

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 and erect replacement dwelling with associated works and install gate to vehicle access.

LOCATION: Cloud End, Rue Du Panel, Torteval.

APPLICANT: Mrs L Wild

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: 15/03/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 07/11/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Arctech - AL-23-1140-02B & -03B.

Application Ref: FULL/2023/2004

Property Ref: G002100000

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, excluding demolition and site works, shall begin until 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 tree and hedge planting;
- iii) planting schedules, noting the species, sizes, numbers and densities of plants;
- iv) all existing trees, hedges and other landscape features, indicating clearly those to be removed.

Reason - To make sure that a landscaping scheme for the development is agreed, 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.

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 15/03/2027 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/2023/2004
Property Ref: G002100000
Valid date: 07/11/2023
Location: Cloud End Rue Du Planel Torteval Guernsey GY8 ORF
Proposal: Demolish and erect replacement dwelling with associated works and install gate to vehicle access.

Applicant: Mrs L Wild

RECOMMENDATION - Grant: Planning Permission with Conditions:

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Reason - To ensure that it is clear that permission is only granted for the development to which the application relates.

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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:

The site consists of a detached hipped roof bungalow situated on a rural lane in Torteval. The site is located Outside of the Centres.

Relevant History:

None

Existing Use(s):

Residential use class 1: dwelling house

Brief Description of Development:

Planning permission is requested to demolish and erect replacement dwelling with associated works and install gate to vehicle access.

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

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

Representations:

Six objections were received in response to the original application, main points as follows:

- Site is prominent on the horizon from Rue de La Grande Maison and Rue de La Gallie.
- Style, size, bulk and design is totally out of keeping with the surrounding area, it would be visually intrusive and it does not respect the character of the local built environment.
- The proposal is too large for its site and represents an overdevelopment.
- Loss of privacy from balcony for neighbours to the south, including within gated driveway which is used for parking cars and an area for children to play.
- Proposed building is out of keeping with the nature of the Conservation Area.
- Industrial/commercial appearance is inappropriate in this rural setting.
- Removal of established mixed hedge would damage a well-established ecosystem and is unnecessary.

Six objections were received in response to the revised plans, main points as follows:

- Minor revisions made to proposed plans do not address concerns previously raised.
- The style, size, bulk and design remains out of keeping with the surrounding area, it would be visually intrusive and it does not respect the character of the local built environment.
- The proposal is too large for its site and represents an overdevelopment.

- Loss of privacy from balcony for neighbours to the south, including within gated driveway which is used for parking cars and an area for children to play.

Consultations:

None

Summary of Issues:

The main issues in deciding this application are:

1. Design, scale and impact of the development on the character and appearance of the area.
2. The impact of the development on the amenity of people living in the area.

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).**

Policy GP13 indicates that proposals for the demolition of existing dwellings and the erection of replacement dwellings on a one for one basis will be supported subject to certain criteria being met including with regards to the impact on the amenities of neighbouring properties, taking into account the surrounding character and where they accord with all the relevant policies of the Island Development Plan. In this instance the proposal includes alterations to the access and Policies GP1, GP8, GP9, IP7 and IP9 are also relevant. In addition, the preceding text of Policy GP13 refers to the need to consider the material planning considerations as specified in Part IV, Section 13 of the Land Planning and Development (General Provisions) Ordinance 2007. These include the appropriateness of the development in relation to its surroundings in terms of its design, layout, scale, siting and the materials to be used, as well as its likely effect on the character and amenity of the locality in question and its likely effect on the reasonable enjoyment of neighbouring properties.

Due to the character of the area comprising of a rural nature with agricultural fields separated by low earth banks and interspersed by scattered dwellings, the proposed dwelling would be visible in close and/or medium range public views in all directions. The alterations to the roof and the extensions to the dwelling to the front (north) and rear (south) would result in a substantial increase to the scale and mass of the dwelling. However, its scale and height would be comparable to neighbouring properties and Policy GP8 encourages multi-storey designs as a more efficient use of land. The design of the dwelling includes some high quality elements, such as the use of timber vertical cladding. Whilst the proposal will introduce a contemporary two storey design to the area, the property is not located within a Conservation Area or other sensitive area, as set out in the preceding explanation to Policy GP8, and Policy

GP8 provides support for personal choice in design matters in such circumstances. The visual impact of the dwelling could be further softened by incorporating additional tree planting and it is recommended that tree planting is included as part of a comprehensive landscape scheme, this can be dealt with by condition. There is a mix of style of properties within the wider area and the contemporary two storey design and materials proposed would not detract from the openness of the area and would not have a significant adverse effect on the character of the local built environment, in accordance with Policies GP1, GP8 and GP13.

The revised plans indicate the sliding gate at the vehicle access will be set behind the existing earth bank with additional planting proposed to screen the gate. The existing gorse hedge along the east boundary is indicated to be retained with additional hedging proposed along sections of the east and north boundaries. The alterations to the roadside boundary treatments are likely to conserve the rural character of the area.

The proposed dwelling includes a first floor balcony to the rear (south) of the property which would be set back between 10m and 11m from the boundary with the neighbouring property to the south. This will result in a degree of overlooking of the neighbouring property. However, due to the layout of the neighbour's property, with the northern section of the neighbouring property not forming private amenity space, and together with the well-established boundary hedge, the balcony is unlikely to result in a material adverse effect on the amenities of neighbouring residents.

Policy GP9 is wide-ranging and includes requirements for sustainable design and construction with reference to the design, layout and orientation of buildings, flood risk and surface water run-off, renewable energy, the use of materials and the management of waste. The agent advises that the main structure will be constructed in structural insulated panels and thermal insulation, fenestration and air tightness will meet or exceed regulatory requirements. In addition, sections of the existing ground floor walls are to be retained and the size and location of glazing seeks to maximise natural light. A Waste Management Plan has been submitted which sets out how construction waste is to be minimised and dealt with. The information submitted is sufficient to demonstrate that the development has been designed to take into account the use of energy and resources, in accordance with Policy GP9.

All material considerations as set out in the Land Planning and Development (Guernsey) Law, 2005 and the Land Planning and Development (General Provisions) Ordinance, 2007 have been taken into account in the assessment of this application.

It is recommended that the application is approved.

Date: 14/03/2024

