

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 dwelling, erect replacement dwelling and create additional vehicle access to south-west boundary.

LOCATION: Long Meadow, Rue Du Belial, St. Saviour.

APPLICANT: Mr & Mrs S Galpin

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: 06/11/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 02/10/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: The Drawing Room - 342 C1, C2, C3, C4, C5, C6, C7 and C8.

Application Ref: FULL/2023/1710

Property Ref: E00277A000+E00277A001

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.Within four weeks of the new access being formed, the existing access shown on the approved plans to be infilled shall be closed permanently and the land within the highway reinstated.

Reason - In the interests of highway safety and visual amenity.

5.Within four weeks of the new access being formed, the ends of the new opening shall be finished off using materials and a method of construction which match the remainder of the roadside boundary.

Reason - In the interests of visual amenity.

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.

Expiry Date: This permission will cease to have effect on 05/11/2026 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

Effect of planning permission:

Section 18 of the Land Planning and Development (Guernsey) Law, 2005 ('the Law') defines the effect of the planning permission hereby granted, namely:

- (1) Planning permission ceases to have effect unless the development permitted by it is commenced within a period of three years immediately following the date on which it is granted (or such shorter period as may be specified in the permission).
- (2) Planning permission enures for the benefit of the land concerned and of every person for the time being having an interest in it.
- (3) Any conditions subject to which planning permission is issued are enforceable in accordance with the provisions of Part V of the Law.
- (4) Planning permission for the erection of a building is only permission to use it for the purpose specified in the permission or, subject to any restriction so specified, for any other purpose for which it is designed.
- (5) Planning permission is only permission to carry out the development specified in it (subject to any conditions so specified), and does not imply the giving of any other approval or consent required under this Law or any other enactment or under any rule of law.

Right of appeal against planning decisions:

Your attention is drawn to the provisions of Section 68(1) of the Land Planning and Development (Guernsey) Law 2005, which provides a right of appeal, on the merits against a decision to grant planning permission subject to conditions (except a building condition), to the Planning Tribunal, which is independent of the States of Guernsey. An appeal to the Planning Tribunal under section 68 of the Law against this decision must be made before the expiry of the period of six months beginning with the date on which the Authority made this decision. The official Appeal Notice Forms are available on the States of Guernsey website at www.gov.gg/planningpanel and must be completed with all enclosures in multiples as requested and received within the six months deadline.

Copy of representations made:

In reaching this decision the Authority took into account any written consultations made under Section 11(1) of the Land Planning and Development (General Provisions) Ordinance, 2007 ('the Ordinance'). A copy of any consultation responses made under section 11 will be included with this decision in accordance with section 19 of the Ordinance.

Other Remarks:

Please note that any work which abuts or affects the public highway requires prior approval by Traffic and Highway Services. Please contact Traffic & Highway Services (highways@gov.gg) for further advice. You must also ensure that any access/es to the development are constructed to meet the existing road/footway levels in accordance with their requirements.

This document is not a Building Licence and confers no approval under the Building Regulations.

A separate Building Control Licence may be required and it is the responsibility of the developer to ensure that ALL necessary consents are obtained and that any pre-commencement conditions are discharged prior to development being commenced.

A J ROWLES

Director of Planning
Planning Service



PLANNING APPLICATION REPORT

Application No: FULL/2023/1710
Property Ref: E00277A000+E00277A001
Valid date: 02/10/2023
Location: Long Meadow Rue Du Belial St. Saviour Guernsey GY7 9TE
Proposal: Demolish dwelling, erect replacement dwelling and create additional vehicle access to south-west boundary.
Applicant: Mr & Mrs S Galpin

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. Within four weeks of the new access being formed, the existing access shown on the approved plans to be infilled shall be closed permanently and the land within the highway reinstated.

Reason - In the interests of highway safety and visual amenity.

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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.

OFFICER'S REPORT

Site Description:

Longmeadow (formerly Sayonara) is a dwelling situated on the corner of Rue Du Belial and Rue Cevecq. Vehicular access to the site is via an in and out drive off Rue Du Belial.

The existing extent of domestic garden relates to the house itself and the driveway to the west of the dwelling along with an area of land adjacent to the south boundary and to the immediate east of the dwelling and a small vegetable garden north of the dwelling. The fields to the north and northeast of the dwelling remain in agricultural use (Use Class 28) whilst the stables and yard adjacent to the north site boundary are recognised as being used for equestrian related activities (sui-generis).

The site falls Outside of the Centres and within the Agriculture Priority Area as designated in the Island Development Plan.

Relevant History:

CLU/2022/1774 – Regularise use of part of land as a domestic garden (Residential Use Class 1) and use of part of land for equestrian related activities (sui-generis) -

Granted in part for the use of part of the land as domestic garden and the stables/yard adjacent to the north site boundary as being used for equestrian related activities (sui-generis).

