

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 outbuildings and erect replacement dwelling with associated works.

LOCATION: Acrefield Cottage, Route Du Camp Du Roi, St. Sampson.

APPLICANT: Aladdin Holdings Ltd

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: 06/09/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 10/08/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: A7 Design: 17-962 PD/07A, PD/08A & PD/09A

Application Ref: FULL/2023/1329

Property Ref: B014720000

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 landscaping or hardstanding works shall commence on site, until a landscaping scheme and hard surfacing details, to include those details specified below, have been submitted to and agreed in writing by the Authority:

- i) the treatment proposed for all ground surfaces, including hard surface areas (incorporating permeable paving);
- ii) full details of tree and hedge planting;
- iii) planting schedules, noting the species, sizes, numbers and densities of plants;
- iv) full details of the earthbank, including its height.

Reason - The application does not provide full details of the proposed landscaping and hardsurfacing and in order to help assimilate the development into its surroundings.

5.The landscaping scheme shall be fully completed, in accordance with the details agreed under the terms of the above condition, 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 - In the interests of visual amenity and to help assimilate the development into its surroundings.

6.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.

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

Reason - The ASHP is close to residential properties and a limit on the noise generated is needed to prevent a nuisance or annoyance to nearby residents.

8.The development hereby permitted shall be constructed in accordance with the details set out in the letter dated 24/07/2023 and in accordance with the details shown on the approved plans regarding solar panels and permeable paving, and there shall be no occupation of the dwelling until the solar panels have been installed and made operational.

Reason - In the interests of sustainable development.

9.Prior to the commencement of any work in connection therewith, details of the means of providing secure and covered cycle storage within the original curtilage of Acrefield Cottage shall be submitted to and agreed in writing by the Authority. The development shall be carried out only in accordance with the agreed details and the dwelling shall not be occupied until the approved cycle storage has been provided.

Reason - To provide that the occupiers with the opportunity to travel by alternative modes of transport.

Expiry Date: This permission will cease to have effect on 05/09/2026 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

In light of condition 4 and reference to precise details of the hard surfaced areas, permeable paving should be incorporated into the scheme, in accordance with Policy GP9: Sustainable Development.

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/2023/1329
Property Ref: B014720000
Valid date: 10/08/2023
Location: Acrefield Cottage Route Du Camp Du Roi St. Sampson Guernsey GY2 4XE
Proposal: Demolish existing dwelling and outbuildings and erect replacement dwelling with associated works.
Applicant: Aladdin Holdings Ltd

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 landscaping or hardstanding works shall commence on site, until a landscaping scheme and hard surfacing details, to include those details specified below, have been submitted to and agreed in writing by the Authority:

- i) the treatment proposed for all ground surfaces, including hard surface areas (incorporating permeable paving);
- ii) full details of tree and hedge planting;
- iii) planting schedules, noting the species, sizes, numbers and densities of plants;
- iv) full details of the earthbank, including its height.

Reason - The application does not provide full details of the proposed landscaping and hardsurfacing and in order to help assimilate the development into its surroundings.

5. The landscaping scheme shall be fully completed, in accordance with the details agreed under the terms of the above condition, 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 - In the interests of visual amenity and to help assimilate the development into its surroundings.

6. 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.

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

Reason - The ASHP is close to residential properties and a limit on the noise generated is needed to prevent a nuisance or annoyance to nearby residents.

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Reason - In the interests of sustainable development.

9. Prior to the commencement of any work in connection therewith, details of the means of providing secure and covered cycle storage within the original curtilage of Acrefield Cottage shall be submitted to and agreed in writing by the Authority. The development shall be carried out only in accordance with the agreed details and the dwelling shall not be occupied until the approved cycle storage has been provided.

Reason - To provide that the occupiers with the opportunity to travel by alternative modes of transport.

INFORMATIVES

In light of condition 4 and reference to precise details of the hard surfaced areas, permeable paving should be incorporated into the scheme, in accordance with Policy GP9: Sustainable Development.

OFFICER'S REPORT

Site Description:

Acrefield Cottage, Camp du Roi is a detached cottage with rough render exterior and pitched roof. A catslide roof extension exists to the rear of the property along with a porch extension. A lean-to timber extension is situated to the side of the dwelling and a detached outhouse to the immediate rear of the dwelling. The front site boundary is marked by a low wall and the boundary with the two-storey dwelling Acre Field to the south west is marked by a rendered wall. The boundary to the field to the north east of the site is marked by a hedge. A two-storey dwelling, known as Holmdene, exists opposite Acrefield Cottage, set back from the road.

The property is flanked to the south by a two storey dwelling known as “Acre Field”, with another two-storey dwelling, “Holmdene”, positioned on the opposite side of the road.

The site is located Outside of the Centres and the property is a pre-1900 building.

