

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, glasshouse and outbuilding, erect replacement dwelling with associated landscaping and parking.

LOCATION: La Rocque, Rue De La Rocque, Torteval.

APPLICANT: Mr & Mrs J Legg

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: 05/10/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 16/06/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: PF+A Ltd: 7717-01 B1A, B2, B3, B4, B5, B6 B7 & B8

Application Ref: FULL/2023/0979

Property Ref: G003960000

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

5.The finish of the timber cladding hereby permitted shall be submitted to and agreed in writing by the Authority and any agreed finish shall be applied within 28 days of construction.

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

6.The landscaping scheme shall be fully completed, in accordance with the details shown on the approved block plan drawing (ref: 7717-01 B1 Rev A), 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 the appearance of the completed development is satisfactory and to help assimilate the development into its surroundings.

7.No development, including site works, shall begin on site until details of existing and proposed levels, including ground levels, finished floor levels and ridge levels of all buildings have been submitted to and agreed in writing by the Authority. The development shall be carried out only in accordance with the details agreed under the terms of this condition.

Reason - To make sure that the development is carried out in a way which is in character with its surroundings.

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.

9.The dwelling hereby approved shall not be occupied until such a time as the existing buildings/structures as shown to be demolished on the approved block plan (ref: 7717-01B1 Rev A) have been demolished and all ancillary materials, works and structures have been removed from the site.

Reason - To make sure the development takes the form hereby permitted.

10.Notwithstanding the details submitted, an earth bank or hedge shall be constructed/planted between the recognised garden area and remaining agricultural land to define the extent of the domestic curtilage for the property. Details of the earth bank or hedge planting (including type of hedge and planting densities) shall be submitted to and approved in writing by the Authority. The earthbank shall be constructed or hedge planted in accordance with the agreed details prior to completion of the dwellinghouse or its first occupation (whichever is the sooner).

Reason - To make sure that the appearance of the completed development is satisfactory and to help assimilate the development into its surroundings.

Expiry Date: This permission will cease to have effect on 04/10/2026 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

Your attention is drawn to The Animal Welfare (Guernsey) Ordinance, 2012 and the need to comply with its provisions. The existing buildings may be used by bats or other wildlife for roosting and nesting. It is recommended that the site be inspected by a suitably qualified person prior to any building works commencing. Additional measures should also be taken (including consideration of the timing of the works and provision to support associated wildlife in the long term) to ensure that protected species are not impacted by the works. It is recommended that you contact La Société Guernesiaise for advice or to arrange a site visit. La Société can be contacted by emailing info@societe.org.gg

Your attention is brought to the issue of avoidable light pollution and its effects on the natural environment and associated wildlife, in particular bats. The existing landscape is not currently subject to extensive artificial lighting and it is therefore requested that external lighting be avoided or kept to a minimum as much as possible.

Any hard surfacing should be carried out using porous materials or provision should be made for all run-off water to be taken to a permeable or porous area. Advice about surfacing types and construction methods is contained within a UK Government publication: 'Guidance on the permeable surfacing of front gardens'. This contains useful guidance and can be viewed at www.communities.gov.uk/publications/planningandbuilding/pavingfrontgardens.

Care should be taken during site works to make sure that hours of operation, methods of work, dust and disposal of waste do not unduly disturb nearby residents.

It is recommended that site clearance, construction and deliveries are limited to the following times:

Mondays to Saturdays - 0800 hours to 1800 hours.

Action which creates a nuisance may be subject to action by the Office of Environmental Health and Pollution Regulation.

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/2023/0979
Property Ref: G003960000
Valid date: 16/06/2023
Location: La Rocque Rue De La Rocque Torteval Guernsey GY8 0PH
Proposal: Demolish existing dwelling, glasshouse and outbuilding, erect replacement dwelling with associated landscaping and parking.

Applicant: Mr & Mrs J Legg

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 materials to be used on the exterior of the buildings 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 - To secure the satisfactory appearance of the completed development.

