

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, erect replacement dwelling with associated works and install gate to existing vehicle access.

LOCATION: Irwin Lodge, Ruelle Irwin, Fort George, St. Peter Port.

APPLICANT: Mr & Mrs Robinson

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: 04/07/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 20/12/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Lovell Ozanne & Partners - AA81-10658 S1-05C, 06B, 10O, 11K, 12J, 20I, 25C, 26C, 30J, 31J, 32J, 33I, 35C & S10/01C.

Application Ref: FULL/2024/0007

Property Ref: A41110A123

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.Prior to commencement of works, including demolition, full details of how light and noise levels will be mitigated during the construction phase of the development, shall be submitted to and agreed in writing by the Authority. The work shall be completed in accordance with the agreed details.

Reason - to ensure that appropriate mitigation measures are taken during the construction phase of the development to ensure that light and noise levels are reduced as much as possible in line with industry best practice to minimise any disturbance to wildlife in the vicinity.

5.Construction works, shall take place outside of the bird breeding season, unless prior to the commencement of works, a bird breeding assessment carried out by a suitably qualified ecologist (in consultation with the States Veterinary Officer) has been submitted to and approved in writing by the Authority. The works shall thereafter be completed in accordance with the agreed bird breeding assessment.

Reason - In the interests of protecting the Site of Special Significance by reducing any disturbance to birds in the vicinity.

6.During the construction phase of the development, appropriate screening and fencing measures shall be installed along the south-east and south boundary of the application site which adjoins the Site of Special Significance (SSS). These measures are required in order to prevent any materials, including green waste, soil, and any man-made waste materials, to be stored on the SSS.

To avoid the introduction of non-native species into the Site of Special Significance (SSS) given the close proximity between the application site and the SSS.

7.Notwithstanding the details submitted and prior to commencement of works,

including site and excavation works, any trees that are required to be removed as part of construction process of the replacement dwelling shall be submitted to and agreed in writing by the Authority. It would be expected that any trees to be removed shall be replaced in a similar position to offset its loss as set out in Section 42 of the Law (2005). The agreed works shall thereafter be implemented following the replacement dwelling being first occupied. Any trees removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by trees of a size and species similar to those originally required to be planted.

Reason - There are a number of trees in close proximity to the boundaries of the site, therefore any excavation and/or construction works to lay new foundations etc may affect existing trees, including their roots. This condition is applied to ensure that existing trees are retained where possible, and if necessary to be removed, the applicant is required to agree this with the Authority. The trees makes an important contribution to the overall design of the scheme by assimilating the development into the landscape.

8.No development, excluding demolition and site works, shall begin until a landscaping scheme, to include those details specified below, has been submitted to and agreed in writing by the Authority:

- i) the treatment proposed for all ground surfaces, including hard surfaces areas;
- ii) full details of new tree and hedge planting;
- iii) planting schedules, noting the species, sizes, numbers and densities of plants;
- iv) all existing trees, hedges and other landscape features, indicating clearly those to be removed.

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

9.The landscaping scheme shall be fully completed, in accordance with the details agreed under the terms of the above condition, in the first planting season following the main dwelling being first occupied. Any plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by plants of a size and species similar to those originally required to be planted.

Reason - To assimilate the development into its surroundings in the interests of visual amenity.

10.No materials to be used on the exterior of the buildings shall be placed on the site until such time as samples of those materials have been submitted to the Authority. Only materials agreed in writing by the Authority shall be used in carrying out the development.

Reason - To secure the satisfactory appearance of the completed development in the interests of visual amenity.

11.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.

12.No development, including site works, shall begin on site until details of existing and proposed levels, including ground levels, finished floor levels and ridge levels of the building have been submitted to and agreed in writing by the Authority. The development shall be carried out only in accordance with the details agreed under the terms of this condition.

Reason - To make sure that the development is carried out in a way which is in character with its surroundings.

Expiry Date: This permission will cease to have effect on 04/07/2027 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

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 .

It is strongly recommended that consideration is afforded to internal and external lighting of the completed development. It is recommended that mitigation measures such as the use of recessed lightings and low transmission glazing treatments for internal lighting, and motion-sensors and low-output lighting for external lighting are afforded due consideration given the potential for the development, once complete, to cause light pollution to the adjacent Site of Special Significance. Please see the link before for further mitigation details.

