

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.

LOCATION: Le Vallet, Rue Du Vallet, St. Pierre Du Bois.

APPLICANT: Mrs S Kelly

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: 21/12/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 26/10/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: A7 Design Ltd: 21-1299/PD/04, /05, /06 & /07.

Application Ref: FULL/2022/2134

Property Ref: F004740000

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 development shall begin on site until details of a cycle store/shed have been submitted to and agreed in writing by the Authority. The development shall be carried out only in accordance with the agreed details.

Reason - The information provided with the application does not include details of a proposed cycle storey necessary in order to provide the occupiers of the dwelling with the opportunity to travel by alternative modes of transport and contributing to more sustainable development.

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 20/12/2025 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

It is desirable that access be granted to the States Archaeologist, Culture & Heritage Service for them to undertake a photographic survey of the existing building prior to demolition. You may contact them to arrange this 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/2022/2134
Property Ref: F004740000
Valid date: 26/10/2022
Location: Le Vallet Rue Du Vallet St. Pierre Du Bois Guernsey GY7 9EX
Proposal: Demolish existing dwelling and erect replacement dwelling.

Applicant: Mrs S Kelly

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. No development shall begin on site until details of a cycle store/shed have been submitted to and agreed in writing by the Authority. The development shall be carried out only in accordance with the agreed details.

Reason - The information provided with the application does not include details of a proposed cycle storey necessary in order to provide the occupiers of the dwelling with the opportunity to travel by alternative modes of transport and contributing to more sustainable development.

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.

INFORMATIVES

It is desirable that access be granted to the States Archaeologist, Culture & Heritage Service for them to undertake a photographic survey of the existing building prior to demolition. You may contact them to arrange this on 01481 709738 , 01481 709739 or mobiles 07781 102219 or 07781 131061.

OFFICER'S REPORT

Site Description:

West Winds and Le Vallet are a pair of single-storey semi-detached dwellings with pitched and flat roofs situated on the corner of Rue de L'Ardaine and Rue du Vallet. The site is sloping/terraced and vehicular access to the site is via Rue Du Valet and the boundary with Rue De L'Ardaine is marked by a high granite wall.

The site is located Outside of the Centres and within the Agriculture Priority Area as designated in the Island Development Plan. The eastern part of the building is a pre-1900 building.

Relevant History:

FULL/2022/2200 - Demolish extensions, erect single storey extension to north (rear), install external insulating render system and alterations to fenestration to Westwinds and erect extension to north and porch to south (front) to Le Vallet - granted

Existing Use(s):

01 dwellinghouse
28 agriculture

Brief Description of Development:

The application relates to the demolition of the eastern dwelling, Le Vallet and the erection of a replacement dwelling attached to West Winds. The dwelling comprises a single-storey dwelling with an open plan living, kitchen, dining area along with an en-suite bedroom with dressing room and a utility room. The property has been designed with a pitched, slate roof incorporating rooflights and rendered exterior. Timber windows and doors are proposed and a stainless steel flue is shown to the rear/northern roofslope.

The application has been accompanied by a Planning Statement by way of a letter and a Waste Management Plan.

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

Island Development Plan policies:

GP13: Householder Development
GP1: Landscape Character and Open Land
GP8: Design
GP9: Sustainable Development
IP6: Transport infrastructure and support facilities
IP7: Private and Communal Car Parking
IP9: Highway Safety, Accessibility and Capacity

Representations:

None.

Consultations:

States Archaeologist - Le Vallet is a typical one storey Guernsey house with cross passage dated c1700-1750 with a brief mention in John McCormack's book, Channel Island Houses (2015). Due to the historic nature and setting of this dwelling I would

request that if permission were granted for its demolition that a photographic building survey be carried out by a member of the archaeological team.

Summary of Issues:

The key issues in this case relate to the:

- Principle of replacement dwelling
- Design, form, scale and massing of the proposed development
- Impact on visual amenity
- Impact on neighbour amenity

Assessment against:

1 - Purposes of the law.

