

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 dwelling and erect replacement dwelling and associated landscaping.

LOCATION: Dolphins, Route de Jerbourg, St. Martin.

APPLICANT: Mr & Mrs J Moulton

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: 19/10/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 06/07/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Tyrrell Dowinton 2156 03. 01, 02, 03, 04, 05, 06, 07 & 08.
Sexton Green SGL321-01.

Application Ref: FULL/2022/1426

Property Ref: J016260000

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.Areas of new hard surfacing within the site shall be of permeable construction, a written specification for which shall have been submitted to and agreed in writing by the Authority prior to the construction of any such hard surfaced areas.

Reason - To ensure that surface water is dealt with in a sustainable manner.

5.Prior to the planting of hedging along the south boundary, revised details of the proposed hedge species shall be submitted to and approved in writing by the Authority.

Reason - To make sure that a satisfactory landscaping scheme for the development is agreed, in order to help assimilate the development into its surroundings and respect rural landscape character.

6.The landscaping scheme shall be fully completed, in line with the details agreed under the terms of the above condition and otherwise in accordance with the approved plans, in the first planting season following the first occupation of any part of the development or completion of development whichever is the sooner, or in accordance with a programme previously agreed in writing by the Authority. Any trees or plants removed, dying, being severely damaged or becoming seriously diseased, within 5 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.

7.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.

8.The first floor accommodation above the garages shall be used as an integral part of and incidental to the principal dwelling presently known as Dolphins and shall not at any time be occupied separately to that dwelling.

Reason - To ensure that the property remains within Residential Uses Class 1 of the Land Planning and Development (Use Classes) Ordinance, 2017.

Expiry Date: This permission will cease to have effect on 18/10/2025 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/birds may be roosting/nesting and measures may therefore need to be taken (including 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 societe@cwgsy.net.

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/2022/1426
Property Ref: J016260000
Valid date: 06/07/2022
Location: Dolphins Route de Jerbourg St. Martin Guernsey GY4 6BJ
Proposal: Demolish dwelling and erect replacement dwelling and associated landscaping.

Applicant: Mr & Mrs J Moulton

RECOMMENDATION - Grant: Planning Permission with Conditions:

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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. Areas of new hard surfacing within the site shall be of permeable construction, a written specification for which shall have been submitted to and agreed in writing by the Authority prior to the construction of any such hard surfaced areas.

Reason - To ensure that surface water is dealt with in a sustainable manner.

5. Prior to the planting of hedging along the south boundary, revised details of the proposed hedge species shall be submitted to and approved in writing by the Authority.

Reason - To make sure that a satisfactory landscaping scheme for the development is agreed, in order to help assimilate the development into its surroundings and respect rural landscape character.

6. The landscaping scheme shall be fully completed, in line with the details agreed under the terms of the above condition and otherwise in accordance with the approved plans, in the first planting season following the first occupation of any part of the development or completion of development whichever is the sooner, or in accordance with a programme previously agreed in writing by the Authority. Any trees or plants removed, dying, being severely damaged or becoming seriously diseased, within 5 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.

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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.

8. The first floor accommodation above the garages shall be used as an integral part of and incidental to the principal dwelling presently known as Dolphins and shall not at any time be occupied separately to that dwelling.

Reason - To ensure that the property remains within Residential Uses Class 1 of the Land Planning and Development (Use Classes) Ordinance, 2017.

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/birds may be roosting/nesting and measures may therefore need to be taken (including 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 societe@cwgsy.net.

OFFICER'S REPORT

Site Description:

The application site comprises a detached house, which is a protected building, located in substantial grounds containing significant mature planting, and to the east of and at a slightly lower level than Jerbourg Road. The change in levels and extensive planting limits views of the building from Jerbourg Road to the north-west to the roof top and only glimpses of the building are possible along the road immediately adjacent to the west boundary of the property. There has been some clearance of vegetation at the site, and views of the building are now available from Jerbourg Road from the south, and from the public footpath which runs through the centre of the land ownership, to the south of the domestic land. The land to the east falls away steeply and the topography, together with planting on the site, prevents views of the building from the footpath to the east or north-east of the site.

