

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: Partially demolish existing conservatory/extension and erect single storey extension to east (rear) elevation.

LOCATION: Monrovia, Clos De Petit Puits, La Mare Road, Castel.

APPLICANT: Mr & Mrs A 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: 20/03/2025

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 04/02/2025 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Lovell Ozanne & Partners Ltd. - A2430 - 02

Application Ref: FULL/2025/0130

Property Ref: D007490004

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 shall commence on site (including demolition and site works) until there has been submitted to and approved in writing by the Authority:

1) a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants when the site is developed. Such scheme shall include nomination of a competent person to oversee the implementation of the works.

2) If determined to be required, the development hereby permitted shall not be occupied or brought into use until there has been submitted to the Authority verification by a competent person approved under the provisions of this condition that any remediation scheme required and approved under the provisions of subsection 1 of this condition has been implemented fully in accordance with the approved details (unless varied with the written agreement of the Authority in advance of implementation). Unless otherwise agreed in writing by the Authority such verification shall comprise:

b) photographs of the remediation works in progress;

c) certificates demonstrating that imported and/or material left in situ is free from contamination.

Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under subsection 1 of this condition.

Reason - To make sure that the site, when developed is free from contamination, in the interests of public health and safety.

Expiry Date: This permission will cease to have effect on 19/03/2028 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

The Authority does not recognise all of the land outlined on the submitted plan(s) as forming the domestic curtilage associated with the dwelling presently known as Monrovia. The land recognised as domestic curtilage by the Authority is identified on the plan enclosed with this decision notice.

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/2025/0130
Property Ref: D007490004
Valid date: 04/02/2025
Location: Monrovia Clos De Petit Puits La Mare Road Castel Guernsey
GY5 7BR
Proposal: Partially demolish existing conservatory/extension and erect
single storey extension to east (rear) elevation.

Applicant: Mr & Mrs A Bailey

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 shall commence on site (including demolition and site works) until there has been submitted to and approved in writing by the Authority:

1) a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants when the site is developed. Such scheme shall include nomination of a competent person to oversee the implementation of the works.

2) If determined to be required, the development hereby permitted shall not be occupied or brought into use until there has been submitted to the Authority verification by a competent person approved under the provisions of this condition that any remediation scheme required and approved under the provisions of subsection 1 of this condition has been implemented fully in accordance with the approved details (unless varied with the written agreement of the Authority in advance of implementation). Unless otherwise agreed in writing by the Authority such verification shall comprise:

b) photographs of the remediation works in progress;

c) certificates demonstrating that imported and/or material left in situ is free from contamination.

Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under subsection 1 of this condition.

Reason - To make sure that the site, when developed is free from contamination, in the interests of public health and safety.

INFORMATIVES

The Authority does not recognise all of the land outlined on the submitted plan(s) as forming the domestic curtilage associated with the dwelling presently known as Monrovia. The land recognised as domestic curtilage by the Authority is identified on the plan enclosed with this decision notice.

OFFICER'S REPORT

Site Description:

The application site consists of a detached dwelling located at the end of a private clos. The property includes a large field to the south/south-east of the dwelling. Part of the land is recognised as falling within the domestic curtilage, which has been established since 1993 as part of an application to erect two dormer windows to the rear of the property. The extent of domestic curtilage is perpendicular to the dwelling, running south along the line of the rear boundary treatment of the dwelling-house.

Planning permission was granted in 1997 to construct an extension and conservatory to the rear of the dwelling. The extension/conservatory remains in situ to this day.

The site is located Outside of the Centres as designated in the Island Development Plan.

Relevant History:

FULL/2022/0507	Demolish existing glasshouse and erect glasshouse to east of agricultural land.	Withdrawn
PAPP/2008/2626	Erect a boundary wall and resurface driveway	Granted
PAPP/1997/3779	Erect a garden shed (retrospective).	Granted
PAPP/1997/2587	Construct extension and conservatory	Granted
1993	Erect two dormer windows	Granted

Existing Use(s):

Residential

Brief Description of Development:

Planning permission is sought to demolish an existing and erect a replacement single storey extension to the east (rear) elevation.

The replacement extension will serve as a garden room and utility, located in a similar location to existing extension.

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

GP8 Design
GP9 Sustainable Development
GP13 Householder Development

Representations:

None.

Consultations:

The Office of Environmental Health and Pollution Regulation's comments:

"I have reviewed the proposed plans to partially demolish the existing conservatory / extension and erect a single storey extension to the east elevation of the above site. There is an issue of concern about land contamination that I must raise.

Following an incident at the property, this department has been in liaison with the applicants' insurers. We are aware that there is ongoing bioremediation of oil contaminated soil in the proposed area of development. I would therefore recommend that the following condition is attached to any consent granted for this application:

Development hereby permitted shall not be occupied or brought into use until there has been submitted to the Authority verification by a competent person that the remediation scheme has been implemented fully in accordance with the approved details (unless varied with the written agreement of the Authority in advance of implementation). Unless otherwise agreed in writing by the Authority such verification shall comprise of certificates demonstrating that imported and/or material left in situ is free from contamination."

Summary of Issues:

- Whether the design, scale, mass, siting, form and materials of the development is acceptable.
- The impact of the development on the character and appearance of the area.
- 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.

In light of the policy context above, the proposal represents a modest sized addition to the property, is subservient and proportionate, and achieves a good standard of design (Policy GP8 – Design) in terms of its scale, mass, form, siting and materials.

The extension is considered in keeping with the rear built form of the surrounding area and due to its position the proposal will not be visible in public views.

The proposal will not have a detrimental impact on the amenities of neighbouring residents.

In light of Office of Environmental Health and Pollution Regulation's comments, it is noted that there is oil contaminated soil in the proposed area of development and therefore it is considered reasonable and necessary to attach a condition to this decision to ensure that any soil contamination is dealt with appropriately. It is however noted that the remediation scheme cited by OEHPR is not an approved planning document therefore submission of that document would be required as part of the condition.

A curtilage note should also be attached to the decision.

Sufficient information has been submitted that has taken into account the criteria of Policy GP9 (Sustainable Development).

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: 17/03/25