FULL/2023/0084 - Change of use of agricultural land (Use Class 28) and equestrian related activities (sui-generis) to domestic garden (Residential Use Class 1) (680 sq.m.) – refused. Loss of agricultural land that could contribute to the commercial function of the APA, failure to comply with Policy GP15 c) of the IDP.

Existing Use(s):

01 dwellinghouse
28 agriculture
Sui-generis

Brief Description of Development:

The application relates to the demolition of the existing dwelling and the construction of a replacement dwelling on the site along with the formation of an additional, 4m wide vehicular access to the southwest site boundary. An existing vehicular access is shown to be infilled.

The dwelling proposed is generally one and a half-storeys in height, broken down into a number of different elements with pitched, slate roofs running both north-south and east-west and a single-storey flat roof element also incorporated into the scheme. The external materials comprises a mixture of render, timber cladding and stone cladding. The first floor accommodation is shown to be served by pitched roof dormers that often break through the eaves along with rooflights.

The replacement dwelling proposes open plan living, kitchen and dining accommodation on the ground floor along with a snug, WC and utility room which provides a link to a dower, comprising an open plan living area, shower room and ground floor bedroom. An attached garage and plant room are also shown to be provided on the ground floor with a hobby room over served by a separate staircase. The main house incorporates a master/principal suite two bedrooms and a family bathroom at first floor level.

The application has been accompanied by a Waste Management Plan.

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

GP13: Householder Development
GP1: Landscape Character and Open Land
GP8: Design
GP9: Sustainable Development
IP7: Private and Communal Car Parking
IP9: Highway Safety, Accessibility and Capacity

Representations:

None.

Consultations:

None.

Summary of Issues:

The key issues in this case relate to the:

- Principle of erecting a replacement dwelling
- Design, form, scale and massing of the proposed development
- Impact on visual amenity
- Impact on neighbour amenity
- Car parking provision and effects on surrounding highway

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.

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 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.

The application site occupies a corner plot on Rue de Belial and Rue Cevecq with an isolated cluster of dwellings to the west and north. Land to the south is open and undeveloped and there is also open land to the west and east (with a dwelling beyond). A glasshouse site is situated to the north of the stables at Longmeadow. Properties in the locality are varied in terms of their height and design. Whilst it is

noted that the proposed dwelling is taller than the existing building on the site, the site is capable of accommodating a taller and larger building. Furthermore, Policy GP13 clearly sets out that a comparison should not be made between the impacts of the existing dwelling compared with the impact of the new. It should be noted however, that the decision by a property owner to maximise the footprint of a dwellinghouse does not provide justification for an application to extend the domestic garden/curtilage of a property to what is deemed “proportionate” to the size of dwelling.

The proposed dwelling would be situated further north in the existing domestic curtilage, away from Rue Cevecq and retaining an area of open garden to the east, running along the south boundary with this rural lane. The design and palette of materials proposed help to reduce the bulk of the building and its impact on the wider rural landscape. The Island Development Plan must balance public interest and individual choice but should protect and where possible enhance the built and natural environment and outside of designated areas there is more flexibility with regard to new development. There is no uniform design or palette of materials in the local area and the scheme represents a good standard of architectural design. Existing soft landscaping around the site boundaries is indicated to be retained which will help mitigate the impact of the new dwelling on the locality and preserve the character of the rural area.

The replacement dwelling proposed will not have an unacceptable adverse impact on the character or quality of the built environment or the character and amenity of the locality and therefore the aims of Policies GP13 and GP8 of the Island Development Plan have been satisfactorily addressed in this respect. With 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 in accordance with both Policies GP8 and GP13 of the Island Development Plan.

The siting and layout of the proposed dwelling and the distance separation to neighbouring dwellings ensure that the scheme will not result in overlooking or loss of privacy to the occupiers of surrounding dwellings.

The scheme has been designed to provide for the future occupiers of the dwelling with accessible and flexible living accommodation along with off-road parking and private amenity space. The dower accommodation is an integral part of the main house. All these features will provide access for all and enable future occupiers to remain in the property for longer.

There is ample off-road parking and on-site turning to serve the property and therefore the aims of both Policy IP7 and IP9 have been satisfied in this case. The replacement vehicular access is not considered to result in harm to the wider open landscape concerned with regard to Policy GP1 and its closure can be managed by condition. Cycle storage can be provided within the integral garage in order to comply with the aims of Policy IP6.

The application has been accompanied by a brief Waste Management Plan which is considered to be satisfactory in this case. The matter can be managed by planning condition.

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.

In view of the above it is recommended permission is granted for the scheme.

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 not impact on any protected buildings, trees, monuments or on any SSS's.

Date: 02/11/2023

