

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 and associated works, infill existing vehicle access to east boundary, (revised scheme).

LOCATION: Val Au Bourg, Saints Bay Road, St. Martin.

APPLICANT: Mr & Mrs A Healing

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: 05/12/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 06/11/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: DLM Architects: 1176_Alterations To Previously Approved_14, _15, _16, _17, _18, _19, _20, _21 & _22.

Application Ref: FULL/2023/1890

Property Ref: J011310000

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 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.

5.Prior to the commencement of any work in connection therewith, a landscaping scheme, to include those details specified below, has been submitted to and agreed in writing by the Authority:

- i) the treatment proposed for all ground surfaces, including hard areas;
- ii) full details of boundary tree and hedge planting (including the boundary infill to Rue Chariot labelled 2 on drawing 1176_15);
- iii) planting schedules, noting the species, sizes, numbers and densities of plants; and
- iv) all existing trees, hedges and other landscape features, indicating clearly those to be removed.

Reason - To make sure that an appropriate landscaping scheme for the development is agreed, in order to help assimilate the development into its surroundings.

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

7.With the exception of any details for the removal, topping or lopping of trees as approved under condition 8 of the permission, no trees shall be lopped, topped or felled without the express prior written consent of the Authority.

Reason - To make sure that the development is carried out in a way which will preserve the character of the area and assimilate the development with its surroundings.

8.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.

Expiry Date: This permission will cease to have effect on 04/12/2026 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

Your attention is drawn to The Animal Welfare (Guernsey) Ordinance, 2012, the Strategy for Nature, 2020, and the need to comply with their provisions. The building may be used by bats or other wildlife for roosting and nesting and measures may therefore need to be taken (including consideration of the timing of the works) to ensure that any protected species present 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 on 07781 166924 or email societe@cwgsy.net.

Your attention is drawn 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.

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/2023/1890
Property Ref: J011310000
Valid date: 06/11/2023
Location: Val Au Bourg Saints Bay Road St. Martin Guernsey GY4 6
Proposal: Demolish existing dwelling, erect replacement dwelling and associated works, infill existing vehicle access to east boundary, (revised scheme).

Applicant: Mr & Mrs A Healing

RECOMMENDATION - Grant: Planning Permission with Conditions:

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8. 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.

INFORMATIVES

Your attention is drawn to The Animal Welfare (Guernsey) Ordinance, 2012, the Strategy for Nature, 2020, and the need to comply with their provisions. The building may be used by bats or other wildlife for roosting and nesting and measures may therefore need to be taken (including consideration of the timing of the works) to ensure that any protected species present 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 on 07781 166924 or email societe@cwgsy.net.

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OFFICER'S REPORT

Brief Description of the site:

Val Au Bourg was a detached two and a half storey dwelling situated on a sloping site between Saints Bay Road and Val au Bourg. The dwelling has now been demolished.

Residential properties exist to the immediate north, east and west of the site. Vehicular access is via a driveway from Saints Bay Road whilst a pedestrian and secondary access gate exist in the roadside boundary to Val au Bourg. Much of the site benefits from mature landscaping with terraced levels with steps/ramps to access various parts of the garden. A greenhouse is situated to the south of the dwelling.

The application relates to the demolition of the existing dwelling and the construction of a replacement dwelling on the site with associated landscaping, alterations to vehicular access and the erection of a gate to the east vehicular access. This is a revised scheme following the grant of planning permission in 2022.

The proposal relates to the erection of a two-storey flat roof dwelling adjacent to Val Au Bourg. The dwelling incorporates PV panels and a timber and stone clad exterior.

The application incorporates a Waste Management Plan, Tree Condition Survey and Arboricultural Impact Assessment and Sustainability Statement/Checklist.

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

Relevant History:

FULL/2023/1208 - Demolish existing dwelling and glasshouse, erect replacement dwelling and landscaping, erect replacement glasshouse, alter and erect gate to east vehicle access – granted

Existing Use(s):

01 dwellinghouse

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:

Island Development Plan policies:

GP1: Landscape Character and Open Land
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

Representation:

One letter of representation has been submitted commenting on the application and raising the following points:

- The previously approved plans were considered to be a good design
- The revised application now has a much increased two-storey footprint
- The garage area is currently an area of garden and as a single-storey garage had a low impact on the surroundings, being reasonably unobtrusive cut into the slope
- The storey now proposed above the garage 'wing' and new footprint area will have greater impact on the surroundings of the house – this will be detrimental in appearance to this environmentally sensitive area
- The proposed development will be obtrusive

Conclusion/Brief comment:

The principle of erecting a replacement dwelling on the site has previously been established through the 2022 permission and is supported through Policy GP13: Householder Development. It remains the case that the demolition works proposed also accords with Policy GP13 in terms of its contribution to the character of the area.

