

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, erect replacement dwelling with associated works and widen and alter gated vehicle access to west elevation (Part Retrospective).

LOCATION: Mille Fleurs, Rue du Bordage, St. Pierre Du Bois.

APPLICANT: Mr J Bailey

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: 24/10/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 12/09/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Lovell Ozanne & Partners Ltd: S40-10371-S1-20, 21B, 22C, 23C, 24B, 26A

Application Ref: FULL/2024/1422

Property Ref: F007610000

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 stone to be used in the construction of the new dwelling hereby permitted shall match as closely as possible the type, colour, texture, method of bonding and pointing of the existing stone of the retained front facade and side walls.

Reason - In the interests of visual amenity.

5. The roof of the 'farmhouse' element of the dwelling hereby approved shall be covered using natural slate, in accordance with the letter from Lovell Ozanne date 09/09/2024 ref: AS/akdw/10371

Reason - In the interests of visual amenity.

6. Prior to the first occupation of the dwelling hereby approved the replacement roadside walls shall be fully constructed, using stone that shall match as closely as possible the type, colour, texture, method of bonding and pointing of the existing stone, in accordance with the approved plans.

Reason - In the interests of visual amenity.

7. 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.

8. Notwithstanding the provisions of the Land Planning and Development (Exemptions) Ordinance, 2023 (or any other Ordinance replacing or re-enacting that Ordinance) the windows and doors in retained south façade shall only be replaced where the new units are of the same design, the same means of opening and is made of the same materials as the window or door it replaces unless an alternative is expressly approved in writing by the Development & Planning Authority.

Reason - To preserve the character and interest of the retained façade in the interests of visual amenity.

9. a) prior to the commencement of any work in connection therewith, details of proposed hardstanding (parking, paths, terraces etc. to include permeable paving) shall be submitted to and approved in writing by the Authority. The work shall be carried out only in accordance with the agreed details.

b) No occupation of the dwelling hereby approved shall take place until such time as the parking and turning facilities shown on the approved plan have been completed in accordance with the submitted details.

Reason - To make sure vehicles can enter and leave the site in a forward direction and to provide off-street parking, in the interests of road safety and effective traffic management.

10. The development hereby permitted shall be constructed in accordance with the details set out in the letter from Lovell Ozanne dated 09/09/2024, under the heading GP9 Statement and in accordance with the details shown on the approved plans and condition 9 above regarding permeable hardstanding. There shall be no occupation any dwelling until the permeable paving has been provided in accordance with the details approved under Condition 9 above.

Reason - In the interests of sustainable design and development.

Expiry Date: This permission will cease to have effect on 24/10/2027 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/2024/1422
Property Ref: F007610000
Valid date: 12/09/2024
Location: Mille Fleurs Rue du Bordage St. Pierre Du Bois Guernsey
GY7 9DW
Proposal: Demolish existing dwelling, erect replacement dwelling with associated works and widen and alter gated vehicle access to west elevation (Part Retrospective).
Applicant: Mr J Bailey

RECOMMENDATION - Grant: Planning Permission with Conditions:

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Reason - In the interests of sustainable design and development.

OFFICER'S REPORT

Site Description:

The property known as 'Mille Fleurs' was a detached two storey granite faced traditional farmhouse, which faced south looking over a mature garden with a swimming pool and single storey outbuilding. To the west is Rue du Bordage (the gable end of the building bounds the road), to the north is more land within the curtilage and to the east is more land which falls away quite steeply. Substantial demolition work has been carried out since the last planning application was approved leaving little of the original dwelling still standing.

The property is located Outside of the Centres and is within the Agriculture Priority Area as defined in the Island Development Plan.

Relevant History:

FULL/2016/0477 - Land at Mille Fleurs - Change of Use of area of land from Visitor Economy to Residential Use to provide extension of curtilage to 'La Fosse Cottage' – granted

FULL/2019/0053 - Change of use of 3 self-catering units (use class 8) to 3 residential units (residential use class 1), with associated gardens and parking – withdrawn

FULL/2020/0195 - Remove hedge and erect retaining wall and external steps to extend parking area – granted

FULL/2020/0944 - Demolish 1 and 2 storey extensions at the eastern end of the dwelling and erect a replacement 1 and 2 storey extension with terraces, install roof lights to south elevation, erect a replacement porch to the north elevation and alterations to fenestration – granted

FULL/2020/2506 - Demolition of three self-catering units (Visitor Use Class 8) and change of use of land to domestic garden – granted

FULL/2022/1145 – Demolish extension and outbuilding. Erect 2 storey extension to north (front) elevation, erect 1½ storey extension, outbuilding/garage and shed to north of site, alter roadside wall and gated vehicle access – granted

Existing Use(s):

Residential use class 1: dwelling house

Brief Description of Development:

The application relates to the demolition of the existing dwelling and construction of a replacement dwelling on the site. The application is retrospective as work has commenced on the demolition of the existing dwelling, with only the front façade and partial side walls remaining.

The submission letter sets out that the depth of the main farmhouse element of the dwelling (northern façade) has been moved north so that the main house can have a deeper plan with more functional, flexible/adaptable internal space as a result. Fenestration positions have been amended to suit the new internal layout with a more contemporary style. The submission also confirms that the new roof will have a slate finish but be c. 600mm higher than the original roof to accommodate the deeper plan whilst respecting the original roof pitch.

The submission notes that as a result of the changes to the main farmhouse element the 'extension' will be moved c. 1.8m north with changes to positions and levels but that the changes result in improvements to level access across the site. The ridge of the extension is noted to increase but is confirmed to not exceed the main farmhouse part of the development. The exterior of the extension is noted as having a zinc clad roof extending to the first floor walls and with a contrasting block skin at ground floor level. Fenestration is noted to have altered from the previously approved extension scheme (see relevant history) to accommodate the changes made.

