

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: Erect 2 outbuildings (art studio and sauna) with raised terrace area to north-west of site (Protected Building and Site of Special Significance).

LOCATION: Xanadu Cottage, Rue Du Moulin Huet, St. Martin.

APPLICANT: Mr & Mrs L Hermesh

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: 07/02/2025

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 07/10/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: The Drawing Room - 391 A1A, A2A , & A3A ; Iglucraft - M3P-KJ-01A, 02A, 03A, 04A
Iglucraft - S1E-KJ-01, 03 & 04 & sections 7 and 8 of the Ecological Assessment

Application Ref: FULL/2024/1610

Property Ref: J013640000

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 works hereby approved shall only be carried out in strict accordance with the details contained within sections 7 and 8 as identified within the Ecological Assessment (date stamped received 19/09/2024) unless the Authority agrees to any variation in writing.

Reason - To limit the impact of the proposal on the surrounding SSS in accordance with the submitted information and to comply with the provisions of Policy GP2 of the IDP.

5.No development, clearance of vegetation or works of any type, shall begin on site until full details of the protection fencing or similar to be erected in the position shown on drawing ref: 391 A1 Rev A has been submitted to and approved in writing by the Authority. The agreed method of protection shall be retained in position on site for the duration of the works.

Reason - To contain the works to the area shown on the approved plans and to minimise harm on the surrounding Site of Special Significance, in accordance with the recommendations within the Ecological Report and to comply with Policy GP2 of the IDP.

6.(a) Prior to the commencement of any works in connection therewith full details of the proposed trees to be planted (as shown on drawing ref: 391 A1 Rev A) to include the location of each species proposed, along with the size at the time of planting, number and density of the plants/trees shall be submitted to and agreed in writing by the Authority.

(b) Prior to the commencement of any works in connection therewith full details of the seed mix to include all species to be planted to create the wildflower meadows (as shown on drawing ref: 391 A1 Rev A) shall be submitted to and agreed in writing by the Authority.

(c) The tree planting and wildflower meadow planting shall be fully completed, in accordance with the details agreed under the terms of criteria (a) and (b) above, by the end of the first planting season following the completion of the development or first use (whichever is the sooner). 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, to help assimilate the development into its surroundings, to provide biodiversity enhancements in accordance with the Strategy for Nature SPG and to minimise harm on the surrounding Site of Special Significance to comply with Policy GP2 of the IDP.

7.No cladding to be used on the exterior of the building shall be placed on the site until such time as samples of the material in their finished form have been submitted to the Authority. Only the cladding material(s) and any agreed finish(s) agreed in writing by the Authority shall be used in carrying out the development.

Reason - To secure the satisfactory appearance of the completed development.

8.This decision permits the erection of an outbuilding and raised terrace to be used as an integral part of and ancillary to the principal dwelling presently known as Xanadu Cottage. It does not permit the creation of a separately occupied annex or an independent dwelling. This would require a separate grant of planning and involve different planning policy considerations.

Reason - To ensure that the development takes and remains the form hereby permitted and to define the permission for the avoidance of any doubt.

9.Prior to completion or the first use of the outbuilding hereby approved the bat box shall be installed on the southwest chimney of the main dwelling in the position shown on drawing 391 A3 A.

Reason - In the interests of biodiversity interest having regard to the Strategy for Nature SPG.

Expiry Date: This permission will cease to have effect on 07/02/2028 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. To reduce the impact on nesting birds, the clearance of any vegetation should be avoided during the main breeding season of March-July (inclusive). If such works during the breeding season are deemed necessary, advice from a suitably qualified ecologist should be sought in the first instance. It is recommended that you contact La Société Guernesiaise for advice or to arrange a site visit. La Société can be contacted by email at: societe@cwgsy.net

In line with the recommendations of the submitted Ecological Assessment and to avoid disturbance to the surrounding Site of Special Significance there shall be no external lighting installed on the building hereby approved. Should any external lighting be required then the Authority must be contacted in the first instance as given the sensitive location of this site, planning permission may be required.

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/2024/1610
Property Ref: J013640000
Valid date: 07/10/2024
Location: Xanadu Cottage Rue Du Moulin Huet St. Martin Guernsey
GY4 6EJ
Proposal: Erect 2 outbuildings (art studio and sauna) with raised terrace
area to north-west of site (Protected Building and Site of
Special Significance).
Applicant: Mr & Mrs L Hermesh

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 works hereby approved shall only be carried out in strict accordance with the details contained within sections 7 and 8 as identified within the Ecological Assessment (date stamped received 19/09/2024) unless the Authority agrees to any variation in writing.

