

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: Variations to previously approved plans to demolish existing building and outbuilding, erect dwelling with associated works and erect shed to north boundary (revised scheme) - Relocate external staircase to west elevation (rescind Condition 4) and change external material finish to render to east, south and west elevations.

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: 18/10/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 11/09/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: PF+A Ltd - 7487-01 B1D, B2D, B3C & B4E.

Application Ref: FULL/2024/1511

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 on or before 10/07/2027.

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 permission hereby granted relates only to the variation specified above. In all other respects the development shall be carried out in full accordance with the permission dated 10/07/2024, issued under planning application reference FULL/2024/0775, and subject to the terms and conditions thereof.

Reason - To limit the effect of the permission to the specified variation only.

Expiry Date: This permission will cease to have effect on 10/07/2027 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/2024/1511
Property Ref: D010930000+D01093A000
Valid date: 11/09/2024
Location: Former Retail Unit Retot Lane Castel Guernsey GY5 7EG
Proposal: Variations to previously approved plans to demolish existing building and outbuilding, erect dwelling with associated works and erect shed to north boundary (revised scheme) - Relocate external staircase to west elevation (rescind Condition 4) and change external material finish to render to east, south and west elevations.

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 on or before 10/07/2027.

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).

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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 permission hereby granted relates only to the variation specified above. In all other respects the development shall be carried out in full accordance with the permission dated 10/07/2024, issued under planning application reference FULL/2024/0775, and subject to the terms and conditions thereof.

Reason - To limit the effect of the permission to the specified variation only.

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 is excluded from the listing.

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

Planning permission was granted earlier this year to demolish an existing building (former Army and Navy Stores) and outbuilding, and erect a dwelling to the south of the existing structure (FULL/2024/0775). The application to convert the redundant building was considered under application FULL/2023/0265.

Relevant History:

FULL/2024/0775	Demolish existing building and outbuilding, erect dwelling with associated works and erect shed to north boundary, (revised scheme).	Granted
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 to alter the position and design of the external stair, and to alter the materials of the approved dwelling from granite to render to the side and rear elevation. The aim of the works to the external stair is to overcome the requirement of condition 4 of the original permission (FULL/2024/0775), so that this condition can be omitted.

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:

None.

Consultations:

None.

Summary of Issues:

- Whether the design of the proposed development is acceptable.
- The impact of the development on neighbour amenity.

Assessment against:

- 1 - Purposes of the law.**
- 2 - Relevant policies of any Plan, Subject Plan or Local Planning Brief.**
- 3 - General material considerations set out in the General Provisions Ordinance.**
- 4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).**

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.

Neighbour amenity:

With regards to neighbour amenity considerations, planning condition 4 of permission FULL/2024/0775 set out that:

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

The condition was attached given the potential overlooking issues towards the neighbouring residents to the west as a result of a shallow gradient pathway to the side of the house, which led onto an iron cast staircase to the rear. Consequently, the difference in height between both the pathway and the top of the staircase, to the top of the boundary wall, had the potential to lead to overlooking issues.

In response, the agent has proposed changes to the approved pedestrian access by incorporating an external staircase which will be set into the landscape, thereby negating the need to increase the height of the boundary wall. In light of the changes proposed, the proposal is considered to have less of an impact on the amenities of neighbouring residents to the west of the application site.

Consequently, the proposed works as part of this variation have successfully negated the need for attaching Condition 4, and therefore Condition 4 of planning permission FULL/2024/0775 can be rescinded.

Materials:

As set out in the agent's letter of 23rd August, it is proposed to alter the external finish for the east, south and west elevations from granite to render. The façade of the dwelling will remain in granite. The consequently, the changes proposed will not have a detrimental effect on the character or appearance of the area, nor the setting of the protected building, as the façade will remain in granite and the other three elevations will be finished in a material that is common and sympathetic to the surroundings.

Overall, the proposed changes adopt a good standard of design and will not have a detrimental impact on the character of the area, visual amenity, or the amenities of neighbouring residents.

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: 16/10/24

