

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 building and outbuilding, erect dwelling with associated works and erect shed to north boundary, (revised scheme).

LOCATION: Former Retail Unit, Retot Lane, Castel.

APPLICANT: Mr P Crowson

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: 10/07/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 26/04/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: PF+A Ltd: 7487-01/B1 Rev C, /B2 Rev C, /B3 Rev B, & /B4 Rev C.

Application Ref: FULL/2024/0775

Property Ref: D010930000 + D01093A000

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 west boundary wall between the southern edge of the hereby approved external stair, and the front of the dwelling shall be raised to no less than 1.7m above finished ground level and submitted to and agreed in writing by the Authority. The works shall be carried out only in accordance with the agreed details.

Reason - to take into account the amenities of neighbouring residents to the west of the application site and prevent overlooking when using the access to the side (west) of the hereby approved dwelling.

5. Prior to the first occupation of the dwelling-house hereby approved, full details of the proposed boundaries of the application site, including the east and south boundaries, shall be submitted to and agreed in writing by the Authority. The agreed details shall then be implemented prior to the first occupation of the new dwelling.

Reason - The boundary treatments forming the domestic curtilage associated with the new dwelling are unclear, particularly along the east and south boundaries.

6. No part of the development, hereby permitted, shall be occupied until the bicycle storage area and the allocated parking spaces serving the hereby dwelling-house as shown on drawing reference 7487-02 B2 and 747-02 B1 have been fully completed.

Reason - To encourage the use of bicycles as an alternative to the car and to ensure the approved off-street parking is provided.

7. All disturbed works to the front and side (east and south) elevations of the building shall be finished in granite stone and rendered accordingly to match as closely as possible the method of construction, texture and appearance of the existing stone walls within 2 months of the dwelling being first occupied.

Reason - To ensure that all disturbed works match the external appearance of the building in the interests of visual amenity.

8. Prior to the first occupation of the dwelling-house hereby approved, a landscaping scheme, to include those details specified below, shall be 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; and iii) planting schedules, noting the species, sizes, numbers and densities of plants.

Reason - To make sure that a satisfactory landscaping scheme for the development is agreed, in order to help assimilate the development into its surroundings and to achieve a good standard of design.

9. All planting, seeding or turfing comprised in the approved details of landscaping required as part of the condition above shall be carried out in the first planting and seeding seasons following the occupation of the new dwelling. Any trees or plants which die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Authority gives written approval to any variation.

Reason - To ensure that a satisfactory form of development is achieved in the interests of amenity.

Expiry Date: This permission will cease to have effect on 10/07/2027 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

For the avoidance of doubt, the domestic curtilage to be associated with the new dwelling is recognised as the land outlined in red on the Proposed Block Plan as shown on approved Drawing No 7487-01 B1 C. The land to the south of the area outlined in red is recognised as agricultural land as set out in the 'definition of domestic curtilage 2021'.

Your attention is drawn to The Animal Welfare (Guernsey) Ordinance, 2012, the local Strategy for Nature and the need to comply with their legal provisions. The existing building may be used by bats or other wildlife for roosting and nesting. We strongly recommend that the site is inspected by a suitably qualified person prior to any building works. Additional measures should also be taken (including consideration of the timing of the works and provision to support associated wildlife in the long term) to ensure that protected species 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 by emailing info@societe.org.gg

For the avoidance of doubt, the installation of an air source heat pump as indicated in the Design and Sustainability Report may require a separate grant planning permission as it is not shown on the drawings hereby approved.

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/2024/0775
Property Ref: D010930000 + D01093A000
Valid date: 26/04/2024
Location: Former Retail Unit Retot Lane Castel Guernsey
Proposal: Demolish existing building and outbuilding, erect dwelling with associated works and erect shed to north boundary, (revised scheme).

Applicant: Mr P Crowson

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 west boundary wall between the southern edge of the hereby approved external stair, and the front of the dwelling shall be raised to no less than 1.7m above finished ground level and submitted to and agreed in writing by the Authority. The works shall be carried out only in accordance with the agreed details.

Reason - to take into account the amenities of neighbouring residents to the west of the application site and prevent overlooking when using the access to the side (west) of the hereby approved dwelling.

5. Prior to the first occupation of the dwelling-house hereby approved, full details of the proposed boundaries of the application site, including the east and south boundaries, shall be submitted to and agreed in writing by the Authority. The agreed details shall then be implemented prior to the first occupation of the new dwelling.

