

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 associated parking and landscaping.

LOCATION: Chant De La Mer, Cobo Coast Road, Castel.

APPLICANT: Ms A Long

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: 09/01/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 30/11/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: A7 Design: 21-1338 PD/04, 05, 06

Application Ref: FULL/2022/2306

Property Ref: D01310C000

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 materials to be used on the exterior of the building shall be placed on the site until such time as samples of those materials have been submitted to the Authority. Only materials agreed in writing by the Authority shall be used in carrying out the development.

Reason - Reason - To ensure the development represents a good standard of design in the interests of the character and appearance of the locality.

5.Prior to the commencement of any work in connection therewith a landscaping scheme for the front garden, parking area and along the west boundary to provide screening to Le Guet, to include those details specified below shall be submitted to and approved in writing by the Authority:

- i) the treatment proposed for all ground surfaces, including hard areas; and
- ii) full details of tree and hedge planting showing planting schedules, noting the species, sizes, numbers and densities of plants.

The landscaping scheme shall be fully completed, in accordance with the details agreed under the terms above, 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 ensure the landscaping scheme reinforces the character of the local area, that the hardstanding contributes to more sustainable construction and to help assimilate the development into its surroundings.

6.The first floor bathroom window and the ensuite bathroom window serving Bedroom 1, both located in the south elevation, shall be glazed with obscure glass to Pilkington level 3 (or equivalent) and shall thereafter be retained in perpetuity.

Reason - To minimise the effect of the development on the privacy and amenities of nearby residents.

7.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.

8.The development hereby permitted shall be constructed in accordance with the details set out in A7 Design Limited letter dated 23 November 2022, and there shall be no occupation of the dwelling until solar thermal panels have been installed and made operational in accordance with details that have first been submitted to and approved in writing by the Authority and an electrical charging point has been provided in accordance with the approved plans.

Reason - In the interests of sustainable development.

Expiry Date: This permission will cease to have effect on 08/01/2026 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/2022/2306
Property Ref: D01310C000
Valid date: 30/11/2022
Location: Chant De La Mer Cobo Coast Road Castel Guernsey GY5 7HH
Proposal: Demolish existing dwelling and erect replacement dwelling with associated parking and landscaping.

Applicant: Ms A Long

RECOMMENDATION - Grant: Planning Permission with Conditions:

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Reason - In the interests of sustainable development.

OFFICER'S REPORT

Site Description:

Chant De La Mer is a detached dwelling which appears as a chalet bungalow with eyebrow dormer to the front but is a two-storey pitched roof dwelling when viewed from the rear. The property has been extended over time with several single-storey extensions to the rear and to the west of the property.

The dwelling is set back from the road and the roadside boundary is marked by a low wall. The side boundary with the adjoining lane to the east is marked by a low wall to the front of Chant De La Mer and a high fence to enclose and provide privacy to the rear garden area. The rear/south boundary is marked by a high blockwork wall and the west boundary by the sheer rockface to The Guet. The Cobo Magazine, a protected monument, sits to the west of the site.

Properties in the locality are varied in their age, size and design with a number of local properties having been redeveloped in recent years. To the south/rear of the site is a terrace of cottages, originally single-storey in height. The western dwelling in this terrace, Pine Grove, is undergoing work to extend and alter the property. The dwelling has a high level first floor gable window facing the application site and a dormer in the west elevation facing the rockface of Le Guet.

Relevant History:

FULL/2022/0810 - Demolish existing and erect replacement dwelling - granted

Pine Grove - FULL/2015/3093 - Demolish porch and conservatory, raise ridge height and extend and alter dwelling at first floor level, install dormer and rooflight (west elevation) 3 rooflights (east elevation) and install gable windows (north and south elevations) – granted

Existing Use(s):

Residential Use Class 1

Brief Description of Development:

The application proposes to demolish the existing dwelling and erect a replacement, two-storey dwelling with flat and mono-pitch roofs. The replacement dwelling incorporates a single-storey element to the west with balcony and terrace areas proposed across the flat roof to the side of the dwelling and to the front of the dwelling to maximise the sea views. The dwelling is shown to have a render and clad (timber and stone) exterior.

