

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, erect replacement dwelling with associated works.

LOCATION: Serramar, Ruelle Irwin, Fort George, St. Peter Port.

APPLICANT: Mrs S Barnard

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: 02/02/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 18/09/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: The Drawing Room: 372C3A, 372C4A, 372C5A, 372C6A, 372C7A, 372C8B, 372C9A, 372C10A, 372C11B, 372C12B, 372C13A & 372C14A.

Application Ref: FULL/2023/1562

Property Ref: A41110A125

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, including site works, shall begin on site until a panel of the stone work proposed for the boundary wall has been built on the site and the materials, method of laying and the colour and type of mortar for pointing have been agreed in writing by the Authority. The work shall thereafter be completed in accordance with the agreed details.

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

5. Following demolition of the existing dwelling, and prior to any other development at the site, the States Archaeologist, Culture & Heritage Service, shall be contacted to make arrangements for reviewing the site and undertaking any archaeological recording necessary.

Reason - The application site is located within an area of known archaeological interest and appropriate and satisfactory provision for archaeological investigation and recording are essential. This condition is imposed to make sure that any features of archaeological interest are recorded.

6. The permeable hard surfacing shall not be constructed until full details of that surfacing, including a written specification for its laying, have been submitted to and agreed in writing by the Authority. Thereafter the development shall not be occupied until the permeable hard surfacing has been laid in accordance with the approved details.

Reason - In the interests of sustainable development, the hard surfacing having been proposed to address the requirements of Island Development Plan Policy GP9.

7.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.

Expiry Date: This permission will cease to have effect on 01/02/2027 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

In respect of Condition 5, the States Archaeologist, Culture & Heritage Service can be contacted on 01481 220729 or 01481 220722 , or mobiles 07781 102219 or 07911 721210.

This permission is given under the Land Planning and Development (Guernsey) Law, 2005. This decision does not override or prejudice any legal rights or constraints which exist in relation to the application site or adjacent land.

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/2023/1562
Property Ref: A41110A125
Valid date: 18/09/2023
Location: Serramar Ruelle Irwin Fort George Fort George St. Peter Port
Guernsey GY1 2SN
Proposal: Demolish existing dwelling, erect replacement dwelling with
associated works.

Applicant: Mrs S Barnard

RECOMMENDATION - Grant: Planning Permission with Conditions:

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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.

INFORMATIVES

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This permission is given under the Land Planning and Development (Guernsey) Law, 2005. This decision does not override or prejudice any legal rights or constraints which exist in relation to the application site or adjacent land.

OFFICER'S REPORT

Site Description:

The dwelling at the application site is a 1970's bungalow which is set slightly back from and faces west onto Ruelle Irwin. The road comes from the north and wraps around the property (level with the front door) falling as it goes around the south and then the east of the property. There is a detached property to the north of the site and on the other side of the road in each of the other directions.

The site is located Outside of the Centres in the Island Development Plan.

Relevant History:

FULL/2022/2252 Alter roof forms, install chimney, extend and alter at ground floor level, alter ground levels/landscaping, erect balustrade, install external insulating render system, widen existing vehicle access and create additional vehicle access and parking to south of site. Approved 02/03/2023

Existing Use(s):

Residential Use Class 1

Brief Description of Development:

This application seeks to demolish the existing dwelling and to erect a replacement 4 bed single storey flat roof dwelling.

The existing access would be enlarged, to enable the parking of four vehicles, whilst a new access would be formed in the south boundary to access a new four car garage located below the replacement dwelling. A new wall would be constructed along the property boundary between the two accesses.

A Site Waste Management Plan and Sustainability Statement have been provided as part of the application.

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

GP8 Design
GP9 Sustainable Development
GP13 Householder Development

- IP6 Transport Infrastructure and Support Facilities
- IP7 Private and Communal Car Parking
- IP9 Highway Safety, Accessibility and Capacity

Representations:

Four letters of representation received in respect of the application as initially submitted raising the following points:

- The proposed additional entrance/exit is on a very narrow road and a very bad bend, with poor sightlines, and serves a 4 car garage;
- Drivers will have to manoeuvre on the road to access the garage;
- The road is already treacherous for both pedestrians and drivers;
- The proposed boundary wall would be extremely high, impairing views of vehicles and pedestrians, making the road feel more narrow and providing an unforgiving boundary;
- Construction of the wall along the road and parking of delivery and construction vehicles is likely to result in blocking of the road, preventing access, particularly by emergency vehicles, and there is no other access to the three properties further along Ruelle Irwin.

Three letters of representation received in respect of the revised plans reiterating the points raised above and raising the following additional points:

- The planter, and anything planted in it, would still obscure visibility from the proposed access;
- If the planter is too low, it could be below the sightline of approaching vehicles, risking collision;
- A grass strip along the road edge would be preferable to reduce risks;
- The planter should not straddle the boundary.