5. The finish of the timber cladding hereby permitted shall be submitted to and agreed in writing by the Authority and any agreed finish shall be applied within 28 days of construction.

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

6. The landscaping scheme shall be fully completed, in accordance with the details shown on the approved block plan drawing (ref: 7717-01 B1 Rev A), 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 the appearance of the completed development is satisfactory and to help assimilate the development into its surroundings.

7. No development, including site works, shall begin on site until details of existing and proposed levels, including ground levels, finished floor levels and ridge levels of all buildings have been submitted to and agreed in writing by the Authority. The development shall be carried out only in accordance with the details agreed under the terms of this condition.

Reason - To make sure that the development is carried out in a way which is in character with its surroundings.

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.

9. The dwelling hereby approved shall not be occupied until such a time as the existing buildings/structures as shown to be demolished on the approved block plan (ref: 7717-01B1 Rev A) have been demolished and all ancillary materials, works and structures have been removed from the site.

Reason - To make sure the development takes the form hereby permitted.

10. Notwithstanding the details submitted, an earth bank or hedge shall be constructed/planted between the recognised garden area and remaining agricultural land to define the extent of the domestic curtilage for the property. Details of the earth bank or hedge planting (including type of hedge and planting densities) shall be submitted to and approved in writing by the Authority. The earthbank shall be constructed or hedge planted in accordance with the agreed details prior to completion of the dwellinghouse or its first occupation (whichever is the sooner).

Reason - To make sure that the appearance of the completed development is satisfactory and to help assimilate the development into its surroundings.

INFORMATIVES

Your attention is drawn to The Animal Welfare (Guernsey) Ordinance, 2012 and the need to comply with its provisions. The existing buildings may be used by bats or other wildlife for roosting and nesting. It is recommended that the site be inspected by a suitably qualified person prior to any building works commencing. Additional measures should also be taken (including consideration of the timing of the works and provision to support associated wildlife in the long term) to ensure that protected species are not impacted by the works. It is recommended that you contact La Société Guernesiaise for advice or to arrange a site visit. La Société can be contacted by emailing info@societe.org.gg

Your attention is brought to the issue of avoidable light pollution and its effects on the natural environment and associated wildlife, in particular bats. The existing landscape is not currently subject to extensive artificial lighting and it is therefore requested that external lighting be avoided or kept to a minimum as much as possible.

Any hard surfacing should be carried out using porous materials or provision should be made for all run-off water to be taken to a permeable or porous area. Advice about surfacing types and construction methods is contained within a UK Government publication: 'Guidance on the permeable surfacing of front gardens'. This contains useful guidance and can be viewed at www.communities.gov.uk/publications/planningandbuilding/pavingfrontgardens.

Care should be taken during site works to make sure that hours of operation, methods of work, dust and disposal of waste do not unduly disturb nearby residents.

It is recommended that site clearance, construction and deliveries are limited to the following times:

Mondays to Saturdays - 0800 hours to 1800 hours.

Action which creates a nuisance may be subject to action by the Office of Environmental Health and Pollution Regulation.

OFFICER'S REPORT

Site Description:

The application site comprises a detached single storey dwelling with a large outbuilding to the east and a greenhouse to the west. Remnants of the former horticultural glasshouses that occupied the site remain to the rear of the outbuilding and surrounding the existing glasshouse.

The residential property is of circa 1930's construction and is in a poor state of repair.

Surrounding the site the area comprises residential dwellings of mixed building type and design to the north and east with open agricultural land to the south. The site has a pedestrian access from the property onto Rue De La Rocque to the north and a vehicular access to the east.

The site is situated Outside of the Centres as designated in the Island Development Plan.

Relevant History:

The application has been the subject of pre-application discussions.

Existing Use(s):

Residential – property and garden area

Agricultural – field adjoining the residential garden area.

Brief Description of Development:

Planning permission is sought to demolish the existing dwelling, glasshouse and outbuilding and to erect a replacement dwelling with associated landscaping and parking.

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

Island Development Plan Policies:

- GP1: Landscape Character and Open Land;
- GP8: Design;
- GP9: Sustainable development;
- GP13: Householder Development;
- IP9: Highway Safety, Accessibility and Capacity.