<https://theilp.org.uk/publication/guidance-note-8-bats-and-artificial-lighting/>

In light of Condition 8, it is strongly advised that the new planting located along the south-east and south boundary of the site consist of native plants given its close proximity to a Site of Special Significance, as set out in the Proposed Landscape Plan (Drawing Ref: S1-06). This is to avoid the introduction of non-native species which could spread into the Site of Special Significance and cause harm to the bio-diversity of this sensitive area.

With regards to land stability, the applicant is reminded that the responsibility and subsequent liability for safe development and secure occupancy of the site rests with the developer and/or landowner.

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/2024/0007
Property Ref: A41110A123
Valid date: 20/12/2023
Location: Irwin Lodge Ruette Irwin Fort George Fort George St. Peter
Port Guernsey GY1 2SN
Proposal: Demolish dwelling, erect replacement dwelling with
associated works and install gate to existing vehicle access.

Applicant: Mr & Mrs Robinson

RECOMMENDATION - Grant: Planning Permission with Conditions:

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Reason - To ensure that it is clear that permission is only granted for the development to which the application relates.

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noise levels will be mitigated during the construction phase of the development, shall be submitted to and agreed in writing by the Authority. The work shall be completed in accordance with the agreed details.

Reason - to ensure that appropriate mitigation measures are taken during the construction phase of the development to ensure that light and noise levels are reduced as much as possible in line with industry best practice to minimise any disturbance to wildlife in the vicinity.

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Reason - In the interests of protecting the Site of Special Significance by reducing any disturbance to birds in the vicinity.

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To avoid the introduction of non-native species into the Site of Special Significance (SSS) given the close proximity between the application site and the SSS.

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Reason - There are a number of trees in close proximity to the boundaries of the site, therefore any excavation and/or construction works to lay new foundations etc may affect existing trees, including their roots. This condition is applied to ensure that existing trees are retained where possible, and if necessary to be removed, the applicant is required to agree this with the Authority. The trees makes an important contribution to the overall design of the scheme by assimilating the development into the landscape.

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landscaping scheme, to include those details specified below, has been submitted to and agreed in writing by the Authority:

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- ii) full details of new tree and hedge planting;
- iii) planting schedules, noting the species, sizes, numbers and densities of plants;
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Reason - To make sure that a satisfactory landscaping scheme for the development is agreed, in order to help assimilate the development into its surroundings.

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Reason - To assimilate the development into its surroundings in the interests of visual amenity.

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the terms of this condition.

Reason - To make sure that the development is carried out in a way which is in character with its surroundings.

INFORMATIVES

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 .

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In light of Condition 8, it is strongly advised that the new planting located along the south-east and south boundary of the site consist of native plants given its close proximity to a Site of Special Significance, as set out in the Proposed Landscape Plan (Drawing Ref: S1-06). This is to avoid the introduction of non-native species which could spread into the Site of Special Significance and cause harm to the bio-diversity of this sensitive area.

With regards to land stability, the applicant is reminded that the responsibility and subsequent liability for safe development and secure occupancy of the site rests with the developer and/or landowner.

OFFICER'S REPORT

Site Description:

'Irwin Lodge' is a detached bungalow situated to the south of Ruelle Irwin. The application site is located within Fort George, which itself is located Outside of the Centres as designated in the Island Development Plan.

The property has a rendered exterior and slate roof. A gable feature exists to the front and rear of the property. A flat roof garage is situated to the east of the dwelling and a swimming pool is located adjacent to the west boundary. 'Courtrai', located to the west of the application site, is situated at a higher level due to the topography and profile of the cliff face and is separated from the site by mature landscaping.

The application site has been subject to a number of demolish and rebuild applications on a one-for-one basis, since the adoption of the Island Development Plan in 2016. The proposals have varied in different design styles over the years. The most recent demolish and rebuild application was approved in 2022.