Reason - To limit the impact of the proposal on the surrounding SSS in accordance with the submitted information and to comply with the provisions of Policy GP2 of the IDP.

5. No development, clearance of vegetation or works of any type, shall begin on site until full details of the protection fencing or similar to be erected in the position shown on drawing ref: 391 A1 Rev A has been submitted to and approved in writing by the Authority. The agreed method of protection shall be retained in position on site for the duration of the works.

Reason - To contain the works to the area shown on the approved plans and to minimise harm on the surrounding Site of Special Significance, in accordance with the recommendations within the Ecological Report and to comply with Policy GP2 of the IDP.

6. (a) Prior to the commencement of any works in connection therewith full details of the proposed trees to be planted (as shown on drawing ref: 391 A1 Rev A) to include the location of each species proposed, along with the size at the time of planting, number and density of the plants/trees shall be submitted to and agreed in writing by the Authority.

(b) Prior to the commencement of any works in connection therewith full details of the seed mix to include all species to be planted to create the wildflower meadows (as shown on drawing ref: 391 A1 Rev A) shall be submitted to and agreed in writing by the Authority.

(c) The tree planting and wildflower meadow planting shall be fully completed, in accordance with the details agreed under the terms of criteria (a) and (b) above, by the end of the first planting season following the completion of the development or first use (whichever is the sooner). 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, to help assimilate the development into its surroundings, to provide biodiversity enhancements in accordance with the Strategy for Nature SPG and to minimise harm on the surrounding Site of Special Significance to comply with Policy GP2 of the IDP.

7. No cladding to be used on the exterior of the building shall be placed on the site until such time as samples of the material in their finished form have been submitted to the Authority. Only the cladding material(s) and any agreed finish(s) agreed in writing by the Authority shall be used in carrying out the development.

Reason - To secure the satisfactory appearance of the completed development.

8. This decision permits the erection of an outbuilding and raised terrace to be used as an integral part of and ancillary to the principal dwelling presently known as Xanadu Cottage. It does not permit the creation of a separately occupied annex or an independent dwelling. This would require a separate grant of planning and involve different planning policy considerations.

Reason - To ensure that the development takes and remains the form hereby permitted and to define the permission for the avoidance of any doubt.

9. Prior to completion or the first use of the outbuilding hereby approved the bat box shall be installed on the southwest chimney of the main dwelling in the position shown on drawing 391 A3 A.

Reason - In the interests of biodiversity interest having regard to the Strategy for Nature SPG.

INFORMATIVES

Your attention is drawn to The Animal Welfare (Guernsey) Ordinance, 2012 and the need to comply with its provisions. To reduce the impact on nesting birds, the clearance of any vegetation should be avoided during the main breeding season of March-July (inclusive). If such works during the breeding season are deemed necessary, advice from a suitably qualified ecologist should be sought in the first instance. It is recommended that you contact La Société Guernesiaise for advice or to arrange a site visit. La Société can be contacted by email at: societe@cwgsy.net

In line with the recommendations of the submitted Ecological Assessment and to avoid disturbance to the surrounding Site of Special Significance there shall be no external lighting installed on the building hereby approved. Should any external lighting be required then the Authority must be contacted in the first instance as given the sensitive location of this site, planning permission may be required.

OFFICER'S REPORT

Brief Description of the site:

The application site comprises a terraced type traditional residential property situated to the south of Rue du Moulin Huet. The property has a raised garden area situated to the west of the property that rises in topography significantly from east to west.

Surrounding the site the area comprises neighbouring residential properties to the northwest and southeast, with Moulin Huet public toilet building and car park to the west of the application site.

The site is situated Outside of the Centres and the surrounding land and part of the residential garden area for the property is situated within a Site of Special Significance as designated in the Island Development Plan (IDP).

The whole of the property (interior and exterior) of the main dwelling is protected together with the neighbouring property to the southwest (Valley Cottage).

Relevant History:

The application has been the subject of a pre-application submission.

Existing Use(s):

Residential – Use Class 1

Consultations:

Agriculture, Countryside and Land Management Services (ACLMS)

By letter dated 01st November 2024 stated the following:

“We are writing in response to a consultation request dated 8 October 2024 regarding the submitted application to erect two outbuildings and a raised terrace at Xanadu Cottage, Moulin Huet.