Representations:

In total 10 letters of objection have been received (two of these from the same person from a single residential address) from neighbouring properties objecting to the scheme. The grounds for objection are summarised as follows:

Design

- The design incorporates a home in two offset sections which would mean the overall width of the property will seem wider than if it was a single section and impact on the view would be compounded;
- The drawings show that the top level of the new build will be in-line with Luminaire, implying that the final roof line is only a metre or so taller than the pink shed which is not the case, the proposal will be a whole storey higher than Luminaire;
- The house is of huge scale and is not in keeping with those on the land;
- The scheme appears to be designed on those that you might find in the Hamptons;
- The proposal will increase the volume of the existing house by over 500%;
- Little thought has been given regarding sustainable design practices;

Impact on the character of the area

- The replacement dwelling will be much higher on the horizon and much higher than the neighbouring property Luminaire;
- The home should remain in the same place as the existing dwelling which would be less objectionable albeit this would need to be two stores as opposed to three;
- If the house was built where the original dwelling is and the size more in keeping with the scale and character of the area the impact on the skyline would be minimised;
- The current property is below the current field line in its new position which is the highest point of the site the scheme would impact on views towards the sea;
- Why should the character of the area be ruined for neighbours for a larger than necessary property being built for no reason;
- The scheme will have a great impact on high natural beauty and landscape quality of the surrounding area;
- The existing plan makes no reference to garages, garden sheds which are likely to follow and would increase the massing of the scheme;

- Although the levels of the site will help absorb some of the ground floor, it is insufficient to create a basement level and the scheme will appear as three storey's;
- Raised above road level it will exacerbate the dominating nature of the proposal;
- Moving the property to higher ground with an increase in volume will have an effect on the horizon;
- A single storey house with green roof would be much more in-keeping with the area as recent developments in the area have been careful to maintain;
- The scheme will be the most prominent feature on the skyline;
- The scheme will represent a 7m increase in the height of the existing;
- The topographical information is inaccurate and a full survey should be done;
- The cross section drawings are inaccurate;
- The scheme fails to comply with the Island Development Plan;
- Several trees and four walls enclosing the garden have been removed prior to the submission of the application;
-

Impact on neighbours

- The scheme would impact on the properties to the rear of the property and not only those to the front by changing the skyline;
- The house in the relocated position will be closer to some neighbouring properties;
- The scheme be larger than neighbours and will overlook and overshadow neighbouring properties;
- A larger house should be sensitive to neighbours without depriving them from light, causing noise and disruption;
- Noise during construction will be detrimental and risk of asbestos contaminating neighbouring properties;
- Balconies and large wrap round floor to ceiling windows will face towards neighbouring properties causing issues;
- Direct sightlines from balconies into the lounge, bedroom and bathroom of the neighbouring property La Rocque will be possible;
- the scheme will look directly towards the garden area of Luminaire;

Traffic

- The house will have many occupants and their will be much more traffic from cars and more noise from people;
- The scheme is at odds to Policy IP9 as the small lanes will not be able to take construction traffic;

Other matters

- The proposed dwelling will be relocated on the site which will affect views through the site towards the sea from neighbouring properties and people walking the lanes;

- The drawings do not appear to tally with the site conditions and there may have been some artistic licence as the home would seem much wider and higher than shown;
- The comparisons shown on the drawing appears to be the wrong profile of the house and shows only the front section, the back section of the house will be higher and will far exceed the height comparison and at least twice the height of that shown;
 - o Drawings showing the correct ridge height should be submitted;
 - o The highest point of the property should be mocked up using scaffold poles;
 - o The plans should be corrected and resubmitted for a further 21 days with a ridge height mock up that the full scale and impact on the area can be shown;
- Wildlife will be affected by the lighting and dark skies will be interrupted. New lighting should be eco-friendly downlighting so that the sunset and dark skies are not interrupted;
- It is not clear from the drawings whether the scheme will include an increase in domestic curtilage and more details are needed;
- The buildings contain asbestos and Environmental Health should be consulted, and the materials should only be handled and disposed of by experts;
- The Land Planning and Development (General Provisions) Ordinance makes clear that in determining applications the Authority must have regard to the material planning considerations;
 - o The general presumption in favour of personal choice over design under GP8 and GP13 do not mean that such applications should be assessed or approved uncritically.
- The application should be determined by the Planning Committee in an open public hearing.