The site lies Outside of the Centres at the top of the east coast cliffs (which are designated as a Site of Special Significance) with panoramic views towards neighbouring islands. The extent of protection comprises the whole of the house, including the attached garage; the terrace and some associated paving and steps at the eastern and southern side of the house; short lengths of roadside walls, together with gate pillars; and a circular outbuilding.

Relevant History:

PAP/016/2017 Appeal against the decision of the Development and Planning Authority made on 11th May 2017 under section 33 of the Land Planning and Development (Guernsey) Law, 2005 to enter the dwelling "Dolphins" in to the Protected Buildings List.

Appeal dismissed 02-07-2018

FULL/2018/2084 Application to demolish existing dwelling and outbuildings (Protected Building) and erect replacement dwelling. Approved 22/06/2021

FULL/2019/1657 Application for works to investigate causes of cracking and other structural issues. (Protected Building). Approved 04/10/2019

PREA/2022/0658 Pre-application advice regarding revised scheme for replacement dwelling.

Existing Use(s):

Residential Use Class 1

Brief Description of Development:

Planning permission is sought to demolish the existing dwelling and to construct a replacement dwelling, in a similar location on the site. The new building would be arranged on an L-shaped footprint, with the main section of the building parallel to the road and a perpendicular wing to the north, incorporating garaging at ground floor and habitable accommodation at first floor, including a kitchen, living area, bathroom and two bedrooms. This accommodation is stated to be ancillary to the main dwelling and for use by the occupants of that dwelling.

Site access would be retained from the existing access point, with the existing driveway resurfaced and a parking area formed to the west of the dwelling. A paved terrace would be formed to the east of the dwelling.

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

Island Development Plan

GP1 – Landscape Character and Open Land

GP2 – Sites of Special Significance

GP5 – Protected Buildings

GP8 – Design

GP9 – Sustainable Development

GP13 – Householder Development

IP7 – Private and Communal Car Parking

IP9 – Highway Safety, Accessibility and Capacity

Representations:

Two letters of representation received raising the following points:

- The existing building is protected and sits beautifully on its site, without detracting from the surrounding countryside. The proposed new build is a whole storey bigger and would not be in keeping with the surrounding area. The building should be the same design as exists now.
- The lawn to the east of the house is a native chamomile (*Chamaemelum nobile*) and it would be a shame to destroy it by re-seeding or fertilizing.

- A number of trees are being cut down at the site.

Consultations:

None undertaken.

Summary of Issues:

Principle of demolition and rebuild;
Impact on the character of the area;
Impact on landscape;
Impact 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).**

Principle of development

The principle of demolition of the existing building was assessed under the previous application for demolition and rebuild at the site, and it was found that the building was structurally unsound and technically incapable of repair, and consequently that demolition would be in compliance with Policy GP5, and the presumption against demolition of a protected building set out within the Law would be overcome.

As the proposed development would result in the total loss of the protected building, a condition was imposed on the previous decision requiring that the building be surveyed and a record provided to the Authority before it is demolished. That information has been provided and the condition has been discharged. There is therefore no need to replicate the condition in this instance.

Policy GP13 allows for replacement of existing dwellings on a 1-for-1 basis.

Design and impact on the character of the area

Having concluded that demolition of the protected building is acceptable in the context of both the Law and Policy GP5, the design of the proposed replacement dwelling falls to be assessed under Policies GP8 and GP13. Whilst the previous approval proposed to replicate the scale and form of the existing building, with the addition of a 2 storey wing to the north, there is no requirement under policy to replicate the scale, form or design detailing of the existing dwelling, and although the clifftop location can be identified as one that is more sensitive in terms of design under the provisions of Policy GP8, there is nonetheless considerable flexibility

afforded to the applicant to exercise personal choice in design matters, particularly when taking into account the restricted visibility of the building from those areas in this case.

