

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 dwelling and erect a replacement dwelling (revised).

LOCATION: Seaplane Bungalow, La Moye Lane, Route De Jerbourg, St. Martin.

APPLICANT: Mr & Mrs A McLaren

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: 06/04/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 22/06/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: The Drawing Room: 285/C1B, C2B, C3C, C4B, C5B, C6B, C10A & C14.
Sustainability Statement V1, 22/04/2022

Application Ref: FULL/2022/1032

Property Ref: J015830000

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.Before the first occupation of the replacement dwelling hereby approved, the two internal doors to the dower unit shall be blocked up and the new entrance door shall be completed in accordance with plan number 285/C3C.

Reason - To ensure that the dower unit accommodation is demonstrably ancillary to the replacement dwelling and to prevent the creation of a new build dwelling which is precluded under Policy OC1.

5.The development shall not be occupied until the permeable hard surfacing, electric car charging point and all other sustainable design features set out in the Design and Sustainability Statement, V1, 22/04/2022, have been installed/completed/made operational.

Reason - In the interests of sustainable development, these features having been proposed to address the requirements of Island Development Plan Policy GP9.

6.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.

Expiry Date: This permission will cease to have effect on 05/04/2026 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

Your attention is drawn to The Animal Welfare (Guernsey) Ordinance, 2012 and the need to comply with its provisions. The building is located in an area where bats may be roosting or other wildlife may be nesting and measures may therefore need to be taken (including inspections prior to any building works or consideration of the timing of the works) to ensure that any protected species present are not impacted by the works. It is recommended that you contact La Société Guernesiaise for advice or to arrange a site visit. La Société can be contacted on 07781 166924 or email info@societe.org.gg.

To limit the potential impact of light pollution on wildlife within the adjoining Site of Special Significance, it is recommended that external lighting is avoided or kept to a minimum.

The application site is located within an area of known archaeological importance and your attention is drawn to the provisions of the Island Development Plan, Annex VIII on Archaeological Assessment.

It is desirable that access be granted to the States Archaeologist, Culture & Heritage Service, and that you contact them to gain advice or make arrangements for archaeological recording 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.

For the avoidance of doubt, this decision permits the proposed detached outbuilding, however named, to be used only for purposes incidental to the enjoyment of the hereby approved replacement dwelling house. It does not permit the creation of a separately occupied annex or an independent dwelling, or for use in connection with a trade or business. This would require a separate grant of planning permission and involve different planning policy considerations.

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/2022/1032
Property Ref: J015830000
Valid date: 22/06/2022
Location: Seaplane Bungalow La Moye Lane Route De Jerbourg Route De Jerbourg St. Martin Guernsey GY4 6BN
Proposal: Partially demolish existing dwelling and erect a replacement dwelling (revised).

Applicant: Mr & Mrs A McLaren

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.

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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 - In the interests of sustainable development, these features having been proposed to address the requirements of Island Development Plan Policy GP9.

6. 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.

INFORMATIVES

Your attention is drawn to The Animal Welfare (Guernsey) Ordinance, 2012 and the need to comply with its provisions. The building is located in an area where bats may be roosting or other wildlife may be nesting and measures may therefore need to be taken (including inspections prior to any building works or consideration of the timing of the works) to ensure that any protected species present are not impacted by the works. It is recommended that you contact La Société Guernesiaise for advice or to arrange a site visit. La Société can be contacted on 07781 166924 or email info@societe.org.gg.

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The application site is located within an area of known archaeological importance and your attention is drawn to the provisions of the Island Development Plan, Annex VIII on Archaeological Assessment.

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OFFICER'S REPORT

Site Description:

The site known as 'Seaplane Bungalow' comprises a detached bungalow, located on the southern tip of La Moye Lane, St. Martin. The property, together with the surrounding properties to the north, make up a small cluster of residential properties, set on a plateau at the top of a cliff face.

The property is served by a car parking area to the front (east), and is bounded by a hedge bank along La Moye Lane which wraps around the east, south and west boundaries of the site. The property is served by a garden to the front (east) and side (south) of the dwelling.

The site is within an area of archaeological interest and is located Outside of the Centres as defined in the Island Development Plan. The cliff top and face to the east and south of the site is a Site of Special Significance.

Relevant History:

19/01/2022 – PREA/2021/2572 – Pre-application advice regarding erect replacement dwelling.

28/10/2021 – FULL/2021/1971 – Permission granted to subdivide dwelling into 2 dwellings.

07/05/2004 – PAPP/2004/0594 – Permission granted to convert part of dwelling to a self-catering unit.

07/03/2000 – PAPP/2000/0524 – Permission granted to create a basement.

03/06/1999 – Permission granted to extend and alter dwelling to provide a dower unit.

Existing Use(s):

Residential use class 1: dwelling house

Brief Description of Development:

Planning permission is requested to partially demolish the existing dwelling and erect a replacement dwelling. The proposal involves retaining the single storey hipped roof section of the building along the north boundary which is currently used as a utility, dower unit, garage and basement store. This section of the existing dwelling would become a detached building and would continue its existing uses although internal doors would be blocked up to define the extent of the dower unit and shared areas and a new entrance door would be constructed in the south elevation.