The objectives set out in Section 1(2) of The Land Planning and Development (Guernsey) Law, 2005, 'the Law', have been considered and this report forms part of the assessment, with policy issues set out in Section 2 below.

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

As the planning application relates to the demolition of one dwelling and its replacement with one dwelling, which is not considered new housing, Policy OC1 is not directly relevant. 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.

The scheme proposes a pitched roof, single-storey dwelling with flat roof extension to the rear which in many ways reflects the design, scale and mass of the existing dwelling and approved extensions and alterations. The proposed development represents a good standard of design that respects the local built and open environments. Planting is shown to the east of the dwelling and east of the parking area which constitutes exempt works within the domestic garden area. The dwelling sits low in the site and there is a high boundary wall screening the property from the adjoining lane. It is not considered necessary in this case to impose a planning condition controlling planting.

The replacement dwelling proposed will not have an unacceptable adverse impact on the character or quality of the built environment or the character and amenity of the locality and therefore the aims of Policies GP13 and GP8 of the Island Development Plan have been satisfactorily addressed in this respect.

Given that the external appearance of the proposed dwelling draws from the traditional cottage found on the site and the dwelling sits low on the site having regard to the topography of the site and its surroundings the proposed dwelling will

not appear unduly visually intrusive nor out of keeping in the locality in accordance with Policies GP8 and GP13 of the IDP.

Fenestration faces north, south and east which does not alter from the existing arrangement on site. The development will not result in overshadowing or overlooking to the occupiers of West Winds and nor will the development have a detrimental impact on the amenities of occupiers of any other surrounding dwelling. Windows at West Winds will face onto the patio to the rear of Le Vallet however this is also an existing situation which will not alter as a result of the proposed replacement dwelling and the internal layout has been designed to limit the effect of the window and door at West Winds facing east across the site.

The open plan layout of the accommodation offers flexible living accommodation, off-road parking and private amenity space which will enable future occupiers to remain in the property for longer in line with the aims of Policy GP8. The topography of the site is such that providing step free access is a challenge however, the site remains accessible to ambulant disabled and the accommodation itself is on a single level with regard to access and on balance the scheme addresses this aspect of Policy GP8.

The comments received by the Archaeologists in respect of a photographic survey have been noted. As a non-protected building in a non-designated area it would be unreasonable to require this by condition however an informative note can be placed on the permission regarding this matter.

Parking and turning remains unchanged since the earlier approval for both properties. The area of parking and turning on site is adequate to meet the needs of occupiers of West Winds and Le Vallet in accordance with Policies IP7 and IP9 of the Plan. The scheme does not make specific provision for secure and covered cycle storage to offer occupiers with the opportunity to travel by alternative modes of transport and the position of the site between two roads is such that outbuildings would not constitute exempt development. Given the high wall to the north boundary there would be scope for a modest cycle store without harm to the character and appearance of the locality and it is a matter that can be controlled by condition in this case.

The application has been accompanied by a brief Waste Management Plan which is considered to be satisfactory. Further details regarding this can be controlled by condition.

With regard to Policy GP9: Sustainable Development, it has been demonstrated that the proposed development has given consideration to the use of energy and resources having regard to the orientation and appearance of the building, the form of construction/materials etc. and will comply with Building (Guernsey) Regulations 2012 and therefore has taken into account the use of energy, resources and any adverse impact on the environment.

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

In addition to the consideration of policy issues, Section 13 of the Land Planning and Development (General Provisions) Ordinance, 2007 identifies other material planning considerations which could be relevant. These include; the appropriateness of the development in relation to its surroundings in terms of design, layout, scale, siting and materials; the likely effect on the character and amenity of the locality; any possible fall-back position by way of extant planning permissions or exempt development; the likely effect on the reasonable enjoyment of neighbouring properties. These issues where relevant are considered above.

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

The proposal would have no adverse impact on protected trees, buildings or sites.

Date: 15 December 2022

