

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: Change of use of agricultural land to domestic garden (375sqm).
Demolish outbuilding and extensions, erect single storey and two storey extension to dwelling, install dormer windows to north-east (rear) elevation, alterations to fenestration and erect single storey outbuilding to west boundary.

LOCATION: La Maison Du Macareux, Fosse Andre, St. Peter Port.

APPLICANT: Mr & Mrs Toumazi

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: 21/06/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 31/01/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: SOUP Architects Ltd: 461.091.2 Rev 2, 100, 110, 120, 130, 150, 300 & 310
Environment Guernsey Ltd Biodiversity Statement dated May 2024

Application Ref: FULL/2024/0157

Property Ref: A102330000+A102340000

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.If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted to the Planning Authority a method statement to identify, risk assess and address the unidentified contaminants, and obtained written agreement from the Authority for the works to continue. Any subsequent works shall be carried out only in accordance with the conclusions and recommendations contained in the agreed report.

Reason - To make sure that the site, when developed is free from contamination, in the interests of public health and safety.

5.Noise associated with any plant and machinery incorporated within the development shall be controlled such that the Rating Level, measured or calculated at 1 metre from the facade of the nearest existing noise sensitive premises, shall not exceed a level 5dB(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 - To protect the amenities of neighbouring residents.

6.The landscaping scheme and biodiversity measures shall be fully completed in accordance with the Biodiversity Statement dated May 2024 and as updated by drawing number 461.091.2, in the first planting season following the implementation

of the change of use of the land or the first occupation of the extended dwelling 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 and ensure the biodiversity improvements are achieved following the change of use of the land.

Expiry Date: This permission will cease to have effect on 21/06/2027 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

It is noted that a valid Air Pollution Licence is required from the Office of Environmental Health and Pollution Regulation for mobile crushing. The Office of Environmental Health and Pollution Regulation should be notified prior to any crushing activities so that measures may be put in place to minimise disruption to nearby neighbours.

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/2024/0157
Property Ref: A102330000+A102340000
Valid date: 31/01/2024
Location: La Maison Du Macareux Fosse Andre St. Peter Port Guernsey
GY2 2DT
Proposal: Change of use of agricultural land to domestic garden (375sqm).
Demolish outbuilding and extensions, erect single storey and
two storey extension to dwelling, install dormer windows to
north-east (rear) elevation, alterations to fenestration and erect
single storey outbuilding to west boundary.
Applicant: Mr & Mrs Toumazi

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. If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted to the Planning Authority a method statement to identify, risk assess and address the unidentified contaminants, and obtained written agreement from the Authority for the works to continue. Any subsequent works shall be carried out only in accordance with the conclusions and recommendations contained in the agreed report.

Reason - To make sure that the site, when developed is free from contamination, in the interests of public health and safety.

5. Noise associated with any plant and machinery incorporated within the development shall be controlled such that the Rating Level, measured or calculated at 1 metre from the facade of the nearest existing noise sensitive premises, shall not exceed a level 5dB(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 - To protect the amenities of neighbouring residents.

6. The landscaping scheme and biodiversity measures shall be fully completed in accordance with the Biodiversity Statement dated May 2024 and as updated by drawing number 461.091.2, in the first planting season following the implementation of the change of use of the land or the first occupation of the extended dwelling 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 and ensure the biodiversity improvements are achieved following the change of use of the land.

INFORMATIVES

It is noted that a valid Air Pollution Licence is required from the Office of Environmental Health and Pollution Regulation for mobile crushing. The Office of Environmental Health and Pollution Regulation should be notified prior to any crushing activities so that measures may be put in place to minimise disruption to nearby neighbours.

OFFICER'S REPORT

Brief Description of the site:

The property known as 'La Maison de Macareux' (formerly Grenada) first shows up on the 1873 map, and by 1898 it is a traditional detached two storey Victorian dwelling with a single storey wing either side. By the early 1990's a two storey rear extension with first floor terrace was added. The property is set back from and faces southwest onto Fosse Andre. The property also owns a large parcel of agricultural/undeveloped land to the east which is designated as Important Open Land. The property is located in the St Peter Port Main Centre Outer Area and Conservation Area as defined in the Island Development Plan.

Relevant History:

There is no relevant history pertaining to this application.

Existing Use(s):

Residential use class 1: dwelling house.

Agricultural use class 28: agriculture.

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:

GP1: Landscape Character and Open Land

GP4: Conservation Areas

GP8: Design

GP9: Sustainable Development

GP13: Householder Development

GP15: Creation and Extension of Curtilage

MC1: Important Open Land in Main Centres and Main Centre Outer Areas

Consultations:

The Officer for Environmental Health and Pollution Regulation.

16th February 2024

'Section 4.3 of the Design Statement and Visual Analysis Document contains reference to a mechanical ventilation and heat recovery system that will be incorporated into the design. It is this department's concern that such installations

could cause a detriment to the amenity of nearby residents, and as such I would welcome the details and specifications of this system including acoustic information. We would expect any new installation to achieve 5dB below the existing background noise level and proof that it will achieve this.

I also have concerns about the potential for contaminated land and would look to recommend that a discovery strategy is included in the conditions. In addition, I note the proposed plans include reference to onsite crushing and due to the residential nature of the surrounding area, I would have significant concerns about crushing in this location.'