The dwelling as proposed comprises an open plan living, kitchen and dining area on the ground floor along with study, ensuite bedroom, utility room and garage/store. The first floor would provide three further bedrooms (one ensuite), a bathroom and a sitting room with external terrace to the front and side and including external staircase from the rear garden area.

No changes are proposed to the vehicular access arrangements for the site.

The application has been accompanied by information regarding sustainable development and a waste management plan.

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

Island Development Plan Policies:

GP6: Protected Monuments
GP7: Archaeological Remains
GP8: Design
GP9: Sustainable Development
GP13: Householder Development
IP6: Transport infrastructure and support facilities

Representations:

One letter of representation has been submitted setting out that for the new landscaping scheme to contribute to local biodiversity it is essential that native species are used and advice should be sought as to the species suited to this location.

Consultations:

None.

Summary of Issues:

The key issues in this case relate to the:

- Principle of new residential development
- Design, form, scale and massing of the proposed development
- Impact on visual amenity
- Impact on neighbour amenity
- Impact on adjoining Protected Monument
- Car parking provision and effects on surrounding highway

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.

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. Section 31(1)(b) of the Law explains the general functions of authorities in respect of protected monuments. This states that:

It is the duty of any department of the States when exercising its functions under this Law –

(b) in particular, in exercising its functions with respect to any buildings or other land in the vicinity of a protected monument, to pay special attention to the desirability of preserving the protected monument and its setting.

In respect of these statutory duties, the word 'preserve' is taken in its ordinary meaning as set out in Chamber's dictionary, which is 'to keep safe from harm or loss'.

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,

Section 14 to Part IV of The Land Planning and Development (General Provisions) Ordinance, 2007, goes on to set out a number of additional material considerations that apply to protected monuments, of which the following is relevant:

- c) the opportunity that the development may afford to restore, enhance or improve the protected monument or its setting.

The development has been designed and positioned so as not to directly impact the adjoining protected monument and the design of the scheme, keeping the western element single-storey only, ensures the development does not adversely affect the setting of the protected monument in accordance with Policy GP6.

The application relates to the demolition of one dwelling and its replacement with one dwelling, which is not considered new housing. 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 preceding text to Policy GP13, paragraph 19.14.10 states:

In considering proposals for the replacement of a dwelling on a one for one basis, consideration will be given to the impact of the new building on the openness of the area rather than a comparison between the impact of the existing dwelling compared with the impact of the new. A replacement dwelling can therefore be larger than the dwelling it is replacing and have a greater impact upon the openness of the area concerned compared with the existing dwelling and will be supported where the Authority is satisfied that the proposed impact is acceptable when considered against all relevant policies of the Island Development Plan.

Policy GP13 clearly sets out that a comparison should not be made between the impacts of the existing dwelling compared with the impact of the new and the Plan must balance public interest and individual choice but should protect and where possible enhance the built and natural environment. Outside of designated areas there is more flexibility with regard to new development. The application site is located in an area where development is varied in terms of its height and design and the proposed dwelling has been designed to be lower in height than the existing and will be located on a site that is capable of accommodating a dwelling of the size proposed.

The dwelling remains set well back on the site, having regard to the position of other coast road properties to the east of the site but given the comprehensive development of the replacement dwelling rather than the evolution of an existing dwelling over time has been able to pull development away from the south site

boundary. The building has been broken down into different elements, with single-storey elements to the front and side (west) and with flat and shallow pitched roofs which help reduce the height, scale and bulk of the building. There is no uniform design or palette of materials in the local area and there are examples of properties that incorporate cladding similar to that proposed in this case elsewhere along this section of the coast. This matter can also be controlled by planning condition with details of the proposed cladding supplied and agreed in writing by the Development & Planning Authority.

The site currently has large areas of hardstanding to both the front and side/west of the dwelling which will be replaced and removed, in part, in connection with the current proposal. The application drawings make reference to new hedge planting to the front/north and side/east boundaries which will offer screening of the new permeable paving proposed. The design and layout of the private garden area to the rear would ultimately fall to the applicant/owner. An informative note can be placed on any permission to draw attention to the Strategy for Nature and the introduction of native species appropriate for this coastal environment.