Relevant History (Island Development Plan):

FULL/2022/1161	Erect single storey flat roof extension and enlarge first floor window to create roof terrace access to east elevation. Create first floor roof terrace on existing flat roof (west elevation). Install flat roof dormers to north and south roof slopes. Demolish existing porch (north elevation) and install glass canopy. Demolish chimneys and install external insulating system. Demolish glasshouse, install oil tank, and alterations to landscaping and ground floor terrace.	Granted
FULL/2022/1154	Demolish existing dwelling and erect replacement dwelling.	Granted
FULL/2019/0660	Demolish existing dwelling. Erect replacement dwelling.	Granted
FULL/2018/3065	Erect single storey flat roof extension enlarging first floor window to create roof terrace access to east elevation. Create first floor roof terrace on existing flat roof (west elevation). Install flat roof dormers to north and south roof slopes. Demolish existing porch (north elevation) and install glass canopy. Demolish chimneys and install external insulating system. Demolish glasshouse, install oil tank, and alterations to landscaping and ground floor terrace.	Granted
FULL/2016/0004	Erect single-storey flat roof extension with terrace over (east elevation), form roof terrace on existing flat roof (west elevation), install flat roof dormers to front and rear roofslopes (north and south elevations), demolish chimneys, enlarge first floor window in east gable wall to provide access to terrace, erect replacement porch (north elevation) and apply insulating render.	Granted

Existing Use(s):

Residential use class 1 – dwelling house.

Brief Description of Development:

Planning permission is sought to demolish and erect a replacement dwelling with associated works, including excavation and landscaping, and to install a gate to the existing vehicle access to the north of the site.

The application was deferred as additional information was requested in order to fully understand and assess how the proposal takes into account its context, including the Site of Special Significance (SSS) to the south, and the Protected Monument (Clarence Battery) to the east. In addition, serious concerns over the scale, mass, bulk and siting of the development were also drawn to the attention of the agent.

The agent has submitted revised plans which include reducing the scale, mass and bulk of the development in attempt to overcome the concerns raised. The revised application has been accompanied by further information to take into account the SSS and the Protected Monument as well as providing visualisations from public vantage points to help demonstrate the changes to the design and the effect on the landscape, in attempt to alleviate the Planning Service's concerns.

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

GP1 Landscape Character and Open Land
GP2 Sites of Special Significance
GP6 Protected Monuments
GP7 Archaeological Remains
GP8 Design
GP9 Sustainable Development
GP13 Householder Development
IP9 Highway Safety, Accessibility and Capacity

Representations:

The Authority has received 16 letters of objection mostly from or on behalf of the occupiers of nearby dwellings, objecting to the original and revised proposal. Agriculture, Countryside and Land Management Services have also submitted letters of representation. Grounds for objection principally relate to the following issues:

- Scale and mass of the replacement dwelling is out of keeping with existing dwellings on Fort George and would detract from the character and appearance of the area.
- Overdevelopment of the plot.
- Inappropriate materials.

- Loss of sea views.
- Structural integrity of the cliff.
- Impact on bio-diversity.
- Previous refused schemes under former Development Plans.
- Loss of amenity as a result of overbearing impact, loss of sea views, including impact on public views, and privacy and proximity to adjoining dwellings;
- Impact on the setting of Clarence Battery.

Agriculture, Countryside and Land Management Services have also submitted letters of representation which are set out below.

Original scheme:

“We are writing to make a representation in relation to the proposed application to demolish and rebuild Irwin Lodge (FULL/2024/0007). The site is adjacent to the Cliffs Site of Special Significance (SSS); an area of land that is designated and managed for the benefit of biodiversity and is an important amenity for the enjoyment of the public who access it via the cliff path. The proposed development has the potential to negatively impact the adjacent SSS through the following potential impacts which may be realised during the construction phase:

- 1 Release of non-native species*
- 2 Noise pollution*
- 3 Dust pollution*
- 4 Light pollution*

To mitigate against these impacts, we recommend the following precautions are adopted:

- 1. No materials, including green waste, soil or any man-made materials should be allowed to enter the SSS. Screening and fencing should be used as necessary to achieve this.*
- 2. Construction should take place outside of the bird breeding season, or following checks by a suitably qualified ecologist and the implementation of nest exclusion zones (in consultation with the States Veterinary Officer to ensure compliance with the Animal Welfare Ordinance).*
- 3. Measures should be taken to reduce light and noise levels during construction at all times, in line with the appropriate industry standard.*

In addition to the above, the completed development has the potential to cause light pollution to the adjacent SSS. Light pollution has the potential to significantly impact the special interest of the SSS due to negative impacts on species of conservation importance, such as bats and birds. In order to avoid an impact, no lighting should be positioned or installed where it will illuminate the SSS. This can be achieved through a combination of building design, landscaping, and a lighting scheme which complies

with the Bat Conservation Trust guidance note¹. This scheme should include mitigations for both internal lighting (i.e., use of recessed lightings, low transmission glazing treatments) and external lighting (i.e., motion-sensors and low-output).

