

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 outbuilding and erect residential dwelling with associated landscaping and parking.

LOCATION: La Cachette, Rue Des Mares, St. Pierre Du Bois.

APPLICANT: AH Developments 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: 23/05/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 04/10/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: JGA Architecture - 2233 02.01C & 02.02B

Application Ref: FULL/2022/1957

Property Ref: F00294A000

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 submitted landscaping and biodiversity enhancement scheme shall be fully completed, in accordance with the details submitted in the Biodiversity Statement (Feb 2023), 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 help assimilate the development into its surroundings, in the interests of residential amenity and to provide biodiversity enhancements in line with the Strategy for Nature SPG.

5.The permeable hard surfacing shall not be constructed until full details of that surfacing, including a written specification for its laying, have been submitted to and agreed in writing by the Authority. Thereafter the development shall not be occupied until the permeable hard surfacing has been laid in accordance with the approved details.

Reason- In the interests of sustainable development and to accord with Policy GP9 of the IDP.

6.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.

7. Notwithstanding the detail shown on the approved plans, prior to installation, further details of the proposed solar panels including the number of panels, location and cross section of the panels to show the angle of tilt, have been submitted to and agreed in writing by the Authority. The panels shall be installed in accordance with the approved details.

Reason- In the interest of neighbouring amenity and to ensure a satisfactory visual appearance.

Expiry Date: This permission will cease to have effect on 22/05/2026 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/2022/1957
Property Ref: F00294A000
Valid date: 04/10/2022
Location: La Cachette Rue Des Mares St. Pierre Du Bois Guernsey GY7 9PZ
Proposal: Demolish existing outbuilding and erect residential dwelling with associated landscaping and parking.
Applicant: AH Developments 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.

4. The submitted landscaping and biodiversity enhancement scheme shall be fully completed, in accordance with the details submitted in the Biodiversity Statement (Feb 2023), 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 help assimilate the development into its surroundings, in the interests of residential amenity and to provide biodiversity enhancements in line with the Strategy for Nature SPG.

5. The permeable hard surfacing shall not be constructed until full details of that surfacing, including a written specification for its laying, have been submitted to and agreed in writing by the Authority. Thereafter the development shall not be occupied until the permeable hard surfacing has been laid in accordance with the approved details.

Reason- In the interests of sustainable development and to accord with Policy GP9 of the IDP.

6. 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.

7. Notwithstanding the detail shown on the approved plans, prior to installation, further details of the proposed solar panels including the number of panels, location and cross section of the panels to show the angle of tilt, have been submitted to and agreed in writing by the Authority. The panels shall be installed in accordance with the approved details.

Reason- In the interest of neighbouring amenity and to ensure a satisfactory visual appearance.

OFFICER'S REPORT

Site Description:

The application site comprises a single storey, rendered, block-built former horticultural building (assumed to be a packing shed, store or similar), positioned at the rear (north) of the site and accessed from Claire Mare Lane over an area of hardstanding.

There is an existing rockface which runs from the south and across the east of the site and rises in height up to approx. 3.5m in height.

The site is surrounded by residential properties to the north, east, south and west. A low boundary wall separates the site from the neighbour to the west.

The site is located Outside of the Centres and is the subject of no other designation under the Island Development Plan.

Relevant History:

FULL/2021/2258 – Extend and convert former horticultural building to create residential dwelling and change of use of agricultural land to create domestic garden and parking area.

Approved 01-04-2022

Existing Use(s):

Agricultural Use Class 28

Brief Description of Development:

This application proposes the demolition of the existing building and part of the existing rockface to the east and erection of a new two storey residential dwelling with associated landscape and parking.

The proposal has been amended due to officer concerns, which has reduced the size and volume of the proposed dwelling.