Consultations:

La Societe Guernesiaise by email dated 12th July 2023 stated the following:

“In respect of this application, we would like to highlight that existing buildings of this type can be used by roosting bats. This likelihood can increase when the property is located within a variable landscape with habitats such as farmland or woodland nearby. The ongoing Bailiwick Bat Survey has shown that there are bat populations in this particular part of the island.

We would recommend that the existing house and outbuilding, in particular the roofspaces, be inspected for current or recent use by bats by a suitably qualified person prior to any building works. This would reduce the risk of disturbing or destroying animals which are legally protected under the Animal Welfare Ordinance 2012.

We would request that, if these applications are considered further, an informative note be added to the Information Sheet as follows -

'Your attention is drawn to The Animal Welfare (Guernsey) Ordinance, 2012, the local Strategy for Nature and the need to comply with their legal provisions. The existing buildings may be used by bats or other wildlife for roosting and nesting. We strongly recommend that the site is inspected by a suitably qualified person prior to any building works. Additional measures should also be taken (including consideration of the timing of the works and provision to support associated wildlife in the long term) to ensure that protected species are not impacted by the works. It is recommended that you contact La Société Guernesiaise for advice or to arrange a site visit. La Société can be contacted by emailing info@societe.org.gg

We would also highlight the environmental impact of light pollution on many types of wildlife such as birds, bats and insects. Such pollution can be particularly problematic when introduced into a landscape such as this one, where existing sources of artificial light are relatively sparse.

We would ask that the Planning Service consider this aspect in relation to the application. In particular, we would ask that consideration be given to the increased light pollution which would arise from the larger new development which is to be located in a higher, more exposed location. As such, associated light pollution would extend over a larger area of mostly agricultural land and adjoining wooded valley escarpments frequented by bats and other sensitive wildlife such as foraging owls.

We would further request that, if this applications is approved, an informative note be added to the Information Sheet as follows -

'Your attention is brought to the issue of avoidable light pollution and its effects on the natural environment and associated wildlife, in particular bats. The existing landscape is not currently subject to extensive artificial lighting and it is therefore requested that external lighting be avoided or kept to a minimum as much as possible'."

Summary of Issues:

- The principle of a replacement dwelling;
- Design, form, scale and massing of the proposed development and its impact on the character of the surrounding area
- Impact of the development on the amenity of people living in the area; and
- Parking and access issues.

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 principle of a replacement dwelling

Policy GP13 of the IDP supports the demolition of existing dwellings and the erection of a replacement on a one for one basis, within the residential curtilage provided that:

- a) There are no significant adverse effects on the amenities of neighbouring properties; and
- b) The design, scale, mass and form would not detract from the open character of open locations; and
- c) The do not adversely affect the special interest of a Conservation Area or Area of Biodiversity Importance or protected building or protected monument.

In the case of proposals involving demolition and replacement of existing buildings, Policy GP13 requires the particular positive contribution that an existing building may be considered to make to the character of the area concerned. Proposals will be supported where the replacement would enhance the character of the area and make a more positive contribution to the area.

The existing dwelling is of no particular architectural or historic interest. Its form a (circa) 1930's single storey bungalow, and associated outbuildings are not altogether attractive nor do they make a positive contribution to the surrounding area. The proposed demolition of all structures on site and their replacement with a single dwelling would (for reasons discussed in the design section of this report) make a more positive contribution to the area thus enhancing its character.

For these reasons it is considered that the principle of demolition and construction of a replacement dwelling is acceptable in this location.