We note that the location of the application is within a Site of Special Significance (SSS) and is also within the existing domestic curtilage of the dwelling. We welcome the undertaking and provision of an ecological assessment of the site which identifies important ecological features and makes recommendations for how to minimise and mitigate potential impacts. The assessment, however, notes that:

- 1) The area where the proposed outbuildings are to be located is of relatively higher ecological importance than other areas of the site.*

- 2) *Residual impacts will remain even after implementation of the recommended mitigation measures.*

We would recommend that consideration is given to re-locating the outbuildings closer to the existing dwelling in order to avoid impacts on the areas of higher ecological value and to reduce potential residual impacts caused by light pollution (i.e., by locating the development closer to existing light sources and not within an area which currently benefits from very low disturbance and light pollution). This approach would be in line with General Policy 2 of the Island Development Plan which supports the avoidance of impacts on the special interests of SSS in the first instance through the consideration of alternative sites or locations of the development."

In a subsequent email ACLMS stated that: "We note in our letter that there will be residual impacts of this development and have recommended that they look to move the buildings closer to the existing houses to minimise those impacts. However, we don't believe that those impacts would be considered 'significant' in relation to the special interests of the SSS."

Assessment: *(Tick as appropriate)*

no representation	☒	visual amenity acceptable	☒
accords with policy	☒	no material neighbour impact	☒
within curtilage	☒	traffic not affected	☒
design acceptable	☒		

Policies considered most relevant:

GP1: Landscape Character and Open Land;
GP2: Sites of Special Significance;
GP5: Protected Buildings;
GP8: Design;
GP9: Sustainable Development;
GP13: Householder Development;

Conclusion/Brief comment:

Planning permission is sought to erect 2 outbuildings with a raised terrace area to the northwest of the site.

EIA Development is defined by Section 2(1) of the Land Planning and Development (Environmental Impact Assessment) Ordinance, 2007 which includes reference to Section 40(5) of the Land Planning and Development (Guernsey) Law 2005. Section 40(5) of the Law requires the Authority when considering proposals for development on an SSS site, to have regard to the desirability of requiring an assessment of the likely impacts of the development on any aspects of the environment, unless it is satisfied that the development is of a minor nature and is incapable of having

significant adverse effects on the quality of the environment, the use of natural resources or biological diversity.

Prior to the submission of the application the proposal was screened to confirm whether an EIA was required. Following a review of the information submitted it was determined that: *"The limited scale of the works, the mitigations outlined in the information provided and the likely 'regenerative capacity' of the habitat affected, lead to the conclusion that the proposal is unlikely to have a significant environmental impact on the Cliffs Site of Special Significance. Provided that the works are delivered as per the information supplied (which can be controlled as part of any subsequent planning applications/permissions), then the proposal would not require an EIA."*

Principle of development

Paragraph 19.14.4 of the IDP which forms the preceding text to policy GP13 considers householder development to include, alterations to existing residential buildings and other works within the curtilage of dwelling that are ancillary to its residential use. The glossary of the IDP defines ancillary as: *"uses that are entirely subservient to and dependent upon the main use of the site/building. Such uses are generally relatively minor in scale and level of activity but the main test is whether the use can be said to be genuinely ancillary to the main use of the site."*

Prior to the submission of the application, the extent of curtilage for the property was established by the Authority, and was deemed to include all of the land situated to the west as shown on the submitted plans. Although situated within the residential curtilage of the property, initially, concerns were raised with regard to the position of the building and that it would be questionable whether it would be ancillary to the main dwelling.

The application was subsequently deferred to seek revised plans to reposition the building closer to the main dwelling, or for additional information to be submitted to justify why this would not be possible. Information was submitted with two alternative positions suggested. The information justifies that due to the topography of the site, existing trees, outbuildings and landscaping features, the alternative positions would not be suitable. Furthermore, in the alternative positions shown it could have the potential to restrict access to the upper parts of the domestic curtilage.

Although some distance from the property, due to the topography of the site and that the area proposed forms a relatively flat section of the site and that by reason of its limited/minor scale and intended use (circa 14.2m² for the art room and 3.6m² for the sauna) the proposal would be entirely subservient to, and dependant on the main dwelling. On balance therefore, the principle of the development is acceptable in this particular instance. However, for the avoidance of any doubt it is recommended that should planning permission be granted a condition is included to ensure that the unit remains ancillary and is not severed from the principal use of the main dwelling.