26th February 2024

'I have reviewed the additional information submitted by email regarding the proposed plans for the two-storey rear extension, rear dormer, single storey garage, and extension of domestic curtilage at the above site. There are a number of issues of concern that I must raise:

Discovery Strategy

I have interrogated Guernsey Historic Maps, Historic Orthophotos, and Cadastre Registry of Land which show that there was once a heated greenhouse at the site. I would therefore recommend that the following condition is attached to any consent granted for this application:

- If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted to Planning Services a method statement to identify, risk assess and address the unidentified contaminants, and obtained written agreement from the Department for the works to continue. Any subsequent works shall be carried out only in accordance with the conclusions and recommendations contained in the agreed report.*

Mechanical Ventilation and Heat Recovery Unit

I note the plans include the deployment of a mechanical ventilation and heat recovery unit. I have concerns that the noise associated with the unit could cause a detriment to the amenity of nearby neighbours and would therefore recommend that the following condition is also attached to any consent granted for this application:

- 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.*

Onsite Crushing of Masonry and Stone, etc.

Section 5.2 of the Design Statement and Visual Analysis document contains reference to onsite crushing. I would like to highlight that it is this Office's requirement that mobile crushing is covered by a valid Air Pollution Licence. As part of the licence conditions, this Office should be notified prior to any crushing activities so that measures may be put in place to minimise disruption to nearby neighbours.'

Conclusion/Brief comment:

This application is to demolish the existing outbuilding and early 1990's extension and erect a single storey flat roof extension and two storey flat roof extension to the rear along with a large rear dormer with three windows, some alterations to the fenestration and a new single storey outbuilding, housing a garage and garden store in the same location as the previous car port and shed. Permission is also sought for a change of use of a 375sqm section of the adjacent agricultural field to domestic land.

The existing carport/shed is in a state of disrepair and the 1990's two storey extension and terrace are out of date; none of these elements have any architectural significance and therefore their removal is considered acceptable.

The replacement garage/garden store is a single storey flat roof structure which would complement the modern extension of the house. It would sit in the same location as the former car port and would be screened by the high granite wall which forms the western boundary.

The single storey flat roof rear extension, although a slightly larger footprint than the existing dwellings footprint, relates well to the existing dwelling, and will have a limited impact when viewed from public viewing points.

The first floor extension over the easterly part of the new extension, is also flat roof and both roofs have a sedum blanket covering, apart from to the northeast, where there is a small terrace off the main bedroom (the first floor extension). The first floor extension is set back from the main house and reads as modern and new rather than competing with the Victorian frontage, it is considered to complement it without overpowering.

The extension has been carefully considered and will only really be seen from the field access point just south of the main dwelling, at present there are a group of trees which screen the property and although these are to be removed, replacement trees will be planted in a similar place so that they may grow and screen the new extension. On balance, the new two storey extension would be set well behind the front building line of the house and below the eaves and would not be prominent in views from public areas, and it would conserve the character and appearance of the Conservation Area.

The extent of the second floor rear dormer window raises some concerns, as it reads as a bulky and dominant feature on the rear elevation. However, due to the limited visibility of the rear of the dwelling from public viewpoints, on balance considering the front façade has been maintained, in this instance the rear dormer is considered to be acceptable.

The proposals achieve a good standard of design, using materials which complement the existing materials. The extension will provide adequate levels of sunshine and daylight, and give the occupiers more flexible and adaptable accommodation.

The scale and massing of the new extension is not considered to have a detrimental effect on the character and amenity of the surrounding Conservation Area and as the property is at least 20m from the boundary and over 40m from the nearest neighbours, the proposals are not considered to have any impacts on neighbour amenity.

To enable the extension to the dwelling, a modest extension of the domestic curtilage is proposed to the east. The Guernsey Habitat Survey 2018 shows the Important Open Land split into three categories Planted Mixed Woodland, Planted Broadleaf Woodland and Arable land. The area of land to be extended is the Arable land, which is mostly lawned.

The proposal to extend the domestic curtilage falls to be considered principally under Policies GP15, GP1 and MC1 of the Island Development Plan.

The site is not within an Area of Biodiversity Importance or an Agriculture Priority Area and the proposed change of use would not of itself have an adverse impact on or affect the amenities of neighbouring residents. A low bank and wall is proposed to be removed but it would be replaced by an earth bank and shrub planting which would have an equal contribution to the character and appearance of the area.

The land the subject of the change of use is partially visible from Fosse Andre with the existing dwelling and mature boundary planting limiting views from the highway. The land appears well related to the existing dwelling and together with its modest size, the change of use of this section of land is unlikely to have a significant adverse effect on the openness and landscape character of the area, in accordance with Policies GP15, GP1 and MC1.

A Biodiversity Statement has been submitted which includes a number of enhancements to offset the change of use of the land. The plans include: reposition the earthbank to define the new boundary (apart from under the existing trees to prevent damage to the tree roots), to plant a minimum of 20 new trees and shrubs to offset the 11 trees to be removed, to create 80sqm of wild flower meadow in accordance with the Wildflower Meadow Guidance, enhancement of the existing grassland habitat, install a minimum of 6 bird boxes and at least 2 bat boxes. The proposed measures are likely to provide proportionate biodiversity enhancements.

Section 5.2 of the Design Statement and Visual Analysis document contains reference to onsite crushing. Environmental Health highlight that mobile crushing is covered by an Air Pollution Licence. As part of the licence conditions, the Environmental Health Office should be notified prior to any crushing activities so that measures may be put in place to minimise disruption to nearby neighbours.

Confirmation has been received that the development proposed has been designed to take into account matters of energy efficiency and current Building Regulations in accordance with Policy GP9.

There is the possibility that there used to be a heated glasshouse on site at one time, this could possibly lead to contaminated land, therefore Environmental Health recommend that a condition be added in case any contaminants are found during construction.

The proposals are considered to conform to the above policies of the Island Development Plan and grant of permission is recommended, subject to conditions.

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.

Recommendation:

Grant with Conditions



Date: 20/06/2024