Design, form, scale and massing of the proposed development and its impact on the character of the surrounding area

Policy GP13: Householder Development sets out a number of criteria that should be satisfied. The policy also identifies that consideration must be given to the contribution the existing building makes to the character of the area concerned and that a Waste Management Plan should be submitted with a planning application. This must demonstrate how waste associated with the development process is to be minimised, how existing materials on site are to be reused on or off site and how residual waste will be dealt with.

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 GP8: Design seeks to ensure that development respects the quality of the physical environment, recognising that good design can contribute to the creation of a cohesive built environment that enhances the experience of the Island whether that is for living, working or visiting.

In this regard policy GP8 supports development that achieves good design that respects the local character but demonstrates an effective and efficient use of land and uses soft and hard landscape where appropriate to help mitigate and/or assimilate a scheme within its setting. The policy recognises the importance of development of a residential nature to allow for flexibility and adaption to suit needs whilst also assuring that proposals have addressed the health and well-being of the future occupiers and neighbours.

The application site is not within a Conservation Area or close to any Protected Buildings. There is a variety of building forms and styles in the surrounding area. Paragraph 19.9.5 of the IDP which forms the preceding text to Policy GP8 states that: *'In other, less sensitive areas' (not within Conservation Areas, Sites of Special Significance and Protected buildings), 'a good standard of design will be expected, however the Island Development Plan adopts a supportive position with regard to building design in these areas to enable the property owner to exert personal choice in design matters. This adopts the flexible and proportionate approach that underpins the Plan Objectives of the Island Development Plan.'*

The concerns raised through the public consultation process with regard to the design of the proposal and in particular the height, scale and bulk/massing of the development have been noted and have been carefully assessed on site. Whilst it is noted that the proposed dwelling will appear taller and the volume and bulk and massing much larger than the existing building, the site comprises a substantial plot that is capable of accommodating such a building. Massing models and cross section drawings have also been submitted which although questioned by representors show that the height of the scheme as proposed will be comparable with the modern contemporary building 'Luminaire' situated to the east and will not be out of context with the surrounding area.

The design of the scheme takes a traditional form with two offset pitched roof volumes linked together with a flat roof element situated between, which will help to reduce the bulk and massing of the building and its overall impact on the character and appearance of the surrounding area. All existing structures and the remnants of the former horticultural glasshouses will also be demolished and removed from the site which will also improve the overall appearance and character of the site. Set further within the site and away from Rue De La Rocque the proposal would not impose on this rural lane.

There is no uniform design in the local area and many of the properties surrounding have been extended previously using modern materials. The materials as proposed would therefore not be out of keeping with the rural character of the area. However, should planning permission be granted it is recommended that a condition is included for details of all external materials and any finish to be applied to the proposed cladding to be submitted to and agreed in writing by the Development & Planning Authority. This will ensure that high quality and appropriate materials to respect the character of the area are used.

The concerns expressed through the public consultation have been noted with regard to the impact of the development on the character and appearance of the locality. As referred to above the Island Development Plan allows for greater flexibility with regard to new development proposed in non-designated areas such as this and a development should preserve or enhance the character and appearance of the locality.

Given the varied nature of development in the locality it is concluded that the dwelling proposed will not appear unduly visually intrusive and would not be out of keeping in the locality. From long distance views from the coastal road to the north any views of the scheme will be limited and will be seen in context with those properties in a more prominent position closer to the road. To the south the proposal will appear larger than the existing dwelling but for the reasons referred to above it is concluded not to appear as an obtrusive feature. It is concluded therefore that the scheme, will preserve the character and appearance of the locality and accords with both Policies GP8 and GP13 of the Island Development Plan in this respect.

Paragraph 19.10.4 of the IDP (which forms the preceding text to Policy GP9) outlines that the design, layout and orientation of buildings, their form of construction and the materials used have a key role in delivering more sustainable development and reducing energy demand.

A supporting statement has been submitted confirming that the requirements of Policy GP9 regarding energy use and current Building Regulations have been considered. The drawings also show areas where there is potential for PV cells to be installed and that an electric vehicle charging point is to be installed. A Site Waste Management Plan with a detailed account of how waste associated with the development will be disposed of has also been submitted.