The scheme relates to the erection of a two-storey flat roof dwelling. The scheme represents a contemporary building lower in height than the one it replaces. Overall, the development and palette of materials proposed represents a good standard of design that respects the local built and open landscape concerned in accordance with the aims of Policies GP8 and GP13 of the Island Development Plan.

The scheme proposes multi-storey development, with accommodation over two floors, which demonstrates efficient and effective use of land in relation to the replacement dwelling proposed, in line with the aims of Policy GP8.

This is substantial plot that is capable of accommodating a larger building and Policy GP13 sets out that a comparison should not be made between the impacts of the existing dwelling compared with the impact of the new. The concerns raised through the public consultation process are noted. The application site is not within a conservation area and does not affect a protected building or protected monument, but is in an elevated position. In respect of Policy GP8 c. (built and open character), the application will also be assessed against Policy GP1: Landscape Character and Open Land (below).

The scheme does not provide precise details relating to future landscaping of the site in connection with its redevelopment although consideration has been given to existing trees and proposed planting. It is considered appropriate however, to impose a planning condition relating to a landscaping scheme to provide adequate control to ensure that the proposed hard and soft landscaping is appropriate for this location and having regard to sustainable development/surface water run-off.

The proposed development will be situated in a large plot, set well away from the site boundaries, which ensures that the dwelling will not result in unacceptable overshadowing or loss of privacy to surrounding residential occupiers. Overall, the scheme incorporates large areas of glazing to maximise solar gain and natural light, and terraces and external amenity space for the enjoyment of occupiers.

The development provides bedrooms on the first floor, each floor is on a single level, without internal steps, and a lift is shown to be provided. The accommodation is generously proportioned and will enable access within the building for people of all ages and abilities. The building would also offer opportunities to be adapted, or extended, to meet the future needs of occupiers. Although stepped access points are

provided around the building the scheme will also incorporate level thresholds and allow for good access around the building/site in line with Policy GP8.

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.

The valley nature of the site is such that long distance views of the site are limited. Although a larger dwelling is now proposed it remains the case that its overall height has been reduced through the introduction of a flat roof. The linear form of the building also reduces its scale and bulk albeit with a new first floor art studio proposed. The proposed building will not detract from the openness of the landscape character and the building will not appear as an obtrusive feature in the wider area. The introduction of the first floor art studio would be seen as a separate element to the main house and will not result in unacceptable increased harm to the wider area.

A detailed landscaping scheme has not been included with the application but, as noted above, can be managed by condition and should seek to ensure that the development will assimilate into the existing landscape character. Overall, the scheme meets the aims of Policies GP1 and GP8 in relation to landscape character and open land. The total clearance of trees from the site could significantly alter the impact the development would have on the character and appearance of the locality and it is reasonable to impose a condition relating to the lopping and topping of trees to be retained on the site. Although the omission of a green roof is regrettable its omission from the scheme will not result in the development being unacceptable in its entirety.

Although the footprint of the replacement dwelling is larger than that recently demolished the overall height of the development is lower and therefore so is its mass. The development is set away from surrounding residential properties and as a result the scheme will not result in overshadowing or loss of light to the occupiers of surrounding dwellings nor will the scheme result in unacceptable overlooking or loss of privacy. The scheme therefore meets the aims of Policies GP8, GP9 and GP13 in this respect.

There is ample off-road parking, garaging 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 removal of the vehicular access to Rue Chariot and the infilling of the opening to match the existing boundary treatment is acceptable in design terms and in terms of the character and appearance of the locality. This matter can be controlled by condition.

The scheme does not incorporate a designated cycle store however, cycles could be accommodated in the proposed garage to offer the occupiers of the dwelling with an alternative mode of transport in line with the aims of Policy IP6.

The application has been accompanied by a Waste Management Plan which is considered to be satisfactory in this case. The information is considered satisfactory to meet the aims of Policy GP9 in this respect and 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. A planning condition can be imposed relating to the provision of solar panels and other sustainability measures.

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.

In view of the above, it is recommended that planning permission is granted for the proposed replacement dwelling subject to conditions relating to:

- Landscaping scheme (including boundary infill)
- Lop/top of trees to be retained
- Waste Management Plan
- Solar panels

Recommendation:

Grant with Conditions



Date: 05/12/2023

