

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 and outbuilding, erect replacement dwelling with associated works, infill existing vehicle accesses, relocate and create vehicle and pedestrian access.

LOCATION: Les Cailloux, Rue D'Albecq, Castel.

APPLICANT: Mr & Mrs N Gale

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: 19/04/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 20/03/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: A7 Design Ltd: 24-1530/PD/01, /02, /03, /04 & /05.

Application Ref: FULL/2024/0540

Property Ref: D012300000

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 first floor windows in the east elevation shall be glazed with obscure glass to a minimum level 3 on the Pilkington scale (or equivalent), and shall be fixed shut and thereafter be retained at all times. No changes shall be made to these windows.

Reason - To minimise the effect of the development on the privacy and amenities of nearby residents.

5.The landscaping scheme hereby approved shall be fully completed in the first planting season after the approval date, 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 landscaping scheme provides a biodiversity net gain for the site in line with the aims of the Strategy for Nature, 2020.

6.The permeable hard surfaces shall not be constructed until details of the construction has been submitted to and agreed in writing by the Authority. Thereafter the development shall not be occupied until the permeable hard surfacing, electric car charging point, and all other sustainable design features set out in the A7 Design letter (dated stamped 19/03/2024) have been installed/completed/made operational.

Reason - In the interests of sustainable development, these features having been proposed to address the requirements of Island Development Plan Policy GP9.

Expiry Date: This permission will cease to have effect on 19/04/2027 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/2024/0540
Property Ref: D012300000
Valid date: 20/03/2024
Location: Les Cailloux Rue D'Albecq Castel Guernsey GY5 7HR
Proposal: Demolish dwelling and outbuilding, erect replacement dwelling with associated works, infill existing vehicle accesses, relocate and create vehicle and pedestrian access.

Applicant: Mr & Mrs N Gale

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 first floor windows in the east elevation shall be glazed with obscure glass to a minimum level 3 on the Pilkington scale (or equivalent), and shall be fixed shut and thereafter be retained at all times. No changes shall be made to these windows.

Reason - To minimise the effect of the development on the privacy and amenities of nearby residents.

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Reason - To make sure that the landscaping scheme provides a biodiversity net gain for the site in line with the aims of the Strategy for Nature, 2020.

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Reason - In the interests of sustainable development, these features having been proposed to address the requirements of Island Development Plan Policy GP9.

OFFICER'S REPORT

Site Description:

The application site comprises a detached dwellinghouse located to the south-east of the Rue D'Albecq coast road, on the periphery of relatively dense residential development to the south-east. There are neighbouring properties to the northeast, southeast, south and southwest. Coastal common land is located across the road to the north-west. The site is served by two accesses in the north-west boundary. The site is located Outside of the Centres in the Island Development Plan. The land on the opposite side of the road is designated a Site of Special Significance.

Relevant History:

There is no relevant history pertaining to this application.

Existing Use(s):

Residential use class 1: dwelling house.

Brief Description of Development:

Permission is sought to demolish the existing one and a half storey dwelling and to erect a replacement 4 bed two storey dwelling, with two integrated garages and a large first floor balcony to the west elevation. Works also include infilling the existing vehicular entrance and relocating it further to the northeast on the northwest boundary

The proposal also includes a freshwater swimming pool (exempt), several ground floor decked areas and a circular terrace within a well landscaped garden.

A letter has been provided setting out the background to the proposal and is accompanied by a Site Waste Management Plan.

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

GP2 Sites of Special Significance
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:

There has been one letter of representation and the issues are;

- A7's cover letter states the proposed reverse plan living design is "to enable the owners to feel as if they own the bay."
- The application further states the proposed design will have a footprint of 278sqm, "resulting in only a 17.3% increase" on the current structures (existing dwelling, large outbuilding and shed/store).
- Against this context, the mass and scale being proposed is entirely inappropriate for its position. A7's Elevations diagram PD-04 overlays the proposed structure on a red outline of the existing dwelling and this shows the proposed ridge height is not only in excess of the height of the current gable end chimneys but that the sheer mass of

- the proposed dwelling comprehensively overwhelms the existing dwelling.
- Accordingly, the visual impact to the general public who will drive, walk, cycle past the proposed dwelling design each day (of which there will be many given its location on the main coastal road) will be significant given the irrevocable changes to sight lines, ridge heights, roof massing and adverse site proportionality.
- Accordingly, we urge your Committee to reject the application in its current form on the basis of mass and scale and adverse impact to the general public and direct the applicant to resubmit a scaled back design that is more respectful to area and that recognises no individual "owns the bay" to the detriment of the wider community.

