

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: Erect 2 dwellings with associated landscaping, alter existing vehicle access and create vehicle access; Change of use of agricultural land to domestic garden (506sqm)

LOCATION: Land to Rear, Le Petit Tertre, Rue du Tertre/Le Petit Essart, Vale.

APPLICANT: Mr & Mrs M Pattimore

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: 08/06/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 17/02/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Chateaux Architectural Design: 23-009-SK01A & SK02A

Application Ref: FULL/2023/0369

Property Ref: C01137A000

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, excluding demolition and site works, shall begin until a landscaping scheme, providing full details of the hedge planting forward of the dwellings hereby approved and additional planting and biodiversity enhancements within the extended domestic garden to the north of the site, including planting schedules noting the species, sizes, numbers and densities of plants, has been submitted to and agreed in writing by the Authority.

The landscaping scheme shall be fully completed, in accordance with the approved details 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 make sure that a satisfactory landscaping scheme for the development is agreed, in order to help assimilate the development into its surroundings and in accordance with the Strategy for Nature.

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 and the electric vehicle charge points and solar panels shown on the approved drawings have been installed 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.

6.No part of the building or development hereby permitted shall be used or occupied

until the agreed scheme for cycle parking has been fully implemented. The provision for cycles shall be retained at all times.

Reason - To encourage the use of bicycles as an alternative to the car.

7. Within four weeks of the new access being brought into use, the ends of the new opening shall be finished off using materials and a method of construction which match the remainder of the wall.

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

Expiry Date: This permission will cease to have effect on 07/06/2026 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/2023/0369
Property Ref: C01137A000
Valid date: 17/02/2023
Location: Land to Rear Le Petit Tertre Rue du Tertre/Le Petit Essart
Vale Guernsey GY3 5QG
Proposal: Erect 2 dwellings with associated landscaping, alter existing
vehicle access and create vehicle access; Change of use of
agricultural land to domestic garden (506sqm)

Applicant: Mr & Mrs M Pattimore

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, excluding demolition and site works, shall begin until a landscaping scheme, providing full details of the hedge planting forward of the dwellings hereby approved and additional planting and biodiversity enhancements within the extended domestic garden to the north of the site, including planting schedules noting the species, sizes, numbers and densities of plants, has been submitted to and agreed in writing by the Authority.

The landscaping scheme shall be fully completed, in accordance with the approved details 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 make sure that a satisfactory landscaping scheme for the development is agreed, in order to help assimilate the development into its surroundings and in accordance with the Strategy for Nature.

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 and the electric vehicle charge points and solar panels shown on the approved drawings have been installed 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.

6. No part of the building or development hereby permitted shall be used or occupied until the agreed scheme for cycle parking has been fully implemented. The provision for cycles shall be retained at all times.

Reason - To encourage the use of bicycles as an alternative to the car.

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

OFFICER'S REPORT

Site Description:

The application site comprises an open field located on the north side of Le Petit Essart. The site is bounded by residential properties to the west and east, and across the road to the south, and by a large field to the north. The site is enclosed by substantial evergreen hedging to the south (behind the low roadside wall), west and part of the east boundaries, with a mixed hedgerow to the north. The remainder of the east boundary is open to the adjacent residential property in that direction, which falls within the same ownership.

The site is located within the St Sampson Main Centre Outer Area in the Island Development Plan.

Relevant History:

PREA/2022/1476 Pre-application advice regarding erection of two dwellings.

FULL/2020/0651 Erect 2 dwellings with associated landscaping. Approved
13/08/2020

Existing Use(s):

Agricultural Use Class 28

Brief Description of Development:

Permission is sought to construct 2 no 3 bed semi-detached dwellings to the south of the site, facing on to Le Petit Essart. The proposal would include the removal of the roadside boundary, creation of two access points, one for each dwelling, and construction of a roadside wall and planting of a hedge. Walls would be constructed between the amenity spaces serving the dwellings and along the north boundary. Sheds would be provided for each dwelling.

Following deferral, the application also proposes the change of use of the northern part of the land for domestic purposes associated with the dwelling to the east, known as Le Petit Tertre.

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

- MC2 Housing in Main Centres and Main Centre Outer Areas
- GP1 Landscape Character and Open Land
- GP8 Design
- GP9 Sustainable Development
- GP15 Creation and Extension of Curtilage
- IP6 Transport Infrastructure and Support Facilities

IP7 Private and Communal Car Parking
IP9 Highway Safety, Accessibility and Capacity

Strategy for Nature

Representations:

One letter of representation received objecting to further development on green fields in this lane.

Consultations:

None undertaken.

Summary of Issues:

Impact on the character of the area;
Impact on the amenity of neighbouring properties;
Amenity of the proposed units;
Parking provision.

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).**

Principle of residential development

The spatial strategy of the Strategic Land Use Plan (SLUP) requires the majority of new housing development to take place within and around the Main Centres of St Peter Port and St Sampson/Vale. To ensure that provision is effectively made to meet the annual requirement for the creation of new homes, the SLUP directs new development to provide an appropriate mix of tenures, housing sizes and types.

Following this strategic direction, the Island Development Plan (IDP) sets out a policy gateway for housing development within the Main Centre Inner and Outer Areas through Policy MC2 (Housing in Main Centres and Main Centres Outer Areas), providing that where a development is able to accommodate a variety of dwellings they provide an appropriate mix and type of dwellings.