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

OC1 – Housing Outside of the Centres

GP8 – Design

GP9 – Sustainable Development

GP15 – Creation and Extension of Curtilage

GP16(A) – Conversion of Redundant Buildings

GP16(B) – Conversion of Redundant Buildings- Demolition and Redevelopment

IP6 – Transport Infrastructure and Support Facilities

IP7 – Private and Communal Car Parking

IP9 – Highway Safety, Accessibility and Capacity

Strategy for Nature SPG

Representations:

Representations received from 3 neighbours, summarised as follows:

Original plans:

- Windows in North elevation will cause overlooking and light pollution and should be removed;
- Boundary hedge is insufficient and is not a robust boundary, this should be replaced by a fence or wall of at least 3m in height.
- Address given on application is incorrect, and should relate to land off La Claire Mare Lane and not La Cachette, Rue des Mares which is a neighbours address;
- No details of finished floor levels (FFL) so the ridge height is unknown;
- Balcony runs length of first floor and results in overlooking.
- Flat roof could be used as terrace in future which would impact on amenity
- Built form is now closer to neighbour than previous conversion scheme.
- Build results in loss of significant, large granite rockface which will harm landscape quality.
- Removal of granite and possibility of subsidence;
- Wear and tear of private lane and road surface.
- Loss of sea view;
- Increased traffic and construction noise during build.

Amended plans:

- Elevated terrace will result in overlooking of all neighbours.
- Additional noise from terrace will be harmful

Consultations:

N/A

Summary of Issues:

- Principle of development
- Assessment against Policy GP16(B)
- Design and residential amenity

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).**

The purposes of the Land Planning and Development (Guernsey) Law, 2005, are to protect and enhance, and to facilitate the sustainable development of, the physical environment of Guernsey.

The purposes of the Law are reflected in the Island Development Plan, the principal aim of which is to help maintain and create a socially inclusive, healthy and economically strong Island, while balancing these objectives with the protection and enhancement of Guernsey's built and natural environment and the need to use land wisely. Relevant policies will be addressed below in assessing the key issues.

Section 13 to Part IV of The Land Planning and Development (General Provisions) Ordinance, 2007, sets out a number of general material considerations, the following of which are considered to be relevant in this instance:

- (b) the character and quality of the natural and built environment which is likely to be created by the development,*
- (c) the appropriateness of the development in relation to its surroundings in terms of its design, layout, scale, siting and the materials to be used,*
- (d) the likely effect of the development on the character and amenity of the locality in question,*
- (i) the likely effect of the development on the reasonable enjoyment of neighbouring properties.*

Principle of development

Policy OC1 provides for new residential development Outside of the Centres only, "where this is achieved through the subdivision of an existing dwelling or the conversion of an existing redundant building." The policy text goes on to clarify that proposals for the conversion of redundant buildings to dwellings will be considered under policies GP16(A) and GP16(B).

This application proposes the demolition of a building which has consent for its conversion to a residential dwelling in compliance with Policy GP16(A), and now proposes the redevelopment of the site for a new dwelling, which is acceptable in principle, provided that the proposal complies with Policy GP16(B) and other relevant policies.

Assessment against Policy GP16(B)

Proposals for development under Policy GP16(B) must satisfy all of the policy criteria in order to be considered acceptable.

The policy states that the demolition and redevelopment of a building that is able to accord with the requirements of the conversion of redundant buildings policy may be acceptable without the need to implement the permission for conversion by physically carrying out the development, provided that:

- a. The conversion scheme has first been granted planning permission – this was granted in April 2022 under application FULL/2021/2258.
- b. The redevelopment scheme is broadly the same floor space and volume as the approved conversion and the number of residential units is not exceeded.

The approved scheme for conversion proposed a floor area of 107m² and volume of 467m³.

The original proposal included a large first floor enclosed balcony and an enclosed terrace at first floor. This meant the scheme proposed a floor area of 208.26m² and a volume of approx. 599m³, which is almost 30% larger than the approved conversion. As a result, the application was deferred and amended plans received to reduce the floor area and volume of the proposed replacement dwelling, in order to comply with Policy GP16(B).

The amended redevelopment now proposes a floor area of 128m² and has a volume of 383m³, and so although the proposed floor area is slightly larger than the conversion scheme, the volume is reduced by the use of a contemporary flat roof design.

The floor area is approx. 19% greater than the conversion scheme and the volume is 20% less than the conversion scheme.

Furthermore, given that there would be no unacceptable adverse impacts on the character and openness of the landscape, that there would be no unacceptable impacts on the amenities and enjoyment of neighbouring properties and the surrounding area (addressed in more detail below), there is considered to be no conflict with criteria c) – f) of Policy GP16(B).

