

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: Erect dwelling and detached outbuilding, create vehicle access and associated works. Demolish section of east boundary to create vehicle access for existing dwelling (Tabor).

LOCATION: Tabor, Le Feugre, Ruelle De La Tour, Castel.

APPLICANT: Torode Developments

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: 14/01/2025

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 26/11/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Torode Architects - 6344-07E & 09C.

Application Ref: FULL/2024/1930

Property Ref: D014530000

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.No development, including site works, shall begin on site until details of existing and proposed levels, including ground levels and finished floor levels of the proposed and existing dwelling, have been submitted to and agreed in writing by the Authority. The development shall be carried out only in accordance with the agreed details.

Reason - In the interests of visual amenity.

5.The screen to the north elevation of the terrace shall be glazed with obscure glass to a minimum of level 3 on the Pilkington scale (or equivalent) which shall thereafter be retained at all times.

Reason - To protect the reasonable amenities of neighbouring residents.

6.Prior to the first occupation of the proposed dwelling, the ends of the vehicular accesses shall be finished off using materials and a method of construction which match the remainder of the existing roadside walls.

Reason - In the interests of visual amenity.

Expiry Date: This permission will cease to have effect on 14/01/2028 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

The application site is located within an area of known archaeological importance. Please contact the States Archaeologist, Culture & Heritage Service, if anything of interest is uncovered during any earth moving on the site. The Archaeology team can be contacted on 01481 220729 or 01481 220722, or mobiles 07781 102219 or 07911 721210.

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/2024/1930
Property Ref: D014530000
Valid date: 26/11/2024
Location: Tabor Le Feugre Ruelle De La Tour Castel Guernsey GY5 7TY
Proposal: Erect dwelling and detached outbuilding, create vehicle access and associated works. Demolish section of east boundary to create vehicle access for existing dwelling (Tabor).

Applicant: Torode Developments

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. No development, including site works, shall begin on site until details of existing and proposed levels, including ground levels and finished floor levels of the proposed and existing dwelling, have been submitted to and agreed in writing by the Authority. The development shall be carried out only in accordance with the agreed details.

Reason - In the interests of visual amenity.

5. The screen to the north elevation of the terrace shall be glazed with obscure glass to a minimum of level 3 on the Pilkington scale (or equivalent) which shall thereafter be retained at all times.

Reason - To protect the reasonable amenities of neighbouring residents.

6. Prior to the first occupation of the proposed dwelling, the ends of the vehicular accesses shall be finished off using materials and a method of construction which match the remainder of the existing roadside walls.

Reason - In the interests of visual amenity.

INFORMATIVES

The application site is located within an area of known archaeological importance. Please contact the States Archaeologist, Culture & Heritage Service, if anything of interest is uncovered during any earth moving on the site. The Archaeology team can be contacted on 01481 220729 or 01481 220722, or mobiles 07781 102219 or 07911 721210.

OFFICER'S REPORT

Site Description:

The site comprises of a detached hipped roof bungalow with a detached shed to the front (east) of the dwelling and associated gardens to the side (south) and rear (west). The site is located to the west of Le Feugre and is within the Cobo Local Centre.

Relevant History:

None

Existing Use(s):

Residential use class 1: dwelling house

Brief Description of Development:

Planning permission is requested to erect a 3 bedroom single storey dwelling with a detached single storey flat roof garage and to create a 6m wide vehicular access. The dwelling is proposed to be finished with a mix of rendered and stone clad walls, grey aluminium fenestration and a natural slate roof. Permission is also sought to demolish a 7.5m section of the east boundary to create a vehicle access for the existing dwelling (Tabor).

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

Policy LC2: Housing in Local Centres
Policy GP1: Landscape Character and Open Land
Policy GP8: Design
Policy GP9: Sustainable Development
Policy IP6: Transport infrastructure and support facilities
Policy IP7: Private and Communal Car Parking
Policy IP9: Highway Safety, Accessibility and Capacity

Representations:

One letter of representation was received which advises that they are the current owners of the site (the site is to be sold on 31st January 2025) and whilst they have no objections to the submission of the planning application, they do not agree to any works being undertaken on site until the land has been transferred.

