

## ONLINE VERSION

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 and erect a replacement.

**LOCATION:** La Grande Flaguee, Vieille Rue, St. Saviour.

**APPLICANT:** L.G.F. Holdings Ltd

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: 18/12/2015**

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 06/11/2015 and the drawings referred to below. This grant of permission is subject to the following conditions:-

**Drawing Nos:** G.E Le Friec: 1509/6, 7, 8, 9  
Guernsey Gardens: GA001A

**Application Ref:** FULL/2015/2610

**Property Ref:** E009820000

**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 Environment Department 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 Environment Department and (ii) it is commenced or, as the case may be, continued, in accordance with that requirement and any further requirements imposed by the Environment Department 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 occupation of the new dwelling shall begin until the landscaping scheme shown on drawing no. GA001A has been fully completed. Any trees or plants removed, dying, being severely damaged or becoming seriously diseased, within 10 years of planting shall be replaced in the following planting season by trees or plants of a size and species similar to those originally required to be planted.

Reason - To make sure that the appearance of the completed development is satisfactory and to help assimilate the development into its surroundings.

5.No materials to be used on the exterior of the building shall be placed on the site until such time as details of those materials have been submitted to the Environment Department. Only materials agreed in writing by the Environment Department shall be used in carrying out the development.

Reason - To ensure the satisfactory appearance of the completed development.

**Expiry Date: This permission will cease to have effect on 17/12/2018 unless development is commenced by that date.**

**ADVICE AND OTHER REMARKS:-**

For the avoidance of doubt, this permission does not relate to any change to the existing access arrangements from Vieille Rue or Le Frie Baton Road.

**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 Department made this decision. The official Appeal Notice Forms are available on the Department's website at [www.gov.gg/planning-appeals](http://www.gov.gg/planning-appeals) 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 Department took into account any written representations arising from consultations made under Section 11(1) of the Land Planning and Development (General Provisions) Ordinance, 2007 ('the Ordinance'). A copy of any representations made to the Department under section 11 will be included with this decision in accordance with section 19 of the Ordinance.

**Other Remarks:**

You should note that any work which abuts or affects the public highway requires prior approval by the Public Services Department (PSD). You must also ensure that any access/es to the development are constructed to meet the existing road/footway levels in accordance with PSD 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**

**Application No:** FULL/2015/2610  
**Property Ref:** E009820000  
**Valid date:** 06/11/2015  
**Location:** La Grande Flaguee Vieille Rue St. Saviour Guernsey GY7 9NJ  
**Proposal:** Demolish existing dwelling and erect a replacement.

**Applicant:** L.G.F. Holdings Ltd

**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 Environment Department 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 Environment Department and (ii) it is commenced or, as the case may be, continued, in accordance with that requirement and any further requirements imposed by the Environment Department 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 occupation of the new dwelling shall begin until the landscaping scheme shown on drawing no. GA001A has been fully completed. Any trees or plants removed, dying, being severely damaged or becoming seriously diseased, within 10 years of planting shall be replaced in the following planting season by trees or plants of a size and species similar to those originally required to be planted.

Reason - To make sure that the appearance of the completed development is satisfactory and to help assimilate the development into its surroundings.

5. No materials to be used on the exterior of the building shall be placed on the site until such time as details of those materials have been submitted to the Environment Department. Only materials agreed in writing by the Environment Department shall be used in carrying out the development.

Reason - To ensure the satisfactory appearance of the completed development.

## **INFORMATIVES**

For the avoidance of doubt, this permission does not relate to any change to the existing access arrangements from Vieille Rue or Le Frie Baton Road.

---

## **OFFICER'S REPORT**

### **Site Description:**

La Grande Flaguée is a detached bungalow standing in a large plot in a predominantly rural environment. It forms part of a loose grouping of residential properties clustered around Le Frie Baton Road, Rue des Cinq Verges and La Vieille Rue, which lie respectively to the east, south and west of the site. The site is screened by mature trees on its eastern boundary and it has expansive views to the west.