In setting out a direction for housing within the Centres, neither Plan sets out a prioritisation for designated or brownfield sites over green field sites and there is therefore no policy justification to refuse to consider development at this site simply as it comprises a green field site.

In this case, the proposal is for 2no three bedroom dwellings. Whilst this does not comprise a mix of housing types, it does address one of the most significant needs in terms of identified housing requirements and would be acceptable in this case.

Impact on agricultural land

There is no policy relating to agricultural land within the Main Centres. Outside of the Centres, the most valuable agricultural land is protected within designated Agriculture Priority Areas, however, outside of those areas change of use away from agriculture is supported, provided all other relevant policies are met. In this case, the site is not within or adjacent to an area designated for agriculture. Furthermore, the site comprises a small parcel of land bounded by residential property, and there would be no policy justification for refusal of the application on the basis of loss of agricultural land.

Design & impact on the character of the area

Policy GP8 (Design) sets out a number of criteria which development will be expected to address to ensure that a scheme achieves high standards of design which respect the character of the environment.

This area is characterised by mixed built form and, in such circumstances, policy allows for flexibility in design approaches. The proposed dwellings take a traditional form and utilise traditional materials, respect the building line along the road and would reference the built form in the surrounding area.

The proposed dwellings would be visible in long views from the surrounding lanes to the north. Those views would however be distant, and the proposed dwellings would be read amongst the surrounding development. In terms of views from Le Petit Essart towards the open land to the north, those views are limited by the high roadside hedging and are therefore only available for a very limited section of the road. On balance therefore the impact on openness and public views would be limited.

Overall, the proposed dwellings would achieve an acceptable level of design which would not have an adverse impact on visual amenity or the character of the area.

The building would include appropriate circulation space, with provision of ground floor WC and shower facilities and the potential, if necessary, to provide ground floor sleeping accommodation, providing accessibility for people of all ages and abilities, and to be adaptable to changing needs over time.

Amenity of the proposed units

The proposed dwellings would be served by adequate external amenity space, and the arrangement of the adjacent properties and nature of the boundary treatments would prevent any significant overlooking of those spaces.

Provision of access and parking

The proposal would include the retention of the existing access to serve Unit B, and the creation of a new access to serve Unit A. The existing roadside wall would be otherwise retained and the hedging along the roadside and along the forward section of the west boundary would be replaced by lower hedging. Two parking spaces would be provided for each dwelling, within the maximum requirements of the Parking Standards.

The proposed alterations to the roadside and adjacent boundaries would not result in a significant impact on the character of the area, and would significantly enhance sightlines from the existing and proposed accesses. To ensure an appropriate replacement of the existing hedging it is however recommended that the decision be conditioned to require details and implementation of planting, and to ensure the new accesses are appropriately finished.

The proposed new access would be located in close proximity to a junction, and neither parking would benefit from turning. On balance however, taking into account the road size and geometry, it is considered that the proposal would not raise significant road safety concerns.

The proposal would therefore accord with Policies IP7 (Private and Communal Car Parking), IP9 (Highway Safety, Capacity and Accessibility) and GP8 (Design). The vehicle movements associated with two dwellinghouses would not have a noticeable impact on highway capacity in this area.

Cycle storage is provided within sheds to the rear of each property and can be controlled by condition.

Impact on neighbour amenity

The site is bounded by residential properties to the west and east, and across the road to the south. The positioning of the proposed dwellings on the site, and that of the proposed fenestration within the buildings, would prevent any impact on the amenity of adjoining properties in terms of overlooking, overshadowing or overbearing.

Sustainable development

Confirmation has been received that the proposed development has been designed to take into account the orientation of the buildings, positioning of fenestration and matters of energy efficiency and the current Building Regulations in accordance with Policy GP9 (Sustainable Development). The application proposes permeable paving, EV charging points and solar panels. These matters can be controlled by condition.

Change of use of land for domestic purposes

In respect of the change of use of the land to the north of the site, this parcel of land is limited in size and will be enclosed by development on three sides, with a strong boundary to the open land to the north, and, following the residential development of the site, will not be visible in public views. The proposed change of use would not therefore have an adverse impact on open land or landscape character and is not located within an Area of Biodiversity or Agriculture Priority Area. No boundary features will be altered as a result of the proposal and there will be no adverse impacts on neighbouring residents. The proposed change of use would therefore accord with Policies GP1 (Landscape character and open land) and GP15 (Creation and extension of curtilage). No planting is identified within this area to provide biodiversity enhancements in accordance with the Strategy for Nature however, taking into account the size of the site and layout of the site there is scope to provide appropriate planting and, in order to allow the residential development of the site to progress, it is considered in this instance that the additional planting could be controlled by condition.

Conclusion

The proposed development is for 2no three bedroomed dwellings, in accordance with the identified requirement for housing in the Island and the application would therefore comply with Policy MC2 (Housing in Main Centres and Main Centre Outer Areas).

The detailed design of the scheme accords with Policies GP8 (Design), GP9 (Sustainable Development), IP7 (Private and Communal Car Parking) and IP9 (Highway Safety, Accessibility and Capacity), as set out above, and the change of use of land accords with Policies GP1 (Landscape character and open land) and GP15 (Creation and extension of curtilage).

Consequently it is recommended that the application be approved, subject to the identified conditions.

Date: 31/05/2023

