public views from Retot to the north, as indicated on the submitted plans, this could be dealt with by condition. The overall design of the dwelling is good and it is concluded that the replacement dwelling would have no significant adverse effects on the landscape character, openness and appearance of the area, in accordance with Policies GP1, GP8 and GP13.

The replacement dwelling would be set back approximately 6 metres from the southern boundary with the adjoining neighbouring property and there are no first floor windows in the south elevation of the replacement dwelling. The distance to neighbouring properties would be sufficient to safeguard the amenities of neighbouring residents.

The vehicular access gates would be set back approximately 5 metres from the highway and situated between high hedges. The gates would have no adverse effects on the character and amenity of the area.

A new independent vehicular access is proposed within the west boundary to serve the agricultural land north of the dwelling. The design of the access is appropriate for the agricultural nature of the land and would have no significant adverse effects on the character and amenity of the area whilst enhancing the access to and the potential for the agricultural land to be used for commercial agricultural purposes.

The application is supported by a Design and Sustainability Statement which sets out how the development has been designed to take into account sustainable design principles. The agent advises that the intention is to construct a dwelling with high levels of thermal performance and airtightness, the dwelling would be constructed with a prefabricated timber frame, roof overhangs would help to reduce overheating, an electric car charging point will be fitted and all hardstanding areas are to have permeable finishes. The overall layout and form of the development and the information submitted is sufficient to demonstrate that the development has been designed to take into account the use of energy and resources, in accordance with Policy GP9. A Waste Management Plan has been submitted which sets out how construction waste is to be minimised and dealt with.

To address the comments raised on behalf of La Société Guernesiaise, it is recommended that a note is attached to the decision notice to make the applicant aware of the potential issues with disturbing animals which are protected under the Animal Welfare Ordinance 2012.

To address the comments raised by the States Archaeologist, it is recommended that a note is attached to the decision notice to make the applicant aware of the potential to uncover items of archaeological interest and to contact the States Archaeologist if anything of interest is found.

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.

It is recommended that the application is approved.

Date: 31/03/2023