Consultations:**States Archaeologist, 13/12/2024**

"I would like to make a brief comment on this application. The site is located approximately 100m south of the early medieval settlement excavated at Le Feugré in the late 1960s, and thus there is a chance that similarly early settlement may have extended in this direction. I would therefore be grateful if you would advise the developers to contact the States Archaeologist if anything of interest is uncovered".

Summary of Issues:

The main issues in deciding this application are:

1. The principle of housing development on this site.
2. Design and impact of the development on the character and appearance of the area.
3. The impact of the development on the amenity of people living in the area.

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).**

The principle of housing development on this site

As set out in Policy LC2, the Island Development Plan is required to provide limited opportunities for housing development in Local Centres to enable community growth and to reinforce them as sustainable centres but requires that the scale of such development does not undermine the aims and objectives for the Main Centres. The site is located within the Cobo Local Centre and is not identified as Important Open Land. As such Policy LC2 supports proposals for housing where the scale is appropriate to the centre concerned; where able to accommodate a variety of dwellings the proposal provides an appropriate mix and type of dwellings; and the proposal accords with other relevant policies of the Island Development Plan.

The erection of a 3 bedroom dwelling meets current housing need and is an appropriate scale for the Cobo Local Centre.

Design and impact of the development on the character and appearance of the area

The scale and design of the proposed dwelling is similar to neighbouring properties and would have no adverse effects on the character and appearance of the area. Whilst the proposal does not incorporate a multi-storey unit, which is encouraged by Policy GP8 as a means of making a more efficient use of land, its single storey nature would respect the height and proportions of neighbouring properties as they step up the hillside from west to east and north to south. In addition, the layout and shape of the site would not necessarily lend itself to an increased density incorporating 2 storey dwellings and the proposal to construct 1 additional dwelling on the site constitutes an effective and efficient use of land which would respect the character and amenity of the area.

The flat roof garage sited in front of the dwelling does not achieve a high standard of design but due to the change in levels it would be partially screened by the roadside wall which would reduce its impact on the character and appearance of the area. The width of the proposed accesses are generous but taking into account the narrow width of the lane and the extent of roadside boundary wall which would be retained, the proposal is unlikely to have a significant adverse effect on the character and appearance of the area.

As a whole, the layout, general appearance, composition and materials of the proposed dwelling achieves a good standard of design, in accordance with Policy GP8.

The impact of the development on the amenity of people living in the area

During the course of consideration the proposal was amended to improve the privacy between the proposed dwelling and the existing dwelling and included the removal of a window in the north elevation and the installation of a high obscured glazed screen to the north elevation of the rear terrace. Provided that the high screen to the north elevation of the terrace is obscure glazed, the level of privacy between the proposed and existing dwelling would be adequate.

Due to a combination of the layout of the proposed dwelling, the positioning of windows and the distance to neighbouring boundaries, the proposal is unlikely to result in any significant overlooking or overshadowing of neighbouring properties.

Other Matters

There are no set standards for car parking within Local Centres. The proposed and existing dwelling would have ample on-site car parking spaces and there would be scope for bicycle storage in the shed and garage. The accesses are likely to provide adequate sightlines and the modest intensification of use of the site is unlikely to result in any significant road safety or traffic management concerns. The proposal accords with Policies IP6, IP7 and IP9.

To address the comments raised by the States Archaeologist, it is recommended that a note is attached to the decision to request that the States Archaeologist is contacted should anything of interest be uncovered.

The comments in the representation about not commencing works prior to the sale of the property are not a material planning consideration. In this respect, all decisions made by the Authority are without prejudice to third party rights, and the Authority is not able to address civil matters such as third party disputes or other related matters of ownership. Where necessary such cases should be resolved by seeking legal advice.

Information has been submitted to demonstrate that the design has taken into account the use of energy and resources, in accordance with Policy GP9.

All material considerations as set out in the Land Planning and Development (Guernsey) Law, 2005 and the Land Planning and Development (General Provisions) Ordinance, 2007 have been taken into account in the assessment of this application.

It is recommended that the application is approved.

Date: 09/01/2025

