

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 landscaping and plant room, create padel court to north of site, infill existing vehicle access and create new gated vehicle access.

LOCATION: Le Menage, Rue Poudreuse, St. Martin.

APPLICANT: Mr & Mrs S Davison

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: 18/04/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 30/01/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: A7 Design Ltd - 21-1251-P3 PD/01, PD/02, PD/03 & PD/04.

Application Ref: FULL/2023/0241

Property Ref: J004170000

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.Noise associated with plant and machinery incorporated within the development shall be controlled such that the Rating Level, measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 5 dB(A) below the existing LA90 background noise level, including low frequency tones. Rating Level and existing background noise levels shall be determined as per the guidance provided in BS 4142:2014.

Reason - In the interests of residential amenity.

5.Within four weeks of the new access being brought into use, the existing access shall be closed permanently to match the existing roadside boundary and the land within the highway reinstated. Prior to the end of the first planting season following the first occupation of the dwelling hereby approved the driveway associated with the closed access shall be removed from the site and the land reverted to garden, amenity space.

Reason - To minimise the number of points of access, in the interests of highway safety and to avoid excessive hardsurfacing in the interests of sustainable development.

6.Within eight weeks of the new access being brought into use, the roadside wall and pillars shall be constructed and rendered in accordance with the approved plans.

Reason - In the interests of visual amenity.

7.The development hereby permitted shall be constructed in accordance with the details set out in the Sustainable Design Statement included in the letter from A7 Design dated 25/01/2023 and the permeable paving driveway laid prior to the first

occupation of the dwelling hereby approved.

Reason - In the interests of sustainable development.

8. 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 17/04/2026 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

For the avoidance of doubt, the installation of any lighting in association with the padel tennis court hereby approved would require a separate application for planning permission.

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/2023/0241
Property Ref: J004170000
Valid date: 30/01/2023
Location: Le Menage Rue Poudreuse St. Martin Guernsey GY4 6NN
Proposal: Demolish existing dwelling and erect replacement dwelling with associated landscaping and plant room, create padel court to north of site, infill existing vehicle access and create new gated vehicle access.

Applicant: Mr & Mrs S Davison

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. Noise associated with plant and machinery incorporated within the development shall be controlled such that the Rating Level, measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 5 dB(A) below the existing LA90 background noise level, including low frequency tones. Rating Level and existing background noise levels shall be determined as per the guidance provided in BS 4142:2014.

Reason - In the interests of residential amenity.

5. Within four weeks of the new access being brought into use, the existing access shall be closed permanently to match the existing roadside boundary and the land within the highway reinstated. Prior to the end of the first planting season following the first occupation of the dwelling hereby approved the driveway associated with the closed access shall be removed from the site and the land reverted to garden, amenity space.

Reason - To minimise the number of points of access, in the interests of highway safety and to avoid excessive hardsurfacing in the interests of sustainable development.

6. Within eight weeks of the new access being brought into use, the roadside wall and pillars shall be constructed and rendered in accordance with the approved plans.

Reason - In the interests of visual amenity.

7. The development hereby permitted shall be constructed in accordance with the details set out in the Sustainable Design Statement included in the letter from A7 Design dated 25/01/2023 and the permeable paving driveway laid prior to the first occupation of the dwelling hereby approved.

Reason - In the interests of sustainable development.

8. 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

For the avoidance of doubt, the installation of any lighting in association with the padel tennis court hereby approved would require a separate application for planning permission.

OFFICER'S REPORT

Site Description:

The property known as 'Le Menage' is a mid-20th century large detached two-storey, hipped roof dwelling. It is set well back from the road and faces west onto Rue Poudreuse with driveway and garden to the front of the property. A large garden also exists to the rear/east which wraps around the rear of adjoining properties to the north. Other large detached residential properties are situated to the north and south of the site.

The property is located Outside of the Centres as defined in the Island Development Plan.

Relevant History:

FULL/2021/2376 - Demolish existing dwelling and erect replacement dwelling – granted

This scheme related to the erection of a contemporary two-storey flat roof dwelling.

FULL/2022/1521 - Demolish chimneys, erect 2 storey extension to south (side) elevation, alter roof form to garage to north (side) elevation, erect covered area to front and rear elevations, install flue, external insulating render system and cladding and alterations to fenestration – granted

Existing Use(s):

01 dwellinghouse

Brief Description of Development:

The application relates to the demolition of the existing dwelling and the erection of a two-storey pitched roof dwelling with a render and timber clad exterior. The building has been broken down into different elements with various roof heights and the roof coverings are shown to be a mix of slate and zinc. On the ground floor a double garage is proposed with guest suite over (bedroom, bathroom and sitting area). The remainder of the ground floor comprises an open plan kitchen, living and dining room along with a snug and bedroom. On the first floor are three bedrooms

(including master suite), two further bathrooms and a gym (could also be used as a study or fifth bedroom).

The scheme also proposes the formation of a tennis/padel court in the northeast part of the site and for the vehicular access to be repositioned from the south to the north of the site. A 4m wide, splayed access is proposed which is framed by rendered walls with pillars set 5.5m back from the road and a grey stainless steel gate is proposed to secure the access.