Relevant History:

FULL/2017/2021 - Demolish lean-to extensions to side and rear of dwelling and porch and outbuilding to rear of dwelling. Raise ridge height of cottage and install dormers to front and rear roofslopes. Erect single-storey flat roof extension to rear of dwelling and mono-pitched roof extension to side of dwelling. Install insulating render – granted

FULL/2018/0221 – Extend domestic curtilage, remove hedge and earth bank and construct 0.9m high granite wall to roadside/south-east boundary and 1.2m high wall to side/north-east boundary – granted

FULL/2018/1889 – Demolish existing dwelling and outbuilding and erect new dwelling, create new vehicular access and parking area, remove hedges, erect new fencing and demolish wall and erect new wall and earthbank – granted

FULL/2023/0975 - Change of use of agricultural land to domestic garden (1610 sq.m.), extend earth bank to north-east boundary, erect roadside wall and alter vehicle access to south-east boundary – granted

Including condition 5:

Notwithstanding the provisions of the Land Planning and Development (Exemptions) Ordinance, 2007 (or any other Ordinance replacing or re-enacting that Ordinance), no sheds, greenhouses, outbuildings or other buildings or structures shall be erected or constructed on the land that is now incorporated within the domestic curtilage of the dwelling currently known as Acrefield Cottage.

Reason - The carrying out of development of this type may cause harm in terms of the overall appearance and character of the area and its impact on the amenity of neighbouring dwellings.

Existing Use(s):

01 dwelling-house

The 2023 permission for the change of use of land granted resulted in the immediate change of use of agricultural land to domestic garden therefore the entire site is now considered, for planning purposes, to be domestic garden.

Brief Description of Development:

The application relates to the demolition of the existing cottage and erection of a detached, two-storey dwelling with slate roof and timber clad/rendered exterior along with aluminium windows and doors with solar panels proposed along with an Air Source Heat Pump (ASHP) which, due to its depth does not represent exempt development. The dwelling will comprise an open plan kitchen/diner, a living/day room, shower room, utility and bedroom (or large study) on the ground floor whilst at first floor a master suite is proposed in addition to two further double bedrooms and a bathroom.

The replacement dwelling will be two storeys in height, positioned immediately adjacent to the existing footprint of the original dwelling, closer to the south-west boundary. The dwelling incorporates a projecting gable and porch to the front with a veranda serving the ground floor to the rear.

It is also proposed to retain the position of the vehicular access as approved as part of a 2023 approval.

The application has been accompanied by a Waste Management Plan.

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

OC1 Housing Outside of the Centres
GP1 Landscape Character and Open Land
GP8 Design
GP9 Sustainable Development
GP13 Householder Development
IP7 Private and Communal Car Parking
IP9 Highway Safety, Accessibility and Capacity

Annex I: Amenities

Parking Standards and Traffic Impact Assessments SPG

Representations:

None.

Consultations:

Office of Environmental Health and Pollution Regulation – no comments received at time of determination.

OEHPR did however comment on the earlier approved scheme and set out:

There are a number of issues of concern. Calculations have been made to assess the noise level from the proposed HPID 10R32 ASHP unit to the nearest property and it is believed that the noise level experienced could be up to 36.5 dB. As such, the following condition is recommended.

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

Summary of Issues:

- Whether the principle of a replacement dwelling is acceptable.
- Design, scale, mass, form and materials of the development.
- The impact of the development on the character and appearance of the area.
- The impact of the development on neighbour amenity.

Assessment against:

1 - Purposes of the law.

The objectives set out in Section 1(2) of The Land Planning and Development (Guernsey) Law, 2005, 'the Law', have been considered and this report forms part of the assessment, with policy issues set out in Section 2 below.

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

Planning permission has previously been granted for a replacement dwelling on the site of the same design and appearance, and in the same position, as that now proposed. There has been no change in the policies against which an application would be considered.

The scheme has previously been assessed against the policies in the Island Development Plan and there has been no material change on site or in the vicinity of the application site. The existing cottage is of little merit and its removal is accepted.

The application relates to the demolition of one dwelling and its replacement with one dwelling, which is not considered new housing. Replacement dwellings on a one for one basis must be assessed against Policy GP13 of the Island Development Plan, this is irrespective of the size of the existing or proposed replacement dwelling.

The replacement dwelling represents a good standard of design having regard to its scale and mass and having regard to other residential properties in the surrounding area which are varied in terms of their age, style and design. It also represents efficient and effective use of land, offers flexible and accessible accommodation. Its position in its plot addresses the effect of the development on the surrounding built

and open environments and enhancements to boundary treatments/landscaping (proposed/approved) will help assimilate the development to its surroundings.

The development will not result in undue harm to the amenities of neighbouring residents in terms of overlooking nor with regard to overshadowing.

The scheme incorporates an ASHP in order to manage the potential impact on residential amenity that would result from noise associated with the equipment it is recommended that a planning condition is included.

The proposal will not be detrimental to highway safety or affect traffic management. The revised area of hardstanding to the front of the property will result in an appropriate level of parking provision for a dwelling of this size. As submitted, the scheme does not make provision for secure and covered cycle storage and exemption rights relating to outbuildings on the extended curtilage (approved earlier in 2023) have been restricted. In order to secure the cycle parking therefore, it is reasonable to impose a condition relating to the provision of cycle storage within the original domestic garden associated with the property. This would not however, preclude a planning application being submitted relating to the provision of a shed/cycle store within the enlarged garden area which would need to be accompanied by a written request relating to the removal/variation of the relevant planning condition.

The application has been accompanied by a brief Waste Management Plan which is considered to be satisfactory in this case to meet the aims of Policy GP9 in this respect. With regard to Policy GP9: Sustainable Development, it has been demonstrated that the proposed development will comply with Building (Guernsey) Regulations 2012 and therefore has taken into account the use of energy, resources and any adverse impact on the environment. The provision of permeable paving and solar panels can be managed by condition.

In view of the above it is recommended permission is granted for the proposed replacement dwelling.

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: 05/09/2023