Reason - The boundary treatments forming the domestic curtilage associated with the new dwelling are unclear, particularly along the east and south boundaries.

6. No part of the development, hereby permitted, shall be occupied until the bicycle storage area and the allocated parking spaces serving the hereby dwelling-house as shown on drawing reference 7487-02 B2 and 747-02 B1 have been fully completed.

Reason - To encourage the use of bicycles as an alternative to the car and to ensure the approved off-street parking is provided.

7. All disturbed works to the front and side (east and south) elevations of the building shall be finished in granite stone and rendered accordingly to match as closely as possible the method of construction, texture and appearance of the existing stone walls within 2 months of the dwelling being first occupied.

Reason - To ensure that all disturbed works match the external appearance of the building in the interests of visual amenity.

8. Prior to the first occupation of the dwelling-house hereby approved, a landscaping scheme, to include those details specified below, shall be 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; and iii) planting schedules, noting the species, sizes, numbers and densities of plants.

Reason - To make sure that a satisfactory landscaping scheme for the development is agreed, in order to help assimilate the development into its surroundings and to achieve a good standard of design.

9. All planting, seeding or turfing comprised in the approved details of landscaping required as part of the condition above shall be carried out in the first planting and seeding seasons following the occupation of the new dwelling. Any trees or plants which die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Authority gives written approval to any variation.

Reason - To ensure that a satisfactory form of development is achieved in the interests of amenity.

INFORMATIVES

For the avoidance of doubt, the domestic curtilage to be associated with the new dwelling is recognised as the land outlined in red on the Proposed Block Plan as shown on approved Drawing No 7487-01 B1 C. The land to the south of the area outlined in red is recognised as agricultural land as set out in the 'definition of domestic curtilage 2021'.

Your attention is drawn to The Animal Welfare (Guernsey) Ordinance, 2012, the local Strategy for Nature and the need to comply with their legal provisions. The existing building may be used by bats or other wildlife for roosting and nesting. We strongly recommend that the site is inspected by a suitably qualified person prior to any building works. Additional measures should also be taken (including consideration of the timing of the works and provision to support associated wildlife in the long term) to ensure that protected species 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 by emailing info@societe.org.gg

For the avoidance of doubt, the installation of an air source heat pump as indicated in the Design and Sustainability Report may require a separate grant planning permission as it is not shown on the drawings hereby approved.

OFFICER'S REPORT

Site Description:

The property, known as the former Army and Navy Stores, consists of a single storey flat roof building which forms the corner of Retot Lane. Whilst the building consists of a traditional, granite stone structure with a painted rendered appearance to the front, the building has little architectural merit. The building is located on the boundary with a neighbouring property known as La Chaumiere.

The building lies to the west of Albecq Farm, which itself is subject to various applications to renovate the property. A right-of-way exists over Albecq Farm to

access the rear of the building in question. Whilst Albecq Farm is recognised as a protected building, the outbuilding in question is excluded from the listing and therefore does not afford the same protection as the farmhouse.

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

Planning permission was granted to convert and alter the former Army and Navy Stores building in 2023 (FULL/2023/0265) to a dwelling-house.

Planning permission was later refused in 2024 to demolish and rebuild the building south of the existing structure (FULL/2023/2199). The reason for refusal was based on the size of the floor area and volume of the proposed dwelling when compared to the existing structure under Policy:

The proposed building that is the subject of this planning application is not of broadly the same floor space and volume as the approved conversion scheme for the purposes of Policy GP16(B). The scheme does not accord with criterion (b) of Policy GP16(B) (Conversion of Redundant Buildings - Demolition and Redevelopment) of the Island Development Plan.

Relevant History:

FULL/2023/2199	Demolish existing building and section of outbuilding, erect dwelling with associated work and erect shed to north boundary.	Refused
FULL/2023/0265	Convert and alter building (Retail Use Class 10) to create dwelling (Residential Use Class 1).	Granted

Existing Use(s):

Residential

Brief Description of Development:

Planning permission is now sought for the same development i.e. demolish the former Army and Navy Stores building and outbuilding to the south and erect a dwelling.

The floor area and volume of the proposed building has been reduced by virtue of the omission of the covered courtyard, in attempt to overcome the reasons for refusal. The scheme includes a new shed to the north boundary and a landscaping scheme to the east and south as part of a revised scheme.

The agent's letter of 25th April 2024 states that the proposed plans have been revised to remove the courtyard on the ground floor. The landscaping has been revised, including moving the external steps from the side to the rear of the building. It is noted that this will also reduce the impact on the neighbour to the west.