Based on the contents of the Site Waste Management Plan it is considered that the waste at this site will be appropriately controlled and provided that the waste is disposed of in accordance with the Waste Management Plan (which can be controlled by condition) the proposal satisfies the provisions of Policy GP9 & GP13 in this respect. With regard to the concerns raised regarding the disposal of asbestos contaminated waste, this is a controlled substance that this controlled under separate legislation to planning. All contractors/builders will be required to appropriately handle and dispose of such material in accordance with Health and Safety Legislation and failure to do so would be dealt with under separate legislation to planning.

Impact of the development on the amenity of people living in the area

GP8: Design indicates that new development will be supported where it is demonstrated that it will not have an unacceptable impact on neighbouring amenity and considers the health and well-being of the occupiers.

Concerns have been raised through the public consultation process regarding the impact of the development on sunlight and daylight to surrounding properties along with overlooking and a loss of view. However, the proposed dwelling at its closest point (the single storey element to the east) is set circa 16m from the garden area of the property 'Luminaire' to the east and to the north, the front elevation of the property at its closest point is circa 14m distance from the front garden area of the property 'La Rocque'. These separation distances are sufficient to prevent overlooking and to maintain privacy. Furthermore, at this distance the scheme would not result in any overshadowing or loss of light to the principal rooms of any of the surrounding dwellings.

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 drawing shows that the extent of curtilage associated with the existing dwelling will remain unchanged and the agricultural land to the west will remain as such. Although not shown on the drawing it is recommended that should planning permission be granted a condition is included for a boundary hedge or similar to be planted to clearly demarcate the extent of domestic curtilage from the remaining agricultural land.

The scheme will alter the relationship of the property on this site to those dwellings in the immediate area however it 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 comments received regarding a loss of view are noted however this is not a matter that can be taken into account as part of the assessment of a planning application as there is no right to a private view.

Parking and access issues

The existing vehicle access to the east and pedestrian access to the north will remain undisturbed. A driveway with a turning facility will be provided within the site, to enable vehicles to access and exit the site forward facing. The area of hardstanding has been kept to a minimum and granite setts are proposed as the surfacing material to be in-keeping with the rural character of the area. It is recommended that an informative is included for these setts to be permeable.

The applicant has demonstrated that more than enough car parking space exists to accommodate the required level of off road parking. Sufficient space exists within the proposed basement utility/store to accommodate required bicycle parking and there is no need in this instance for the creation of an additional structure to accommodate such parking.

Although concerns have been raised regarding the unsuitability of the roads for larger construction traffic, there has been recent construction in the area and many of the surrounding properties have been extended in the past which would have required similar larger vehicles to bring construction materials. Based on the above the proposal would not negatively impact on highway safety and complies with the relevant provisions of the IDP.

Other issues:

One letter of representation has requested that the proposal be decided by the Planning Committee at an Open Planning Meeting however it is not considered necessary for the application to be dealt with in such a way.

A request has also been made for the erection of ranging poles to identify the height and bulk and massing of the proposed scheme. However, given that massing model drawings and cross section drawings which show the height of the scheme in context with the surrounding area have been submitted such a request is not considered necessary in this instance. It is recommended as an alternative that a condition is included for details of all finished floor levels together with the ridge height of the roof be submitted and agreed prior to the commencement of any development on site.

With regard to the impact on wildlife the informatives recommended by La Societe Guernesiaise (in the consultation section above) should be included on any permission to identify such issues for the applicant.

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

In addition to the consideration of policy issues, Section 13 of the Land Planning and Development (General Provisions) Ordinance, 2007 identifies other material planning considerations which could be relevant. These include; the appropriateness of the

development in relation to its surroundings in terms of design, layout, scale, siting and materials; the likely effect on the character and amenity of the locality; any possible fall-back position by way of extant planning permissions or exempt development; the likely effect on the reasonable enjoyment of neighbouring properties. These issues where relevant are considered above.

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

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

Date: 02/10/2023