The replacement dwelling proposed under the current application would include an increase to the height of the building, and a substantial increase to the bulk and mass, particularly when viewed from the footpath to the south. The building is stated to be a New England design and therefore not characteristic of local built form. As noted above, there is however no policy restriction in terms of the size of the replacement building, provided there is no adverse impact on the character of the area, and alternative forms of design can be considered where all other relevant policies are met. The proposed dwelling would be similarly positioned on the site to the existing, and would not have a notably greater impact on openness. Built form in this area comprises a mix of building types and styles, some of which are also not characteristic to the local built form, as such that proposed under the current application would not be out of character in this context.

The proposed scheme would be set further from the north boundary with the adjacent residential property than either the existing building or the previously approved scheme, and the north wing would be located either over the footprint of the existing building or an existing area of hardsurfacing and would not impact on the vegetation along the north boundary. The proposed scheme would not therefore impact adversely on the adjoining property in terms of overbearing or overshadowing. Windows are proposed at first floor level in the north elevation, facing the adjoining property, proposed to serve bedrooms, a kitchen area and a bathroom. Whilst it may have been preferable to design out windows facing towards the neighbouring property, in this case, taking into account the separation distance between the dwellings, the distance from the boundary and the level of vegetation along the boundary, it is considered that any adverse impact would be negligible.

The first floor accommodation within the north wing provides a greater degree of self-containment than is generally expected from ancillary accommodation, however it forms an integral part of the building, located above the garage and with an internal link. On balance, in the context of this site and build, the accommodation is considered to be sufficiently ancillary, provided a condition is added to the decision.

The proposed design of the replacement dwelling is demonstrated to be accessible, and to offer flexible and adaptable accommodation, in accordance with the requirements of Policy GP8.

The site contains extensive mature landscaping, although there has been some clearance of the land to the south of the dwelling subsequent to the previous application. The submitted landscape plan indicates the clearance of further areas of overgrown ornamental planting, including along the roadside boundary. Whilst this work would open up the site significantly, permission would not be required for this work. Limited additional planting is proposed, however that planting focuses on the

property boundaries, maintaining screening to the property. Whilst the comments made in the letter of representation regarding the lawn type are noted, it would not be reasonable to insist on its retention as part of this application. On balance, the proposed planting scheme would be adequate, with the exception of the species type proposed for the south boundary. Given the location of this boundary adjacent to a public footpath, accessing the SSS to the east, it is recommended that a native hedge species is used. This can be controlled by condition.

Although only relatively limited information has been submitted to address sustainable design as required by Policy GP9, in and of itself this is not considered to warrant further deferral or refusal of this application. It is accepted that the form of construction proposed in itself achieves high levels of thermal performance and air tightness, although limited information has been provided to demonstrate how the proposed location, orientation or appearance of the building has been informed by sustainable design approaches or to demonstrate how this offsets the impacts of importation. It would be appropriate and reasonable to require that new hard surfaced areas around the replacement dwelling be of permeable construction, so as to minimise surface water run-off.

Other matters

The application is supported by a Waste Management Plan in accordance with the requirements of Policy GP9. Compliance with and monitoring of this can be controlled by way of condition.

Vehicular access will remain as existing, while parking/turning within the site will be enhanced. The application is therefore considered to comply with the requirements of policies IP7 and IP9.

The site adjoins the east coast cliffs SSS, but the proposed replacement dwelling is located a sufficient distance away that there would be no adverse impacts arising contrary to Policy GP2.

Given the age and nature of construction of this building, and the nature of the surrounding landscape, it appears to have potential to be used by roosting/nesting bats and birds. In accordance with the States' Strategy for Nature, it is considered appropriate to draw the applicant's attention to the need to comply with The Animal Welfare (Guernsey) Ordinance, 2012.

Conclusion

On balance, the proposal accords with the purpose of the Law, material considerations and relevant planning policies and approval is recommended.

Date: 10/10/2022