It is concluded that the replacement dwelling proposed will not appear visually intrusive, out of keeping nor 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.

The building now proposed would be set further from the south site boundary than the previously approved scheme. It is also noted that the existing south elevation is two-storey in height and the existing and proposed dwelling are in approximately the same position on site when considering the relationship to the south. The scheme retains a design with a single-storey element at the western end to minimise the potential impact on the amenities enjoyed by the occupiers of Pine Grove. The scheme does however, incorporate a larger first floor area and reduced single-storey element but this amendment will not result in unacceptable harm to the amenities enjoyed by the occupiers of Pine Grove. Given that the proposed dwelling is situated to the north of the adjoining terrace of cottages and approximately 17m from the front elevation of the main row of adjoining cottages the scheme is set sufficient distance from the south site boundary so as to ensure the dwelling will not result in overshadowing and loss of light to these adjoining dwellings. With a lane to the east of the site, the dwelling will be set away from properties to the east and will not result in harm with regard to overshadowing.

The scheme has given consideration to the potential for overlooking and loss of privacy in terms of the internal layout of the accommodation and position of windows and doors. The potential for overlooking from first floor windows to the south will not significantly alter from the existing situation where first floor windows face south, and will be reduced comparative to the approved scheme, by virtue of the revised room layout. The most significant potential impact to residential amenity is in relation to the roof terrace proposed to the west of the dwelling. This has been reduced in area since

the earlier approval. The scheme shows a 1.1m high glazed screen to the southern edge set 9m from the south boundary and approximately 12m from Pine Grove. A higher wall or screen would preserve the privacy of the adjoining residents to the south but, although not a planning consideration, would impact on views and outlook from the terrace, particularly Pine Grove.

Although Pine Grove projects closer to the common boundary with the application site, the arrangement of fenestration, with ground floor doors and high-level gable window, ensure that the proposed balcony will not result in unacceptable overlooking or loss of privacy to the occupiers of the adjoining dwelling. The Cottage forms the eastern end of the terrace and as the terrace has been reduced in size the privacy enjoyed by the occupiers of this property will be preserved. Linden Lea is the mid-terrace cottage south of the site and although some views from the balcony will be possible given the reduced size the impact will be less than as previously approved and the scheme will not result in an unacceptable degree of overlooking and loss of privacy that would warrant the refusal of planning permission. This aspect of the scheme therefore accords with the aims of Policies GP8, GP9 and GP13 of the Plan.

It is reasonable to impose a condition relating to the obscure glazing of the first floor bathroom and ensuite bathroom window facing south. Although other bathroom/ensuite windows are proposed these are at ground floor level and would be screened from adjoining properties by appropriate boundary treatment (which would ordinarily be permitted at up to 2m in high without the specific grant of planning permission) and in these cases it is not considered reasonable to require these windows to be obscure glazed.

The scheme has been designed to provide for the future occupiers of the dwelling with flexible living accommodation, off-road parking and private amenity space which will provide access for all and will enable future occupiers to remain in the property for longer.

The scheme will alter the relationship of the property on this site to those dwellings in the immediate area but will not result in unacceptable harm to the amenities of surrounding residential occupiers and the scheme accords with Policies GP8 and GP13 in this respect.

The application has been accompanied by a brief Waste Management Plan which is considered to be satisfactory in this case. The information is considered satisfactory to meet the aims of Policy GP9 in this respect and can be managed by planning condition.

The submission sets out the various ways the scheme will meet or exceed the current Building Regulations. The scheme makes provision for permeable paving, solar panels (not shown on the application drawings) and an electric charging point in the garage, 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.

The site is located in an area of archaeological importance therefore it is reasonable to consider imposing an informative note relating to buried archaeology on the site.

In view of the above it is concluded that the scheme accords with all relevant policies in the Island Development Plan and it is recommended that planning permission is granted for the replacement dwelling subject to planning conditions relating to:

- External cladding/materials/balustrades
- Landscaping scheme (hard and soft landscaping)
- Obscure glazing of the ensuite bathroom window serving bedroom 2
- Sustainable design measures
- Waste management plan

An informative note may be placed on the permission in relation to new planting and consideration of native species.

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 or buildings.

Date: 06 January 2023