As noted in the agent's letter and as shown on the drawings submitted, the proposal represents an increase in the floor area and volume by 17.6% and 19.8% respectively. Other aspects of Policy GP16(B) have been addressed, including character of the area, sustainable design, landscape character and openness and neighbour amenity. Direct access will be maintained from the site access point located on the north boundary, to the area of agricultural land to the southern part of the site. All of the land is within the same ownership.

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

OC1: Housing Outside of the Centres.
OC4: Retail Outside of the Centres
GP1: Landscape Character and Open Land
GP5: Protected Buildings
GP8: Design
GP9: Sustainable Development
GP16(A): Conversion of Redundant Buildings
IP7: Private and communal parking
IP9: Highway Safety, Accessibility and Capacity

Representations:

The Authority has received a letter of representation from one party objecting to the proposal. Grounds for objection principally relate to the following issues:-

- Overshadowing.
- Overbearing.
- Overlooking.
- Interface.
- Piecemeal development.

The letter of representation has also been supported by architect's drawings which show the potential impact on the neighbouring property.

Consultations:

None.

Summary of Issues:

- Whether the loss of the retail unit in this location is acceptable.
- Whether the conversion of the building into a dwelling-house is acceptable.
- Creation of curtilage.
- Whether the design of the proposed development is acceptable.
- Parking and access.

- The impact of the development on the character and appearance of the area.
- The impact of the development on neighbour amenity.
- The impact on the setting of the adjacent protected building.

Assessment against:

1 - Purposes of the law.

The objectives set out in Section 1(2) of The Land Planning and Development (Guernsey) Law, 2005, 'the Law', have been considered and this report forms part of the assessment, with policy issues set out in Section 2 below.

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

Whether the design and relocation of the proposed dwelling is acceptable, the impact of the development on the character and appearance of the area, and the impact of the development on neighbour amenity:

As set out in the officer's report of application FULL/2023/2199, the principal planning policy relevant in determining this application is Policy GP16 (B) (Conversion of a redundant building). Each criterion of Policy GP16B is set out and addressed below.

Policy GP16 (B) states that:

"The demolition and redevelopment of a building that is able to accord with the requirements of the conversion of redundant buildings policy may be acceptable without the need to implement the permission for conversion by physically carrying out the development, provided that:

a. the conversion scheme has first been granted planning permission; and,

The conversion scheme has been granted planning permission under reference FULL/2023/0265 and therefore complies with criterion 'a' of Policy GP16(B)."

b. the redeveloped scheme is of broadly the same floor space and volume as the approved conversion scheme and, in the case of development for residential purposes, the number of units approved in the conversion scheme is not exceeded; and,

The agent has provided calculations of floor areas and volume as noted in the covering letter and on drawing 7487-01 B3 B. The agent has noted that the proposed dwelling has a floor area of 58.7sqm (a 17.6% increase from the approved conversion) and a volume of 276.22sqm (a 19.8% increase from the approved scheme).

Based on the omission of the ground floor courtyard, the proposed dwelling is considered to be *'broadly the same floor space and volume as the approved conversion scheme'* for the purposes of criterion 'b' of Policy GP16(B).

- c. where the existing building makes a particular positive contribution to the character of an area the replacement building would make an equal or enhanced contribution to the character of that area; and,*

Despite its age, the existing building does not make a particularly positive contribution to the character of the area that would be worthy of retaining as it possesses little architectural merit.

- d. it can be demonstrated that the new building can be constructed in such a way as to significantly enhance its sustainable design; and,*

As set out in the officer's report of application FULL/2023/2199, the new dwelling is located further into the site which has a better relationship to the surrounding built environment by increasing the separation distance between the façade of the building and the road. The rationale to position the new dwelling in the proposed location is considered to be reasonable and logical.

Moreover, the position of the new dwelling will significantly improve the outlook/aspect and internal amenity provision for any future occupiers thereby creating a better-quality development when compared to the original position and constraints of the site. *The new position of the dwelling will also seek to maximise solar gain, and through a range of sustainable design technologies such as solar panels, charging points for electric vehicles, rainwater harvesting, and improved air tightness, thus significantly enhance its sustainable design, for the purposes Policy GP16(B).*

All of the above remains the case for this application.

The Design and Sustainability Report makes reference to the use of heat pumps which will also contribute to its sustainable design provided the pump(s) is/are appropriately sited so that it does not adversely impact on neighbour amenity. Although, no details of the pump have been shown on the drawings, therefore it is advised, through an informative, that installing an air source heat pump may require planning permission.