Consultations:

None

Summary of Issues:

- Design of the development.
- Impact of the development on the character and appearance of the area.
- Impact of the development on neighbouring properties.

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.

This application seeks to demolish the existing dwelling and to erect a replacement dwelling, to fill in the westerly existing vehicle access and reduce the other to a 1.5m pedestrian opening and creating a new vehicular access to the northeast end of the northwest boundary. The swimming pool and hard landscaped areas comprise exempt development.

The principle of demolition and rebuild of existing dwellings is supported under Plan policy GP13. In this case, the existing dwelling is of traditional character, however it is stated that the building suffers from unsympathetic and poor quality extension and alteration to the rear which has diminished its architectural and historic value. The proposed replacement dwelling is of increased footprint, bulk and massing, relative to the existing, however the building is similarly positioned on the site and

the building envelope utilises traditional forms, and is of a style commonly found along the coast. Whilst the site is prominently located along the coast road, and visible in long views from the northwest and northeast, it is read amongst and against the surrounding development and would not have a significant impact in those views, or on the openness of the area. Policy allows for an increase in the size of a dwelling, and a contemporary approach to design, where there would be no adverse impacts on character or openness. As the site is not located within a Conservation Area, the plan affords flexibility in design.

The building would include appropriate circulation space, with the garages, utility, laundry and sleeping accommodation at ground floor level, and living and sleeping accommodation at first floor level. A lift will provide accessibility for people of all ages and abilities, and for the dwelling to be adaptable to changing needs over time.

The proposed creation of a new vehicular access would enhance the functionality of the access without adverse impacts on character or amenity, subject to the making good of blocking up and reducing the existing accesses. The proposal includes stormwater grates, to capture and manage coast road overspill during high tides and heavy rain.

The proposed parking is considered appropriate, however it is noted that the maximum parking standards do not apply in this location and the introduction of hardstanding within the domestic garden of a dwelling constitutes exempt development that does not require the specific grant of planning permission. In this case, the impacts of the parking area would be mitigated to some extent by the use of permeable surfacing and the provision of extensive landscaping. The permeable surfacing can be controlled by condition, as can the landscaping. Cycle storage has been allocated within the garage and it is not considered necessary to condition this provision.

Confirmation has been received that the proposed development has been designed to take into account matters of energy efficiency and the current Building Regulations, including in the orientation, to maximise solar gain and natural light through the glazed elements, and layout of the proposed dwelling, and the provision of permeable paving, in accordance with Policy GP9 (Sustainable Development).

A Site Waste Management Plan has been provided which is adequate to address the requirements of policy, update and implementation of which can be controlled by condition.

The proposal is not considered to have any adverse impacts on the amenity of nearby residential properties. The proposal would site the new building in the centre of the plot, a little closer to the southern boundary than the existing building, and the first-floor windows have been carefully designed to minimise the potential for overlooking. All of the south elevation first floor windows are also over 10m from the boundary and the two west elevation windows, which overlook the neighbours garden should be obscure glazing, this

can be conditioned. On balance the first-floor glazing is not considered to have any detrimental impacts on neighbour amenity.

The site is not located within the Site of Special Significance, and the requirements of Policy GP2 would not therefore apply. Set on the opposite side of the road from the designated land, the proposals are however unlikely to have any significant impacts on that land.

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.

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. Where relevant the issues are considered in section 2 above.

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

The proposal would have no impact on Protected Buildings, Trees or Monuments or on SSS's.

Date: 17/04/2024