Whilst not forming part of the legal requirements to prevent impact on a SSS, we would also encourage the developer to implement a landscaping scheme which supports native biodiversity, including the use of native hedging and plants. Further guidance on this can be found in the guidance recently published by Planning Service¹.

From our perspective as land managers of the adjacent SSS land parcels we would ask that the following considerations are accounted for whilst considering the application;

- 1. Visual amenity, and;*
- 2. Run off from additional hard standing.*

The proposed development extends beyond the existing skyline (Views 3, 7 & 8, Planning design statement pages 48-73 (pages 67, 71 & 72)) and therefore has the potential to negatively impact the visual amenity of the cliff paths and the natural character of the area. Given the large scale and dominant position of the proposed development the risk of this negative impact is high. The proposed landscaping scheme is insufficient to provide adequate screening to mitigate the loss of unbroken natural vistas to those seeking unspoilt landscapes. Furthermore, the proposed plantings as illustrated in View 3 appears to be placed outside the site boundary and within the SSS site. This also appears to be contrary to the proposed landscaping plan (Drawing No. S1-06).

The second point concerning additional run off from the site ties in with points made earlier in this representation for the construction phase of the development pertaining to pollution of the SSS land. The proposed development includes an increase in area of hardstanding, which has the potential to alter the hydrodynamics of the area and could lead to a reduction in infiltration and interception of precipitation causing increased run off and downhill erosion risk within the publicly accessible SSS. We note the inclusion of permeable materials and SUDs and would wish to ensure that these are sufficient to avoid potential impacts to land downstream.

We note that the proposed development does not include additional access points to join the development and the cliff path, however for the avoidance of doubt, as the land managers of the parcel below the development, we do not wish for any such access to be made.

Please do not hesitate to contact us if you have any queries about this response and we would also be happy to discuss the points raised with the applicant or their representative."

Revised scheme:

“We are writing in response to the letter received on 16 May 2024 advising that revised plans have been submitted in relation to the proposed application to demolish and rebuild Irwin Lodge (FULL/2024/0007).

We note the clarification that all planting will be undertaken within the boundaries of the applicant’s site and will not be undertaken within the adjacent SSS. We also note the landscaping scheme produced by Environment Guernsey which provides details of landscaping that will provide a habitat for native wildlife once established.

Two points in our original letter have therefore been addressed. These were as follows:

- [...] we would also encourage the developer to implement a landscaping scheme which supports native biodiversity, including the use of native hedging and plants.*
- [...] the proposed plantings as illustrated in View 3 appears to be placed outside the site boundary and within the SSS site.*

We do not believe the revised application has addressed any of the other points in our original letter, either due to lack of detail or because it is not sufficiently different so as to materially alter the potential impacts.

A copy of our original letter is appended to this letter for ease of reference. Please do not hesitate to contact us if you have any queries about this response and we would also be happy to discuss the points raised with the applicant or their representative.”

Consultations:

None.

Summary of Issues:

The main issues in deciding this application are:

- Whether the principle of demolition and replacement on a one-for-one basis is acceptable;
- Whether the design, scale, mass, siting, form and materials of the proposed development is acceptable;
- The impact of the development on the character and appearance of the area, including landscape character;
- The impact of the development on the amenity of people living in the area;
- The impact of the development on the Site of Special Significance;
- The impact of the development on the setting of Clarence Battery (Protected Monument);
- The impact of the development on archaeology; and
- Parking and access issues,

taking into account the policies set out above and taking into account previous planning decisions.

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 as set out in 2 below.

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

Whether the principle of demolition and replacement on a one-for-one basis is acceptable:

The principle to demolish and replace the dwelling on a one-for-one basis is supported under Policy GP13, and has been established as part of former planning permissions to carry out such development under applications, FULL/2022/1154 and FULL/2019/0660.

The existing dwelling is of low architectural merit and historic interest, albeit it respects the landscape by virtue of its scale, mass and form.

Consequently, the principle to replace the dwelling on a one-for-one basis Outside of the Centres is acceptable under Policy.

