

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 and erect replacement dwelling (revised scheme).

LOCATION: Le Menage, Rue Poudreuse, St. Martin.

APPLICANT: Mr S & Mrs G Davison

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: 11/04/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 11/03/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: WS Planning & Architecture -
NPA1, 2, 3 Rev C, 4 Rev B, 5 Rev A, 6, 8, 9A, 10,

Application Ref: FULL/2024/0376

Property Ref: J004170000

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. The development hereby permitted shall be constructed in accordance with the details set out in the Design and Access Statement (page 21) received on 28/04/2024 and in accordance with the details shown on the approved plans regarding solar panels. 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 11/04/2027 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/2024/0376
Property Ref: J004170000
Valid date: 11/03/2024
Location: Le Menage Rue Poudreuse St. Martin Guernsey GY4 6NN
Proposal: Demolish existing dwelling and erect replacement dwelling (revised scheme).

Applicant: Mr S & Mrs G Davison

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. 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. The development hereby permitted shall be constructed in accordance with the details set out in the Design and Access Statement (page 21) received on 28/04/2024 and in accordance with the details shown on the approved plans regarding solar panels. 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.

OFFICER'S REPORT

Site Description:

The property known as 'Le Menage' is a mid-20th century large detached two-storey, hipped roof dwelling. It is set well back from the road and faces west onto Rue Poudreuse with driveway and garden to the front of the property. A large garden also exists to the rear/east which wraps around the rear of adjoining properties to the north. Other large detached residential properties are situated to the north and south of the site.

The property is located Outside of the Centres as defined in the Island Development Plan.

Relevant History:

FULL/2021/2376 - Demolish existing dwelling and erect replacement dwelling – granted

This scheme related to the erection of a contemporary two-storey flat roof dwelling.

FULL/2022/1521 - Demolish chimneys, erect 2 storey extension to south (side) elevation, alter roof form to garage to north (side) elevation, erect covered area to front and rear elevations, install flue, external insulating render system and cladding and alterations to fenestration – granted.

FULL/2023/0241 - Demolish existing dwelling and erect replacement dwelling with associated landscaping and plant room, create padel court to north of site, infill existing vehicle access and create new gated vehicle access – granted

Existing Use(s):

01 dwellinghouse

Brief Description of Development:

This application is to demolish the existing dwelling and replace it with a two storey flat roof modern dwelling in approximately the same location as the existing dwelling on the site. The scheme is substantially the same as that approved in 2021.

The scheme has been accompanied by a Waste Management Plan.

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

Island Development Plan policies:

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:

None.

Consultations:

Office of Environmental Health and Pollution Regulation –

Summary of Issues:

The key issues in this case relate to the:

- Principle of the development
- 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 of the Law, as set out in Section 1(2), have been considered and this forms part of the assessment of policy issues as set out in 2 below.

2 - Relevant policies of any Plan, Subject Plan or Local Planning Brief.

The application relates to the demolition of one dwelling and its replacement with one dwelling, which is not considered new housing. 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.

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 and the Plan must balance public interest and individual choice but should protect and where possible enhance the built and natural environment. Outside of designated areas there is more flexibility with regard to new development.

As outlined above, the scheme is substantially unchanged from the scheme approved in 2021 and there has been no change to the site and its surrounding or the policies against which the application must be assessed.

The site is capable of accommodating a dwelling of the size proposed. There are limited views into the site from the road and the bulk and mass is improved from the existing situation and the character and appearance of the locality will not be adversely affected by the proposal.

The building will not have an adverse impact on the adjoining properties in terms of overshadowing or being overbearing due to its location on the site.

The position of fenestration and distance to site boundaries is such that overall the proposal will not have any significant impact on the amenities of adjoining properties.

The scheme addresses the health and well-being of occupiers in terms of sunlight/daylight, access to external open space etc. and the scheme offers flexible and accessible accommodation for occupiers.

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

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. These issues where relevant have been considered in the assessment of this application.

4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).

The proposal would have no adverse impact on protected trees, buildings or sites.

Date: 10/04/2024

