

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: Storage of soil on agricultural land for temporary period (retrospective)

LOCATION: Dolphins, Jerbourg Road, 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: 30/08/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 07/06/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Tyrrell Dowinton Associates: 2156 03.301

Application Ref: FULL/2023/1051

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 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.

3.The soil storage hereby approved shall not exceed the height of the adjacent roadside bank at any time.

Reason - To limit the visual impacts of the approved works.

4.The soil storage hereby permitted shall cease and the land be restored to its former condition on or before 31 August 2025, in accordance with a scheme of work previously agreed in writing by the Authority.

Reason - The location and appearance of the soil storage make it unsuitable for a permanent permission.

Expiry Date: This permission will cease to have effect on 31/08/2025 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

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/2023/1051
Property Ref: J016260000
Valid date: 07/06/2023
Location: Dolphins Jerbourg Road St. Martin Guernsey GY4 6BJ
Proposal: Storage of soil on agricultural land for temporary period (retrospective)

Applicant: Mr & Mrs J Moulton

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 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.

3. The soil storage hereby approved shall not exceed the height of the adjacent roadside bank at any time.

Reason - To limit the visual impacts of the approved works.

4. The soil storage hereby permitted shall cease and the land be restored to its former condition on or before 31 August 2025, in accordance with a scheme of work previously agreed in writing by the Authority.

Reason - The location and appearance of the soil storage make it unsuitable for a permanent permission.

OFFICER'S REPORT

Brief Description of the site:

The application site is a field located to the east of and at a slightly lower level than Jerbourg Road. The site falls within the same ownership as the property to the north, which is currently under development for the replacement of the former dwellinghouse on that property.

The site lies Outside of the Centres within the Island Development Plan. The east coast cliffs (which are designated as a Site of Special Significance) are located to the east and south of the site.

The site forms part of the Batterie Strassburg protected building listing. At this site the listing covers two flak emplacements towards the east of the field.

Relevant History:

FULL/2022/1426 Demolish dwelling and erect replacement dwelling and associated landscaping. Approved 19/10/2022

Existing Use(s):

Development site

Assessment: *(Tick as appropriate)*

no representation

☒

accords with policy

☒

within curtilage

☒

design acceptable

☒

visual amenity acceptable

☒

no material neighbour impact

☒

traffic not affected

☒

Policies considered most relevant:

GP1 Landscape Character and Open Land

GP5 Protected Buildings

GP8 Design

Consultation:

The Office for Environmental Health and Pollution Regulation comment as follows:

I have checked the historic maps on this land and confirm that I do not have concerns about land contamination.

However, I am concerned about the potential for dust pollution to arise from the topsoil pile and I would therefore request that the applicant provides details about potential attenuation measures to ensure any dust is minimised. I would be grateful if this is considered during the determination of this application.

Conclusion/Brief comment:

Permission is sought in retrospect for the temporary storage of top soil in the north-west corner of the field, for a period of up to two years, during the construction of the new dwelling on the land to the north. The stockpile is shown on the submitted plans to run up to 30m along the roadside and 20m into the site, levelled at a maximum height of 2m. The end of the project is timetabled for January 2025, however, given that the request is for two years, and to allow for any project slippage, it is considered reasonable to allow the permission for two years.

In support of the application, it is stated that the retention of the top soil is in accordance with the Site Waste Management Plan, and maximises reuse of material on site. The agent has confirmed that there is insufficient space to store the soil within the domestic curtilage, taking into account the nature and extent of works occurring within that area, and that there would be a risk of contamination with other material were the soil stored in that area.

The land in question is not located within an Agriculture Priority Area, and the proposed area of storage is located peripherally on the field. The proposal would not prevent the use of the remainder of the field for agricultural purposes, and the area would revert to part of the functional field area once the stored soil has been removed.

The storage area would also be set away from the Site of Special Significance, habitat of conservation importance and protected buildings to the east of the site and would not impact on any of those areas. The land on which the soil is located is classified as Improved Grassland on the 2018 Habitat Survey, which has a lower ecological value than other forms of grassland and the storage of soil as proposed would not have a significant ecological impact.

There were initial concerns regarding the potential visual impact of the stored soil, given the prominent location adjacent to the roadside. The storage has however commenced and a site visit has demonstrated that, due to the change in levels within the site, the top of the storage mound is below the level of the roadside bank, and is not therefore of significant visual impact. The agent has confirmed that the mound is complete and will not therefore exceed the height of the roadside bank, and this can be further controlled by condition.

In respect of the comments made by the OEHP, the agent notes that topsoil mound has been in place for several weeks and has consolidated and settled, and no complaints have been received in respect of dust. The site visit corroborated this position, and showed initial colonisation of the mound which would further consolidate the soil. The agent notes that the mound could be covered if necessary, however, in light of the low level of likely impact in this case, it is not considered necessary to make this a condition of the decision.

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.

Recommendation:

Grant with Conditions



Date: 29/08/2023