The replacement dwelling would comprise of a 1½ storey pitched roof dwelling situated on a similar footprint to the existing, albeit repositioned slightly further south. The replacement dwelling incorporates first floor accommodation with dormer windows and rooflights in the east and west elevations and would be finished with white horizontal timber cladding, light grey aluminium fenestration and a natural slate roof.

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

GP1 - Landscape Character and Open Land
GP2 – Sites of Special Significance
GP7 – Archaeological Remains
GP8 - Design
GP9 - Sustainable Development
GP13 – Householder Development

Representations:

One letter of representation was received on behalf of La Société Guernesiaisie which highlights that buildings of this type can be used by roosting bats and other wildlife particularly when the property is located within a variable landscape with habitats such as farmland or woodland nearby. La Société Guernesiaisie recommend that the building is inspected for current or recent use by bats and other wildlife by a suitably qualified person prior to any demolition works to reduce the risk of disturbing or destroying animals which are protected under the Animal Welfare Ordinance 2012. La Société Guernesiaisie recommend that it would also be beneficial to include measures to support roosting bats and nesting birds.

In addition La Société Guernesiaise highlight the environmental impact of light pollution on wildlife particularly when such pollution is introduced into a landscape such as this one where existing sources of artificial light are relatively sparse. La Société Guernesiaise recommend that an informative note to highlight the above and to encourage external lighting to be avoided or to be kept to a minimum is included in the decision notice.

Consultations:

None

Summary of Issues:

The main issues in deciding this application are:

1. Design, scale and impact of the development on the open character and appearance of the area.
2. The impact of the development on the amenity of people living in the area.
3. The use of the site.

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).**

Properties within the area are of a mixed design and are predominantly single or 1½ storeys in height with a relatively low profile. The proposal would result in an increase to the footprint, scale and mass of the dwelling, with the ridge height increasing by 3.2 metres. The site is bounded to the east, south and west by a public highway and it is prominent in public views.

However, the existing dwelling has a much lower profile than neighbouring properties and the ridge height of the replacement dwelling would be 0.8m higher than the adjacent neighbouring property to the north. Whilst the replacement dwelling is larger than the existing dwelling, it would be similar to the scale of neighbouring properties and Policy GP8 encourages multi-storey designs as a more efficient use of land. The replacement dwelling would be situated on a similar footprint to the existing dwelling, thereby largely retaining the existing sense of openness around the site and it would not block any existing public views across open land. The overall design of the replacement dwelling is good and it reflects the design of neighbouring properties. Overall the proposal would have no significant adverse effects on the landscape character, openness and appearance of the area, in accordance with Policies GP1, GP8 and GP13.

The ground floor windows in the replacement dwelling would have a similar or reduced impact on the neighbouring property to the west compared to the existing due to the reduction in glazing along this elevation. The introduction of a first floor window in the west elevation has the potential to increase overlooking of the neighbouring property. However, the area of the neighbouring property that would be overlooked is currently open to public views and does not form a private amenity space. Although hedges along the boundary could be grown to create a more private space, the area of the neighbouring property that would be overlooked is separated from the neighbour's dwelling by their driveway and it is located over 20 metres from the neighbour's dwelling. Due to the layout of the neighbouring property and the distance to the neighbour's dwelling, on balance, the west elevation first floor window is unlikely to have a material adverse effect on the amenities of neighbouring residents.

During the course of consideration the application was deferred due to concerns about the use of the site and whether the entire site as a whole would remain as a single dwelling house under Residential Use Class 1. Additional information has been submitted which sets out the relationship between the occupiers of the main house and the dower unit, the facilities to be provided within the dower unit and those to be shared with the main dwelling. In addition, it is proposed to block up internal doorways between the dower unit accommodation and the shared areas/uses within the detached building which more clearly limits the extent of the dower unit accommodation. The information submitted is sufficient to demonstrate that the dower unit and overall use of the detached outbuilding is ancillary and well-related to the existing dwelling, in accordance with Policy GP13.

The application is supported by a Design and Sustainability Statement which sets out how the development has been designed to take into account sustainable design principles. The agent advises that the intention is to construct a dwelling with high levels of thermal performance and airtightness, an electric car charging point will be fitted and all hardstanding areas are to have permeable finishes. The overall layout and form of the development and the information submitted is sufficient to demonstrate that the development has been designed to take into account the use of energy and resources, in accordance with Policy GP9. A Waste Management Plan has been submitted which sets out how construction waste is to be minimised and dealt with.

To the south and east of the site, the cliff top area is designated as a Site of Special Significance. No works are proposed within the Site of Special Significance. To address the comments raised on behalf of La Société Guernesiaise regarding the potential impact of light pollution on wildlife it is recommended that a note is attached to the decision notice to discourage or minimise the use of external lighting. The proposal is unlikely to have any adverse impacts on the adjoining Site of Special Significance.

To address the comments raised on behalf of La Société Guernesiaise, it is recommended that a note is attached to the decision notice to make the applicant aware of the potential issues with disturbing animals which are protected under the Animal Welfare Ordinance 2012.

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.

It is recommended that the application is approved.

Date: 05/04/2023