A separate cottage is located on the southern boundary of the site.

### **Relevant History:**

2014/0603 26/03/2014 Permission to Demolish existing dwelling and erect new dwelling and alter vehicular access (Revised Scheme)  
2011/2634 17/04/2012 Refusal to Demolish existing and erect new dwelling house and alter access. Appeal dismissed 14/02/2012

### **Existing Use(s):**

Residential

### **Brief Description of Development:**

The application seeks planning permission to demolish the existing bungalow and erect a replacement two storey house. The new house would be sited further to the north than the existing bungalow. The existing access arrangements would remain unchanged. Additional planting is shown in the south-west and north-east corners of the site.

The application is accompanied by a Planning & Design Statement and by a detailed landscaping scheme. The PDS includes an assessment of the site and surroundings, including a number of photographs, refers to design opportunities and constraints

and identifies a number of design principles. There is however little or no design analysis and no assessment of different options against the agreed design principles.

The landscaping scheme identifies existing trees and hedges on the site, although there is no condition survey. The scheme shows new tree planting in the south-west and north-east corners of the site.

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

Rural Area Plan

RGEN5 – Character & amenity

RGEN6 – Design

RGEN7 - Safe & convenient access

RGEN8 - Parking & open space

RGEN11 – Effect on adjoining properties

RH1 – New Housing

RCE2 - Landscape character

RCE12 - Design & local distinctiveness

RCE13 - Demolition of buildings & features

**Representations:**

None

**Consultations:**

Paroisse of Saint Saviour: No objections

**Summary of Issues:**

The main issues in deciding this application are:

1. whether demolition of the existing building is appropriate;
  2. whether the principle of a new dwelling is acceptable;
  3. the impact of the development on the character and appearance of the area;
  4. the impact of the development on the amenity of people living in the area; and
  5. parking and access issues,
- taking into account the policies set out above and previous planning decisions on this site.

**Assessment against:**

**1 - Purposes of the law.**

The objectives of the Law, as set out in Section 1(2), have been considered and this forms part of the assessment of policy issues set out in 2 below.

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

When dealing with the application refused in 2012 for a replacement dwelling, the determining issue in deciding both the application and subsequent appeal was the impact of the new building on the character and appearance of the area. The subsequent application granted in 2014 was assessed in the same way. There has been no change in planning circumstances since those decisions.

The concluding paragraph in the appeal decision letter was:

*The Tribunal's overall view is that the new house, due to its height, bulk and form, would appear incongruous in this context, resulting in unacceptable harm to its surroundings and contrary to the intentions of the Rural Area Plan policies that have been identified. The Tribunal is accordingly unable to support this appeal.*

The proposed house remains significantly larger than the existing dwelling. It would therefore, be more visible, especially when viewed from Vieille Rue and Rue Des Cinq Verges. However, in contrast to the refused scheme, the proposed architectural style is not contemporary and therefore, will not draw the eye in the same way. The proposed form of the building would blend in more with existing buildings in the vicinity, which are of a variety of form and style.

The dwelling permitted in 2014 includes two floors of accommodation. The architectural style is more traditional and the roof is more broken up. However, it is considerably larger in scale and covers a larger footprint, albeit in a similar position. The dwelling now proposed would be no more visible.

The submitted landscape scheme provides for additional tree planting in the south-west corner of the site and this would help to screen the new building when viewed from Vieille Rue, from where the new dwelling would be most visible.

The PDS fails to demonstrate that the proposed building has been designed to respond to the character of the area or would strengthen local distinctiveness. However, in view of the characteristics of the site and, in particular existing and proposed planting, public views of the new house would be limited. As such, the impact of the new building on the character and appearance of the area would also be limited.

### **3 - General material considerations set out in the General Provisions Ordinance.**

The matters to be considered under Section 13 of the Land Planning and Development (General Provisions) Ordinance 2007 have been assessed as part of the section dealing with policy issues set out in 2 above.

### **4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).**

The proposal would have no impact on protected trees, buildings or sites.

**Date:** 18 December 2015