The submission outlines that the main entrance gate will be widened to improve access from Rue du Bordage with a sliding timber gate so that parking/turning space is not compromised.

The application has been accompanied by a Site Waste Management Plan and a GP9 Statement which highlights high thermal performance, double glazed windows and purge ventilation. The Statement indicates discussion with Guernsey Electricity but that capacity issues in this location is a limiting factor so the scheme has been developed to ensure that heating requirements are minimal compared to the original dwelling with lighting to be low energy LEDs rather than renewable energy provision. The aim is to match or improve upon the Guernsey Technical Standards recommended U-Values.

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

GP8 – Design
GP9 – Sustainable Development
GP13 – Householder Development
IP9 – Highway Safety, Accessibility and Capacity

Representations:

None.

Consultations:

None.

Summary of Issues:

The key issues in this case relate to the principle of the proposed replacement dwelling, the effect on the character and appearance of the locality, on residential amenity and highway safety.

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.

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.

As noted as part of the extension scheme approved, the extensions and outbuilding north of Mille Fleur are of no particular architectural or historic interest to warrant their retention and their demolition is accepted. The IDP (para. 19.14.11) sets out that there will be dwellings that are not protected but which make a particular positive contribution to the character of an area (e.g. farmhouses) and that in such cases, where a building makes a particular positive contribution to the character of an area consideration must be given to the acceptability of its loss before considering the merits of the replacement dwelling. The IDP goes on to say that if the proposed replacement dwelling is of such a high quality design that it would enhance the character of the area and make a more positive contribution than the building it would replace then the loss of the building will be acceptable.

The case here is that the building has been substantially demolished and so assessment in this case is more about whether the replacement building represents a high quality design not so much whether it would make a more positive contribution to the character of the area than the building it replaces.

The dwelling is situated in an area of sporadic development Outside of the Centres with variety in terms of height and design. The siting, size and height of the proposed dwelling will not significantly alter from either the existing dwelling or the approved extension scheme in terms of its impact on the character and appearance of the locality. Furthermore, the site is capable of accommodating a higher building than the existing and 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.

The design approach adopted, with the building broken down into different elements and incorporating a link extension, having regard to the layout and topography of the site will help reduce the bulk and appearance of the building from the road and offer multi-storey accommodation representing efficient and effective use of land.

The scheme has been designed to retain many of the more traditional features of the main farmhouse to be replaced and has been designed with a glazed link to provide a visual break between the more traditional designed southern section (main farmhouse) and contemporary two-storey 'extension' which incorporates a zinc roof and first floor cladding with brick at ground floor level along with large areas of glazing in contrast to the main house.

The Island Development 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. In this case there is no uniform design or palette of materials in the vicinity of the site.

The Island Development Plan allows for greater flexibility with regard to new development proposed in non-designated areas such as this and a development should preserve or enhance the character and appearance of the locality. With the varied nature of development in the locality, the approved extension scheme and the way in which the replacement 'main farmhouse' draws from the demolished dwelling, the dwelling proposed will not appear unduly visually intrusive and would not be out of keeping in the locality. The replacement dwelling proposed will not appear unduly obtrusive, have an unacceptable adverse impact on the character or quality of the built environment or the character and amenity of the locality and therefore the aims of Policies GP13 and GP8 of the Island Development Plan have been satisfactorily addressed in this respect.

The proposed development will not result in overshadowing of occupiers of adjoining dwellings and fenestration does not substantially alter from the previous dwelling on the site nor the approved extension in terms of the possibility of increased overlooking and loss of privacy in accordance with Policies GP8, GP9 and GP13 of the Plan.

Through the erection of a replacement dwelling on the site the scheme overall offers accessible, flexible and adaptable accommodation that can respond to the changing needs of occupiers. The accommodation also provides adequate sunlight, daylight and external space to serve the occupiers of the development. The scheme satisfies the aims of Policy GP8 in this respect.

The matter of accommodation being served by more than one staircase was assessed as part of the approved extension scheme. Although the development relates to a replacement dwelling the conclusions in this regard remain unchanged. The interrelationship between the main house and extension are such that it does not readily lend itself to subdivision due to the potential for overlooking particularly between first floor terraces/windows.

The alterations to the vehicular access will offer reasonable access to and from the site in a narrow lane. The proposed gates will not unacceptably impede the free flow of traffic in line with the aims of Policy IP9. The design and appearance of the changes accord with Policies GP8, GP9 and GP13 of the IDP.

The level of off-parking is considered satisfactory in terms of meeting the needs of future occupiers in this Outside of Centres location where off-road parking provision is considered on its own merits.

The application has been accompanied by a brief Waste Management Plan which is considered to be satisfactory in this case to meet the aims of Policy GP9 in this respect and can be managed by condition.

With regard to Policy GP9: Sustainable Development, the policy requires an application to demonstrate that the development has been designed to take into account the use of energy and resources and adverse impact on the environment with particular regard to the location, orientation and appearance of a building, the form of construction and the materials used etc. In this case, although issues have been highlighted regarding the use of renewable energy provision due to loading capacities the submission has sought to demonstrate that the construction itself has been carefully designed in order to comply with Building (Guernsey) Regulations 2012. Therefore the scheme has taken into account the use of energy, resources and any adverse impact on the environment and can be managed by condition.

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 which could be relevant. These include; the appropriateness of the development in relation to its surroundings in terms of design, layout, scale, siting and materials; the likely effect on the character and amenity of the locality; any possible fall-back position by way of extant planning permissions or exempt development; the likely effect on the reasonable enjoyment of neighbouring properties. These issues where relevant are considered above.

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: 21/10/2024