The scheme has been accompanied by a Waste Management Plan.

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

Island Development Plan policies:

GP8: Design
GP9: Sustainable Development
GP13: Householder Development
IP6: Transport infrastructure and support facilities
IP7: Private and Communal Car Parking
IP9: Highway safety, Accessibility and Capacity

Representations:

None.

Consultations:

Office of Environmental Health and Pollution Regulation - I have reviewed the proposed plans for Le Menage which were received by post on 6th April 2023 and there is an issue of concern that I must raise. The plant room is within proximity to the neighbour's boundary. I would be concerned for any potential noise that may arise from the plant/machinery within the plant room. As such would recommend the following condition.

- Noise associated with plant and machinery incorporated within the development shall be controlled such that the Rating Level, measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 5 dB(A) below the existing L_{A90} background noise level, including low frequency tones. Rating Level and existing background noise levels shall be determined as per the guidance provided in BS 4142:2014.

Summary of Issues:

The key issues in this case relate to the:

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

Assessment against:

1 - Purposes of the law.

The objectives of the Law, as set out in Section 1(2), have been considered and this forms part of the assessment of policy issues as set out in 2 below.

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

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 not exceed the height of the existing dwelling, situated 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 the existing dwelling and those around it. The building has been broken down into different elements, pitched roofs running both east-west and north-south and incorporating subservient roof forms in aspects of the design 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 the use of cladding would not result in harm to the character of the locality.

The site currently has a long driveway/area of hardstanding to the south boundary and in front of the dwelling itself. This will be removed and replaced in connection with the current proposal to provide adequate parking and turning for the dwelling (IP7). The application does not include a landscaping scheme however this would be a matter of personal choice for the applicant in this instance. The provision of permeable paving for the new driveway, turning and parking area can however be managed by condition. The design and layout of the private garden area to the rear would ultimately fall to the applicant/owner and the swimming pool shown would represent exempt development not requiring planning permission.

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 proposed development will not result in overshadowing or loss of privacy to the occupiers of any surrounding properties given the substantial plot size and position of fenestration and in this respect the scheme therefore accords with the aims of Policies GP8, GP9 and GP13 of the Plan. The scheme has been designed to consider the health and well-being of occupiers with regard to sunlight/daylight and offers 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 site is not situated in a Conservation Area and although a section of the boundary would be lost in connection with the new vehicular access, a large proportion will remain intact and will continue to provide an adequate boundary feature. Whilst a rendered wall does not reflect the appearance of adjoining granite walls the introduction of a rendered blockwork wall will not result in substantial harm to the character of the area and would not warrant the refusal of planning permission. The infilling of the existing access, to match the roadside boundary, either granite wall or earthbank, can also be managed by condition in order to limit the number of accesses to the site in the interests of the character and appearance of the locality. In this particular instance it is considered therefore that any adverse impact on the character of the area as a result of the development is not so substantial to warrant the refusal of planning permission. This conclusion is reinforced by the preceding text to Policy IP9, which notes that, *“the Authority will balance any impact on the character of the locality concerned with affording a*

significant degree of flexibility so that reasonable development aspirations can be met.” The proposed access represents a good standard of design that respects the local built environment. It will not have a detrimental impact on highway safety or on residential amenity.

An existing/former tennis court is situated in the northeast corner of the site at present. The proposed court would be located within the domestic curtilage/garden and away from roadside boundaries and screened from public view by surrounding residential development. The padel tennis court is significantly smaller than the existing court and set further from the boundaries with properties fronting Rue Poudreuse. The court and associated fencing will not have a detrimental impact the character and appearance of the locality. The toughened glass rebound panels require permission given their height, in excess of 2m, and although some reservations exist regarding noise generated resulting from balls rebounding off these panels given that the court would be used for ancillary domestic purposes it is concluded that this will not result in undue harm to the amenities of surrounding residential neighbours. It is also noted that no concerns have been raised by OEHPR.

The plant room is satisfactory in design and appearance and will not result in harm to residential amenity. The condition recommended by OEHPR can be imposed relating to noise generated by equipment in the building.

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 and can be managed by planning condition.

The submission sets out the various ways the scheme will meet or exceed the current Building Regulations and identifies that the existing dwelling is of poor construction. The scheme makes provision for permeable paving and orientation/solar gain as part of the design and also gives consideration to the effects of climate change. The scheme once constructed would therefore, offers 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 scheme does not specifically make provision for EV charging points or solar panels, in the case of the former these could be incorporated into the garage and with the latter the works may be exempt from planning permission. In order to manage the extent of hardsurfacing having regard to sustainable development it is considered reasonable to require the existing driveway to be removed following the creation of the new access and driveway and this matter can be controlled by condition.

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 cladding, permeable paving and other sustainability measures, removal of existing hardstanding, noise generation from plant/machinery and relating to a Waste Management Plan.

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. These issues where relevant have been considered in the assessment of this application.

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: 17 April 2023