Consultations:

The States Archaeologist comments as follows:

I would like to make a brief comment concerning some potential archaeological interest at this site.

The southern part of the existing building lies on top of part of the fortifications associated with Fort Irwin, within Fort George.

The exact function of this part of the fortification is unclear. It seems likely that most of it was demolished when the modern development of Fort George commenced in the early 1960s, and this is confirmed by the aerial photograph of 1962, which indicates that all of the southern and central part of this feature has vanished. However traces of the northern part of the structure are still visible on the ground in the air photo, and it is possible that these remain beneath the current building. It

would therefore be useful to make a record of this structure if it once more becomes visible when the existing property is demolished, and so I would like to request that we are notified once demolition has taken place and prior to any subsequent development, in order to record anything that might remain in this area.

Summary of Issues:

Impacts on the character of the area;
Impacts on traffic management and road safety;
Impact on neighbour amenity.

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).**

The principle of demolition and rebuild of existing dwellings is supported under Plan policy. In this case, the existing dwelling is a single storey pitched roof dwelling of low profile. The topography of the area and low profile of the building limits views from within the immediate area, and in any longer views from the sea the building would be read amongst the surrounding development, which encompasses a mix of contemporary and more traditional buildings. The proposed replacement dwelling retains a low profile, sitting discretely on the site, and would not result in any adverse impacts on the character of the immediate or wider area. As initially proposed there were concerns regarding the colour, and method of laying of the stone proposed for the roadside wall, which was proposed to be a dry stacked stone in a mosaic pattern, and how this would sit in the context of this area. Following deferral, the stone proposed has been amended to be slim pointed beige/brown granite and an image is provided. Whilst the granite roadside walls in this area tend to include blue granite, the revised material would reference the surroundings and is likely to be acceptable. To ensure this is the case, it is however recommended that a sample panel is constructed on site for final approval prior to any works commencing. The wall is integral to the overall build and it is not therefore necessary to place a timeframe on its construction.

The proposed accommodation incorporates living and sleeping accommodation over a single level, provides appropriate circulation space for wheelchair access and includes provision of a lift from the basement garage to the ground floor as well as accessible external access. Most internal walls have been designed to be non-loading bearing. The proposed accommodation would therefore be accessible, adaptable and flexible.

The proposed parking is generous for the size of dwelling proposed (8 spaces), however it is noted that the maximum parking standards do not apply in this location

and policy allows for flexibility in respect of householder development. Furthermore on street parking is limited in this location.

The four external spaces are located in the position of the existing two spaces which serve the dwelling. Whilst the creation of these spaces would result in the loss of a length of roadside enclosure, in the context of this site that loss is not considered to impact significantly on the character of the area. The proposed parking area does not include turning, and the angle of the spaces to the road would make egressing the site (with all egress having to be in a northerly direction) awkward, and would necessitate greater manoeuvring on the highway. As the adjacent road is a no-through road serving only five dwellings beyond the location of this parking area, vehicle movements on the road would however be low and this arrangement is unlikely to give rise to significant road safety concerns. Furthermore, this element of the proposal is similar to the extended parking area approved under FULL/2022/2252.

The provision of a new vehicular access point in the south boundary, serving the proposed 4 car garage, has raised concerns in the letters of representation. This proposal would also result in the loss of a section of the roadside boundary, does not include turning provision on site, and is noted to be on a blind bend. Access was however previously approved, as an open parking area, under FULL/2022/2252 in the south-west corner of the site. There are only three dwellings located beyond this access point, and the number of vehicle movements on this section of road would be correspondingly lower. Following deferral, the proposals have been amended to incorporate a low planter around the edge of the roadside wall, improving visibility from the access and, on balance, it is considered that this element of the proposals is acceptable. The planter would have to be built within the site confines.

There is stated to be scope for cycle storage within the proposed garage and it is not considered necessary to condition this provision.

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

Confirmation has been received that the proposed development has been designed to take into account matters of energy efficiency and the current Building Regulations, including large roof overhangs and pergola to reduce overheating, the provision of electric charge points within the garage and the potential for solar panels to the flat roof. All surfacing is proposed to be permeable, allowing management of surface water runoff on site. The proposal would therefore be in accordance with Policy GP9 (Sustainable Development).

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

The property to the north of the application site is set at a lower level than the application site, and the land drops away steeply to the south and east. Taking into account the position and design of the proposed dwelling, and the relationship to adjacent properties, the proposal would have no adverse impacts on the amenity of nearby residential properties.

Provision of access to those properties during the course of construction works would not fall within the remit of a planning application and would need to be considered as part of the project management.

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. The proposals accord with the purpose of the Law, material considerations and relevant planning policies and approval is recommended, subject to the conditions set out above.

Date: 29/01/2024

