

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: Change of use of agricultural land (473sqm) to domestic garden, create new vehicle access (west boundary), create parking area, remove section of wall to create pedestrian access to south elevation. (Protected Building).

LOCATION: Baugy House, Sohier Road, Vale.

APPLICANT: Mrs M C L Jolly

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: 08/02/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 03/08/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: A7 Design Limited: 22-1394/PD/01C

Application Ref: FULL/2023/1291

Property Ref: C010040000

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 change of use hereby permitted applies to the land highlighted in pink and annotated 1 on the Block Plan.

Reason - To define the permission for the avoidance of doubt.

5.No development shall begin on site until details of the reduction in width of the existing opening have been submitted to and agreed in writing by the Authority. The existing opening shall be reduced, in accordance with the approved details, within four weeks of the new access being formed.

Reason - The information provided with the application does not include full details of the reduction of the existing opening. This condition is imposed to make sure that the scheme is of satisfactory design and does not have any adverse impact on the character of the area, and to ensure the closure of the existing access to vehicular traffic in the interests of road safety.

6.Within four weeks of the new access being created, 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.

7.Prior to the implementation of the hereby approved change of use of the land, details of the landscaping, including the size, density and spacing of the proposed planting shall be submitted to and agreed in writing by the Authority.

Reason - To make sure that an appropriate landscaping scheme for the development is agreed, in the interests of biodiversity.

8.The landscaping shall be fully completed, in accordance with the details agreed under the terms of the condition above, in the first planting season following the completion of the development. 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.

Expiry Date: This permission will cease to have effect on 07/02/2027 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

The Authority does not recognise all of the land outlined on the submitted plan as forming the domestic curtilage associated with the dwelling presently known as Baugy House. The land recognised as domestic curtilage by the Authority is identified on the plan enclosed with this decision notice.

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/2023/1291
Property Ref: C010040000
Valid date: 03/08/2023
Location: Baugy House Sohier Road Vale Guernsey GY3 5PY
Proposal: Change of use of agricultural land (473sqm) to domestic garden, create new vehicle access (west boundary), create parking area, remove section of wall to create pedestrian access to south elevation. (Protected Building).

Applicant: Mrs M C L Jolly

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).

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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 change of use hereby permitted applies to the land highlighted in pink and annotated 1 on the Block Plan.

Reason - To define the permission for the avoidance of doubt.

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Reason - The information provided with the application does not include full details of the reduction of the existing opening. This condition is imposed to make sure that the scheme is of satisfactory design and does not have any adverse impact on the character of the area, and to ensure the closure of the existing access to vehicular traffic in the interests of road safety.

6. Within four weeks of the new access being created, 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.

7. Prior to the implementation of the hereby approved change of use of the land, details of the landscaping, including the size, density and spacing of the proposed planting shall be submitted to and agreed in writing by the Authority.

Reason - To make sure that an appropriate landscaping scheme for the development is agreed, in the interests of biodiversity.

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

INFORMATIVES

The Authority does not recognise all of the land outlined on the submitted plan as forming the domestic curtilage associated with the dwelling presently known as Baugy House. The land recognised as domestic curtilage by the Authority is identified on the

plan enclosed with this decision notice.

OFFICER’S REPORT

Brief Description of the site:

The property known as ‘Baugy House’ is a pre-1900 building which has been converted into 4 flats. It sits on a corner site with Maraitaine Road running along the north boundary and Sohier Road running along the west boundary. There are a pair of semi-detached dwellings to the south and open land and the Vale Douzaine Offices to the east. The site has a high granite wall running around the east, north and north half of the west boundaries and a lower granite wall running along the south half of the west boundary. The property is located Outside of the Centres as defined in the Island Development Plan. Baugy House is a Protected Building.

Relevant History:

There is no relevant history pertaining to this application.

Existing Use(s):

Residential use class 2: flats.

Assessment: *(Tick as appropriate)*

no representation	☒	visual amenity acceptable	☒
accords with policy	☒	no material neighbour impact	☒
within curtilage	☒	traffic not affected	☒
design acceptable	☒		

Policies considered most relevant:

- GP1: Landscape Character and Open Land
- GP5: Protected Buildings
- GP8: Design
- GP9: Sustainable Development
- GP13: Householder Development
- GP15: Creation and Extension of Curtilage
- IP9: Highway Safety, Accessibility and Capacity.

Conclusion/Brief comment:

This application as initially proposed was to infill the existing vehicular access, which is in the middle of the west boundary (in the high granite wall), relocate the vehicular

access to the middle of the low granite wall (which makes up the south end of the western boundary), and create a parking area for the four households on the site. In addition it was proposed to remove a section of the granite wall within the site, separating the existing parking area from the proposed, to provide pedestrian access.

Following deferral, the application has been amended to include the change of use of the land for domestic purposes, as the area of land in question had not been formally recognised as domestic curtilage. Extending the curtilage to include the proposed area of parking would not have an unacceptable impact on the landscape character, it is not an area of biodiversity importance, it is not in or near an Agriculture Priority Area, and the proposals are not considered to have any harmful impacts on the special interest of the protected building, the character and appearance of the surrounding area or on neighbour amenity.

The revised plans include an updated landscaping scheme, set out on Drawing No 22-1394-PD/01C. That plan does not however provide any planting schedules and, with the exception of the details in respect of Planters 1 A, B & C, 2B & 3B, alters the details previously submitted on the Tree Dimensions landscaping proposals. Whilst the landscaping scheme submitted demonstrates that the proposal could address the requirements of the Strategy for Nature, an updated version of the Tree Dimensions landscaping proposals, including full details of the planting, should be required by condition.

Initially the application had a 12m section of granite wall being removed and a granite bell mouth entrance into the site with a 4.5m wide final entrance. The application was deferred because the removal of a 12m section of original granite boundary wall was considered excessive in this context, and to the detriment of the character of the area. The bell mouth has since been removed and the new opening is now 6m wide. The application has also been revised to propose a permeable grass reinforcement system instead of paving as there would have been a vast amount of hard landscaping, a permeable system which allows the grass to continue growing would also be more sustainable for biodiversity.

The parking area will provide 2 parking spaces per household, with sufficient space to manoeuvre and turn around, plus an area for recycling and refuse bins, and soft landscaping in five separate areas. The new vehicular entrance removes a 6m section of low granite wall, the height of the existing boundary wall will remain at 1m high, which provides vehicle users with sight lines that accord with the Traffic Engineering Guidelines. The proposals have been well designed and are considered to comply with policy IP9.

The revised plans showed the retention of the existing access at the site. That access however achieves poor sightlines and the agent has subsequently agreed that the existing opening will be reduced to a pedestrian gateway, approximately 1m wide. Details of the works to this gateway can be controlled by condition.

The works are to the rear of the property, tucked into the southwest corner of the site, a new pathway will be laid around the property, and an element of soft landscaping before the parking area, to lessen the impact of the hard landscaping on the setting of the protected building.

Although a 6m section of western granite boundary wall will be removed, there will be plenty of native species planting happening within the parking area and a new hedge is to be planted along the eastern side of the parking area, which will mark the edge of the domestic curtilage and separate the parking from the rest of the agricultural land that occupies the whole eastern side of the site.

Confirmation has been received that the development proposed has been designed to take into account matters of energy efficiency and current Building Regulations in accordance with Policy GP9.

The proposals are considered to conform to the above policies of the Island Development Plan and grant of permission is recommended, subject to conditions.

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: 06/02/2024

