

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: Remove section of wall, alter, widen and erect gate to vehicle access.

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: 16/11/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 02/10/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Tyrrell Dowinton Associates: 2156/03.401.

Application Ref: FULL/2023/1733

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.The wall and gate pillar hereby approved shall be constructed to match the materials, method of laying and design of the former wall and gate pillar which they are to replace, upon completion, or prior to the first occupation (whichever is the sooner), of the approved dwelling at the site (approved under planning application ref FULL/2022/1426).

Reason - To protect the character of the area.

Expiry Date: This permission will cease to have effect on 15/11/2026 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/2023/1733
Property Ref: J016260000
Valid date: 02/10/2023
Location: Dolphins Route De Jerbourg St. Martin Guernsey GY4 6BJ
Proposal: Remove section of wall, alter, widen and erect gate to vehicle access.

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 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. The wall and gate pillar hereby approved shall be constructed to match the materials, method of laying and design of the former wall and gate pillar which they are to replace, upon completion, or prior to the first occupation (whichever is the sooner), of the approved dwelling at the site (approved under planning application ref FULL/2022/1426).

Reason - To protect the character of the area.

OFFICER'S REPORT

Brief Description:

The application site is located to the east of and at a slightly lower level than Jerbourg Road. The site comprises substantial grounds containing significant mature planting, although some clearance has been undertaken recently. The dwellinghouse formerly located on the site has been demolished as part of an extant permission for demolition and rebuild, and the pillar and wall to the north of the existing gateway has also been demolished, in accordance with the temporary permission issued under ref FULL/2023/1054.

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 site forms part of the Batterie Strassburg protected building listing. At this site the listing covers a machine gun post, together with two flak emplacements in the adjacent field.

Relevant History:

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

FULL/2023/1054 Removal of section of wall to widen access for temporary period. Approved 20/07/2023, conditioned as follows:

Planning permission is hereby granted for the temporary removal of the section of wall and gate pillar immediately to the north of the existing access serving the application site. Upon completion, or prior to the first occupation (whichever is the sooner) of the approved dwelling at the site (approved under Planning application ref: FULL/2022/1426), the wall and gate pillar shall be reconstructed to match the existing, as set out on the approved drawing.

Existing Use(s):

Development site

Assessment: *(Tick as appropriate)*

no representation	x
accords with policy	x
within curtilage	x
design acceptable	x

visual amenity acceptable	x
no material neighbour impact	x
traffic not affected	x

Policies considered most relevant:

GP5: Protected Buildings

GP8: Design

GP13: Householder development

IP9: Highway Safety, Accessibility and Capacity

Conclusion/Brief comment:

The application relates to the re-positioning of the wall and pillar to the north side of the existing gateway, widening the access point, and installing gates. Permission has previously been granted for the temporary demolition of the wall and pillar, to be reconstructed once works at the site are complete, and the wall and pillar have been demolished in accordance with that permission.

Provided the re-positioned wall is constructed to match the material and manner of laying of the former wall, and the pillar is reconstructed to match the previous pillar, the proposed works would have no adverse impacts on the character of the area and would improve access to the site. The decision should however be conditioned to ensure the wall and pillar are reconstructed on completion, or prior to first occupation, of the dwelling to allow for access during site works but to ensure subsequent replacement in a timely manner.

The features are set away from the protected structures at the site and the proposals would not impact upon those structures.

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:

x

Grant with Conditions

Date: 14/11/2023