Whether the design, scale, mass, siting, form and materials of the proposed development is acceptable:

Policy GP8 and GP13 give a degree of flexibility to householder development with regards to the design of the proposed development in areas that are less sensitive to change. The site is not located in a Conservation Area, nor is the building protected. That said, the application site is prominently located towards the top of a wooded cliff face, which is interspersed with numerous dwellings, mainly built over the 20th century.

The surrounding built environment is characterised by a mix of different sized properties of varying scales, forms, masses, which incorporate various materials and textures.

The proposed building style appears to be a pastiche of Palladium, Georgian and Regency architecture, using classical proportions, symmetry and balance which provides a sense of grandeur. The colonnaded walkways, sash windows, curved ground floor window arches, and pediments are symbolic to these periods of architecture.

The architecture style adopted is acceptable and uses a mix of high quality materials such as decorative Portland stone, zinc gutters, light grey walls, natural slate roof and semi-drystone random granite walling within the garden.

A more refined critique of the proposed design could identify some juxtaposing architectural elements that pulls into question the quality and cohesion of the architecture presented. For example, the similar scale of the main house and the wings, as well as the inclusion of overhanging eaves on the east and west wings when compared to parapet adopted on the main house, classical proportions verses a mix of modern elements such as full height windows and projecting balconies, all somewhat confuse and muddy the architectural composition and style adopted.

However that said, the application site is not within a Conservation Area, nor does it affect the setting of a protected building (the setting of the protected monument is addressed below), nor is it sited within a Site of Special Significance, therefore the Island Development Plan enables the property owner to exert personal choice with regards to design matters in less sensitive locations such as this. Consequently, the overarching architectural style and use of materials used is of a high enough quality in this suburban location, which does not unduly harm the public interest.

Although, some concerns still remain over the mass and bulk of the development, particularly as the east wing somewhat competes with that of the main house (south elevation), as typically the wings of Georgian and Regency buildings would be more subservient in scale and mass than the predominate façade. Although, the east wing will be setback from that of the south elevation when taking into account its staggered position at ground, and at first floor level, which will, to some extent, help to 'break up' the visual mass of this aspect of the design.

Moreover, the east wing will be set further into the cliff face to the north of the site which will as a consequence, allow views of the east elevation of the main house from Clarence Battery's direction which will provide a sense of depth, and also help to 'break-up' the uniform mass as originally submitted.

As a result of the reducing the ridge height, the revised profile of the roof now incorporates a large expanse of flat roof which is not usually encouraged. However, given that the areas of flat roof are not likely to be highly visible from public vantage points due to the topography of the wider area, the rationale to undertake such revision is considered acceptable given that it retains the original architectural style.

Whilst it is felt that further amendments could be made to reduce the mass and bulk of the replacement dwelling together with the scale of the east and west wings, the balancing act of weighing up the amendments secured to the scale and mass of the building versus the harm caused, coupled with the overarching architectural style and use of materials, leads to the conclusion that the overall design concept achieves a 'good' enough standard of design for the purposes of Policy GP8, and is supported under Policy GP13.

The impact of the development on the character and appearance of the area, including landscape character;

The position of the replacement dwelling will remain broadly the same as that approved in 2022 (FULL/2022/1154), albeit the footprint of the building is larger and as consequence, it is proposed to excavate some of the cliff face to make way for the proposed east and west wings and to reshape the existing contours of the site. The cliff face is within the applicant's ownership as shown on the submitted drawings, the excavation proposed is unlikely to cause any serious concerns in terms of the impact on the character and appearance of the area when viewed from public vantage points. That said, a number of plants are located within or near the areas of excavation, therefore in order to ensure that the excavation works do not unduly remove existing landscaping (which will help to assimilate the replacement dwelling into its landscape setting), it is reasonable to require that the areas and vegetation to be lost and/or affected, are to be clearly defined and agreed by the Authority.

The scale of the replacement dwelling has been reduced by 0.9m from the original scheme and based on the visualisations provided, the replacement dwelling will to some extent affect the landscape character. Although, the degree of harm would not cause unacceptable and irreversible damage given that the skyline will not be substantially harmed, especially when compared to the original scheme. In particular, the ridge line of the replacement dwelling will now be more aligned with the treeline when viewed from Clarence Battery, as shown on 'Medium Range Views, Rev C'.