The Site Waste Management Plan also demonstrates how waste associated with the development process is to be minimised, how existing materials are to be reused on or off the site and how residual waste will be dealt with.

Overall, therefore it is considered that the proposal would accord with this element of the Policy.

- e. it can be demonstrated that the new building can be constructed in such a way as to not have any unacceptable adverse impacts on the landscape character or openness of an area; and,*

As noted above, the location and size of the dwelling is broadly the same as that shown on application FULL/2023/2199, thereby the effect on the landscape character and openness remains unchanged from that discussed in the officer's report. The comments are set out below for completeness:

It is considered that the proposed position of the new dwelling would not have an unacceptable impact on the landscape character and openness of the surrounding area. The proposal would introduce a separation distance between the façade of the new dwelling and the roadside, and coupled with an appropriate landscaping scheme could result in a positive effect on the street scene.

Whilst the rear of the site would be more prominent in views across Retot Lane, the rear elevation will be 'read' in context with the rear elevation of the farmhouse and the backdrop of neighbouring properties, and therefore is unlikely to have a detrimental effect on the landscape character or openness of the area. The reinforcement of soft landscaping would, in time, enhance the biodiversity of the site and soften the appearance of the development from public vantage points.

- f. it can be demonstrated that the new building can be constructed in such a way as to not have any increased impacts on the amenities or reasonable enjoyment of occupiers of neighbouring properties and the surrounding area.*

Careful consideration has been afforded to the impact of the development on neighbouring residents, including those occupiers of the farmhouse and in the wider area. The letter of representation, together with the architect's drawings in support of the representation, have been carefully considered.

The new dwelling is to be offset from the west boundary wall when compared to the previous scheme. The size and position of the house remains broadly the same. On this basis, there is no new information or evidence to demonstrate that the proposal would cause unacceptable harm to the amenities of neighbouring residents to warrant a different decision. The potential effect on the neighbouring property to the west of the application site is similar to the refused scheme i.e. there will be some additional shadowing effect over a relatively small area of the neighbours garden during the course of the morning, although due to the scale, orientation and relationship to the neighbouring property, the additional level of shadowing (as shown on the architect's drawings as part of the representation) would not cause substantial enough harm to warrant refusal. This has been considered as part of the previous scheme:

However, the degree of shadowing is likely to affect neighbouring residents during the early hours of the day, diminishing over the course of the morning due to the orientation of the new building and therefore will not affect midday sun, or sunlight during the later parts of the day. This effect is not considered to be significant enough to justify refusal.

It is however necessary and reasonable to attach a planning condition to the decision to ensure that the boundary wall is raised, or a privacy screen be erected on the inside of the boundary wall, to a height of no less than 1.7m. This will ensure that residents using the side access of the proposed dwelling will not result in privacy issues towards the neighbouring residents to the west of the application site.

No fenestration is proposed on the west elevation as the west gable comprises a blank wall. The extent of overlooking from the rear elevation remains the same as the previous scheme, which was addressed in the planning officer's report. This is noted below for completeness:

Towards the rear, although the neighbour has raised concerns over the relationship between the proposed first floor windows and their rear garden associated with La Chaumiere, and there will be a slight overlooking of the lower part of the neighbour's garden, this will be circa 30m away.

The area of garden near a dwelling-house is typically more sensitive than other areas of garden which are located further away from a property, and therefore become less sensitive to change. Taking all of this into account and the degree of overlooking from oblique angles, towards the middle-to-bottom of the neighbour's rear garden, is such that it would not reasonably amount to significant concerns to justify refusal, although it is acknowledged that there will be some impact.

The impact on the setting of the adjacent protected building:

Given that the proposed dwelling is broadly the same size and in a similar location to the previously refused scheme, the effect of the setting of the adjacent protected building has been considered as part of application FULL/2023/2199.

Consequently, the scheme does not unacceptably compete with or harm the special character of the protected building, and therefore the proposal does not conflict with Policy GP5: Protected Buildings.

The impact on highway safety or traffic management:

The proposal will not result in any highway safety or traffic management issues when compared to the approved conversion scheme, FULL/2023/0265.

Conclusion:

Based on the above, the application is considered compliant with the relevant Island Development Plan policies, and accords with the purpose of the Law and the Material Planning Considerations. It is therefore recommended that planning permission be granted, subject to conditions.

Date: 09/07/24