Design and residential amenity

The surrounding development is typified by bungalow development to the west, with more traditional two storey developments to the south. The proposed development, while not replicating these styles, provides a more contemporary form of development which makes efficient use of land and is acceptable in relation to Policy GP8 which states in its preamble that 'flexibility in the design of development will be allowed... recognising the personal choice and aspirations of property owners'. The design of the dwelling has been amended in order to reduce the volume/floor area in line with Policy GP16B. This has reduced the first-floor accommodation significantly and introduced a large first floor terrace to the south. The development also respects the palate of traditional local materials without being bound by them, the proposal includes traditional materials such as render, and other less traditional materials such as white/light grey brick. This is acceptable in relation to Policy GP8.

The proposed accommodation would be flexible and adaptable, would exceed minimum and best practice requirements in terms of floor area, and would provide a good quality of living environment and amenity for future occupants.

The proposed westerly facing garden is shown to be enclosed by native hedging, and would provide an acceptable level of privacy and amenity for future occupants. A Biodiversity Statement has accompanied the application, and provides necessary information and provisions to meet the requirements of the Strategy for Nature SPG. This will be conditioned in order to ensure the biodiversity enhancements and planting is controlled.

The orientation of the existing building and its relationship to neighbouring and nearby residential properties are such that there would be no unacceptable impact on neighbouring residential amenity. Despite the re-orientation of the dwelling, and introduction of a first floor with extensive balcony/terrace, the flat site, the separation distance of approx. 33m between the proposed dwelling and rear of the neighbour to the west (which is the dwelling most affected by the proposal due to the orientation of the proposed dwelling facing west) and proposed boundary treatment, this means it is sufficient that on balance, a refusal could not be justified in this instance.

Other neighbours are located to the south and south east, the closest of these is approx. 20m away, set at a slightly higher land level, and with an acceptable separation distance to prevent harmful overlooking from the terrace area.

Neighbours had objected to the first floor north elevation windows, and these have now been removed from the scheme through the amended plans. The request by neighbours for boundary treatments to be at least 3m high is not considered reasonable or necessary, and the hedging shown at 1.8m is sufficient to provide an acceptable level of privacy and amenity for both existing and future occupants.

A large section of the existing granite rockface will be obscured by the proposed development, this is not considered to be harmful to the character of the area as this rockface is not particularly prominent in the landscape and reasonable sections of the rockface will be retained and remain in the landscape. There is no conflict with policy GP1.

Other matters

The agricultural land forming part of the application site is not located within or adjacent to an Agriculture Priority Area, and given the small size of the land parcel in question, its degree of enclosure and well defined boundary features, surrounding residential properties, and the fact that it should not result in any unduly adverse impact on neighbouring amenity, its change of use to create domestic garden and parking area is considered to be acceptable under the provisions of Policy GP15.

Provision for cycle storage, parking and access arrangements are all considered to be acceptable in accordance with the requirements of policies IP6, IP7 and IP9.

Information has been submitted that demonstrates that sustainable development principles have been taken into account in accordance with the aims and objectives of Policy GP9. The proposed solar panels shown on the plans may be exempt from the requirement for permission, however in the absence of the necessary information, further details will be secured by condition to ensure the solar array is acceptable in relation to the visual impact and amenity.

Neighbour comments regarding the potential for the flat roof of the original scheme to be used as terrace in future are noted, however the plan has subsequently been

amended to include a large terrace area and the impact of this on neighbours has been assessed above.

With regards to concern raised regarding increased noise and disturbance during construction, the scale of the development and size of the site mean that the proposal does not necessitate further controls in terms of Construction Environmental Management Plans. The impact of construction is short term in nature and intrinsic to development and so not considered significantly harmful to neighbours.

Concerns raised within the representations in relation to possible effects on structural integrity, subsidence, and the wear and tear of the private land, are private civil matters between the parties concerned and not material planning considerations which would influence a decision on this planning application. Equally, the loss of a sea view is not a material planning consideration.

Neighbours have raised concern regarding the lack of finished floor levels on the plans, and the lack of clear height. However, the scaled plans show floor levels and first floor levels, along with section plans and are considered adequate for the purposes.

Conclusion

In light of all of the above, it is recommended that planning permission be granted.

Date: 23/05/2023