Careful consideration has also been afforded to how the proposed dwelling compares to that of the approved schemes. The ridge line of the approved scheme (FULL/2022/1154) is approximately 0.9m lower than the proposed dwelling as shown on the South Elevation (drawing ref: S1-25). It is also noted that the ridge line of the east wing has been lowered by approximately 1.3m (as noted in the Agent's letter dated 13th May 2024). The resultant effect will ensure that the building mass is less prominent. Moreover, the west wing has been 'pushed back' further into the site, thereby hiding the view of the west wing from Clarence Battery. This in turn shifts the building mass away from the south boundary, and accentuates the main façade (south elevation) of the building.

The effect of the building on the landscape character has also been carefully considered from public vantage points to the south of the site, including the public cliff path to the south of the property, Bluebell woods, and from the Estate road serving Fort George. In these views, the landscaping in the foreground, located within the SSS, will help to integrate the development into its surroundings, despite being visible from public vantage points.

Due to the gradient of the land which falls towards the coastline (in a west-to east direction), coupled with buildings located above and below the application; the replacement dwelling will be read in context with the natural landscape and surrounding built environment which is not considered to have such a substantial adverse effect that reasonably justifies refusal. Similarly the classical building style

will naturally 'soften' into the landscape as a result of mathematical proportions and high quality materials which are sympathetic to the eye and add a sense of visual appeal.

In addition, additional landscaping within the application site will also in time, help to assimilate the development into the landscape. Views from the public footpath directly to the south of the application site will be limited to sporadic and oblique views of the replacement dwelling due to the considerable change in topography and existing landscaping. The proposed dwelling now includes additional planting along the south boundary which will in time further reinforce this boundary and limit these oblique views.

It is also important to note that the different styles of architecture between the contemporary approved scheme (FULL/2022/1154), compared to the current classical design, would inevitably result in different proportions being applied due to the physical differences between architectural styles. This gives further weight to the proposed dwelling being acceptable when carefully assessed against that previously approved and weighing up the differences, in particular whether those differences are material enough to justify a different decision. In light of the amendments secured, these differences are not.

In addition, other large sized dwellings have also been approved in Fort George, therefore large replacement dwellings do not always result in harm and are supported by the policies of the Island Development Plan which seeks to optimise multi-storey design whilst respecting the local context concerned.

It is necessary and reasonable to attach a condition to ensure that the existing trees on site, particularly along the south and south-east boundaries are marked on a plan and protected appropriately during the construction phase of the development given that the trees will help to assimilate the development into its surroundings.

The replacement dwelling is supported in light of Policy GP1.

The impact of the development on the amenity of people living in the area:

Careful consideration has been afforded to the amenities of neighbouring residents living in the surrounding area, particularly as strong concerns are raised by various letters of representation.

However, by virtue of the reduction in the scale and mass of the replacement dwelling, coupled with the gradient and profile of the cliff face and the surrounding landscaped features, the proposed development is not considered to cause undue harm to the amenities of neighbouring residents when considering factors such as overlooking, overshadowing or overbearing to reasonably justify refusal.

Whilst some sympathy is expressed towards neighbouring residents in light of the representations received, the distance, orientation and physical relationship

between the height of the replacement dwelling and neighbouring properties is such, that the application does not cause significant concerns.

It is not uncommon for a degree of overlooking between properties on Fort George due to the close proximity of dwellings coupled with the change in topography.

The impact on sea views is set out below in Section 3.

Consequently, the impact on neighbouring residents is acceptable.

The impact of the development on the Site of Special Significance:

Whilst the development site is not located within a Site of Special Significance (SSS), it is positioned immediately adjacent to the 'Cliffs' Site of Special Significance therefore it is relevant to consider the effect of the proposal on the SSS.

Following deferral, the agent has submitted a Landscaping Statement which recognises the importance of the Site of Special Significance and sets out additional landscaping measures by including a native landscaping scheme, removal of invasive Pampas Grass and bio-diversity enhancements. The agent has also demarcated the site application from the SSS to avoid any confusion in terms of ownership and management. It is however reasonable to attach a planning condition to ensure that full details of the landscaping scheme, including new hedge and tree planting is appropriate to the SSS given the indicative nature of the drawings submitted. That said, the inclusion of Elder, Field Maple and Hawthorn hedging along the south-east and south boundary is a welcomed addition to the scheme.

