

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, widen vehicle access.

LOCATION: Le Marais, Rue D'Albecq, Castel.

APPLICANT: Mr R Goman

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: 01/06/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 02/03/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Direct Architectural Solutions Ltd: 1442-SK-01B, 02A & 03.

Application Ref: FULL/2023/0305

Property Ref: D012320000

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 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, these features having been proposed to address the requirements of Island Development Plan Policy GP9.

5.Within four weeks of the access being extended, the end of the extended opening shall be finished off using materials and a method of construction which match the remainder of the roadside boundary.

Reason - To secure the satisfactory appearance of the completed development.

6.No development, including site clearance and demolition, shall take place until an updated version of the Site Waste Management Plan submitted as part of this application has been submitted to and approved in writing by the Authority. The updated Site Waste Management Plan shall take into account any further site surveys or changes to the construction programme, and shall identify an individual with responsibility for regularly monitoring the Site Waste Management Plan. The development shall thereafter be carried out only in accordance with the Site Waste Management Plan so approved.

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.No part of the development hereby permitted 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 and monitored fully in accordance with the Site Waste Management Plan approved under Condition 6 above. Where there has been any variation from the approved Site Waste Management Plan, 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 31/05/2026 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/2023/0305
Property Ref: D012320000
Valid date: 02/03/2023
Location: Le Marais Rue D'Albecq Castel Guernsey GY5 7HR
Proposal: Demolish existing dwelling and erect replacement dwelling, widen vehicle access.

Applicant: Mr R Goman

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.

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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, these features having been proposed to address the requirements of Island Development Plan Policy GP9.

5. Within four weeks of the access being extended, the end of the extended opening shall be finished off using materials and a method of construction which match the remainder of the roadside boundary.

Reason - To secure the satisfactory appearance of the completed development.

6. No development, including site clearance and demolition, shall take place until an updated version of the Site Waste Management Plan submitted as part of this application has been submitted to and approved in writing by the Authority. The updated Site Waste Management Plan shall take into account any further site surveys or changes to the construction programme, and shall identify an individual with responsibility for regularly monitoring the Site Waste Management Plan. The development shall thereafter be carried out only in accordance with the Site Waste Management Plan so approved.

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.

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OFFICER'S REPORT

Brief Description of the site:

The application site comprises a detached dwellinghouse located to the south-east of the Rue D'Albecq coast road, on the periphery of relatively dense residential development to the south-east. A small field separates the site from residential property to the west and that to the east is set within generous gardens. Coastal common land is located across the road to the north-west. The site is served by two accesses in the north-west boundary.

The site is located Outside of the Centres in the Island Development Plan. The land on the opposite side of the road is designated a Site of Special Significance.

Relevant History:

Pre-application advice regarding demolition and rebuild.

Existing Use(s):

Residential Use Class 1

Assessment: *(Tick as appropriate)*

no representation

X

accords with policy

X

within curtilage

X

design acceptable

X

visual amenity acceptable

X

no material neighbour impact

X

traffic not affected

X

Policies considered most relevant:

GP2 Sites of Special Significance

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

Conclusion/Brief comment:

This application seeks to demolish the existing dwelling and to erect a replacement dwelling, and to widen one existing vehicle access by 0.9m to 4m (northern access). The swimming pool and shed, as amended, comprise exempt development.

The principle of demolition and rebuild of existing dwellings is supported under Plan policy. In this case, the existing dwelling is of traditional character, however it is stated that the building suffers from water ingress and is of a substandard method of construction. The proposed replacement dwelling is of increased footprint, bulk and massing, relative to the existing, however the building is similarly positioned on the site and the building envelope utilises traditional forms, and is of a style commonly found along the coast. Whilst the site is prominently located along the coast road, and visible in long views from the north-west and north-east, it is read amongst and against the surrounding development and would not have a significant impact in those views, or on the openness of the area. Policy allows for an increase in the size of a dwelling, and a contemporary approach to design, where there would be no adverse impacts on character or openness.

The proposed accommodation incorporates living and sleeping accommodation at ground floor level, provides appropriate circulation space for wheelchair access and indicates potential for provision of a lift to first floor and for accessible external access. The proposed accommodation would therefore be accessible and flexible.

The proposed increase to the width of the vehicular access would enhance the functionality of the access without adverse impacts on character or amenity, subject to the making good of the extended access. The proposal includes raising of ground levels within the property frontage, to alleviate flooding. This raising would comprise a c300mm increase over the existing and would not have any adverse impacts.

The proposed parking is extensive for the size of dwelling proposed, however it is noted that the maximum parking standards do not apply in this location and the introduction of hardstanding within the domestic garden of a dwelling constitutes exempt development that does not require the specific grant of planning permission. In this case, the impacts of the parking area would be mitigated to some extent by the use of permeable surfacing and the provision of planting along the roadside. Whilst the permeable surfacing can be controlled by condition, it is not considered reasonable to control the provision of planting in the context of this site. Whilst not specifically referenced, there would be potential for cycle storage within the garage or shed and it is not considered necessary to condition this provision.

There is limited provision of additional soft landscaping, however the proposal is for a replacement dwelling on a one-for-one basis, on a similar footprint, and, in this instance, the impacts of the proposal are not such that a landscaping scheme is required.

Confirmation has been received that the proposed development has been designed to take into account matters of energy efficiency and the current Building Regulations, including in the orientation and layout of the proposed dwelling, and the provision of permeable paving, in accordance with Policy GP9 (Sustainable Development).

A Site Waste Management Plan has been provided which is adequate to address the requirements of policy, update and implementation of which can be controlled by condition.

The proposal would have no adverse impacts on the amenity of nearby residential properties. The proposal would extend the built form to the rear of the existing dwelling, and would include a glazed gable in close proximity to the boundary with the adjacent dwelling to the south-east. Having given this matter careful consideration, and undertaken a visit to the adjacent property, it is however considered that the relationship would be acceptable and, even if the first floor were extended over the proposed void (works which would not require planning permission), the impacts on the amenity of the adjacent property would not be significant.

The site is not located within the Site of Special Significance, and the requirements of Policy GP2 would not therefore apply. Set on the opposite side of the road from the designated land, the proposals are however unlikely to have any significant impacts on that land.

All material considerations as set out in the Land Planning and Development (Guernsey) Law, 2005 and the Land and Planning (General Provisions) Ordinance 2007 have been taken into account in the assessment of this application.

Recommendation:

Grant with Conditions



Date: 31/05/2023