In light of Agriculture, Countryside and Land Management Services' (ACLMS) comments, it is also reasonable to attach conditions in respect of works during the construction phase of the development, including the introduction of non-native species, as well as reducing noise, dust and light pollution.

Once completed, it is also recognised that the development has the potential to cause light pollution to the adjacent SSS which could affect species such as bats and birds. Given that lighting of the completed development is considered to be a reasonable aspiration of the property owner, it is not considered reasonable to attach a planning condition to this effect.

It is therefore considered appropriate to attach an informative to the decision to advise the applicant and agent in how to minimise this effect through internal and external lighting during the detailed design process. It is however reassuring to see that the agent has noted that a sympathetic lighting scheme for bats will be incorporated as part of the design as noted on page 48 of the Planning and Design Statement.

ACLMS have identified two main points of consideration, including visual amenity and run off from additional hard standing. The impact on visual amenity is discussed earlier in the report, and the additional hard surfacing is positioned near the footprint

of the replacement house and away from the boundary with the SSS. Consequently, the area of lawn and landscaping which lies between the replacement house and the SSS will act as a natural buffer, thereby reducing surface water runoff. A new row of Hawthorn hedging planted along the south-east and south boundary will also help to reduce surface water runoff.

Following deferral, a few small-scale initiatives have also been considered, including bird and bat boxes, Hedgehog houses, bee blocks and log piles which goes some way in respecting the sensitive nature of the SSS and the species that reside within the adjoining coastal woodland. In this case, the agent has attempted to incorporate some mitigation measures.

The application is compliant with Policy GP2.

The impact of the development on the setting of Clarence Battery (Protected Monument):

The agent has provided a comprehensive statement of Clarence Battery and how the proposed development has taken into account its effect on the protected monument's setting.

The Battery was originally designed as a defensive position to face outwards towards the Little Russel to defend the Island. Consequently, the primary/designed views from the Battery are looking away from the application site, and towards the sea.

Although, due to the 360 degree view vantage point, the Battery affords secondary views towards Fort George, including the application site. In these views the replacement dwelling will be seen at some distance, circa. 80m, and effectively the building will 'read' from the Battery as one, larger building, rather than broken up into three components (including the main house, east and west wings).

However, in light of the amendments secured, the replacement dwelling will be seen in the context of a number of other buildings, of varying design types, scales, forms, masses which are interspersed along the hillside. Due to the reduction in the scale, mass and siting of the replacement dwelling, particularly the east wing and the limited views of the west wing, the proposed development is not considered to have a substantial adverse effect on the setting of the protected monument, despite the building being noticeable from the Battery.

Overall, the application is compliant with Policy GP6.

The impact of the development on archaeology:

Given that the application site, and the wider area of Fort George, is recognised as potentially containing some archaeological importance, it is reasonable to attach an informative to this decision to advise the applicant to contact the States

Archaeologist prior to commencement of works/excavating in order to seek expert advice.

Parking and access issues:

The replacement dwelling raises no concerns over parking and access issues.

The existing access and parking arrangements would remain largely unchanged. The new gate located at the entrance of the site is not considered to cause undue harm to the character and appearance of Fort George which typically consists of a mixture of boundary treatments to the front of properties, some of which include large solid gates.

Sufficient space remains to the front of the replacement dwelling to enable a vehicle to turn around onsite and leave in forward gear.

The proposal will not impact on highway safety.

With regard to Policy GP9 (Sustainable Development), it has been demonstrated that the proposed development will comply with Building (Guernsey) Regulations 2012 and therefore has taken into account the use of energy, resources and any adverse impact on the environment.

Based on the above, the application is considered compliant with the relevant Island Development Plan policies; it is therefore recommended that planning permission be granted, subject to conditions.

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.

In response to the letters of representation, the loss of a private view is not a material planning consideration and therefore cannot be taken into account. The application must be determined on its individual planning merits.

Reference to the Site of Special Significance is set out above. The Authority has consulted with Agriculture, Countryside and Land Management Services which will have taken into account the potential effect of the development on the bio-diversity of the adjoining site, including individual species.

In addition, there is no evidence to suggest that the proposal would have an adverse effect on the stability of the cliff and this issue cannot influence the planning decision.

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

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

The impact of the proposal on the setting of the Clarence Battery is considered in section 2 above.

Date: 25/06/24