Design of the scheme and its impact on the character of the area

Policy GP8 requires proposals for new development to achieve a high standard of design which respects and where appropriate enhances the character of the environment.

Policy GP1 sets out that development will be supported where it respects the relevant landscape character type within which it is set, where development does not result in the unacceptable loss of any specific distinctive features that contribute to the wider landscape character and local distinctiveness of the area and takes advantage where practicable of opportunities to improve visual and physical access to open and undeveloped land.

The proposal will be set within the site and away from the property boundaries. The garden area of the site is considerably lower than the height of the road along the northern boundary. Along the roadside boundary is a large circa 1.6m high granite wall with trees and hedging situated on the inside (garden side), which will largely screen the development from the surrounding area.

The scheme has been designed using high quality timber materials to be in-keeping with the character of the surrounding area. The proposal is limited in terms of its overall scale, massing and height and the ground level of the site will also be altered slightly so that the building appears to be sunken within this site to limit its effect on the character of the surrounding area. Further planting is also proposed (which can be controlled by condition) along the northeast (roadside) and southwest boundaries to offer an enhancement to the landscaping and biodiversity of the site and the surrounding area. Furthermore, to the west of the site situated at a higher level is the Moulin Huet public toilet building. The proposal would be seen in context with this built form which is far more prominent from public viewpoints.

Overall, the design of the scheme is considered to be acceptable, and the proposal would have limited effect on the character or appearance or on the landscape character of the surrounding area in accordance with policies GP1 and GP8 of the IDP.

Impact on the amenities of neighbouring properties

Policy GP8 requires *inter alia* that proposals for new development will be expected to consider the health and well-being of the occupiers and neighbours of the development by means of providing adequate daylight, sunlight and private/communal open space.

The proposal would be circa 30m from the boundary of the nearest neighbouring residential property and at this distance would not harm the amenities afforded to its occupiers. The scheme complies with Policy GP8 in this respect.

Impact on the SSS

The site is situated within the Cliff SSS as designated within the IDP given its importance for a wide range of wildlife, containing rare and threatened species of insects, plants, birds, amphibians, reptiles and mammals.

The principle aim of Policy GP2 is to wherever possible ensure that development will not damage the special interests of an SSS. However, policy GP2 recognises that many of these areas have within them existing commercial or recreational uses and that these uses need to be afforded a reasonable ability to maintain their current levels of activity. Accordingly, where development accords with other relevant policies of the IDP and where this does not negatively impact on the special interest of the SSS policy GP2 allows for some flexibility to support existing uses (paragraph 19.3.5 of the IDP).

An Ecological Assessment has been submitted as part of the application which assesses the full impacts of the development on the SSS and suggests various mitigation methods to ensure that impacts resulting from the development are minor or negligible in nature and to ensure that enhancements are also achieved. Such mitigation methods include:

- Temporary fencing to be erected around the development site to avoid unnecessary encroachment into other parts of the SSS;
- The planting of additional screening to the roadside (northeast) and to the southwest side of the building;
- No external lighting to be installed and the use of internal blinds or curtains to prevent light pollution;
- Works to be avoided during the main bird breeding season (March to July inclusive);
- Vegetation to be inspected for wildlife prior to removal;
- Limit machinery movements;
- The sowing of suitable seed mixes to the restored site.

In addition to the above the agents letter in support of the application also proposes construct the building off site and crane it into position from the nearby road. Once in position it will be supported/attached to the ground using ground screws to negate the need for concrete foundations. The channel required to provide services from the main house to the building will be hand dug, two wildflower meadows will be planted, together with 12 native trees (comprising a mixture of silver birch, elder and field maple). A bat box is also proposed to the west side of the chimney on the main dwelling.

States ACLMS service was consulted on the application and although in their initial response recommended that the building be moved closer to the existing dwelling to minimise impacts, in a further email considered that the associated impacts in its original position would not be considered significant in relation to the special interest of the SSS.

In the absence of any objection from States ACLMS and subject to conditions ensuring that the suggested mitigation methods and planting/enhancements are

achieved, any resulting impact on the SSS would be negligible and not so significant to warrant the refusal of planning permission.

Other issues

Impact on the setting of the protected building

The Authority also has a duty under Section 34 of the Law to wherever possible ensure the special interest of a protected building is not harmed (including its setting) and to pay special to preserving the protected building's special characteristics. This duty is encapsulated in Policy GP5 which supports proposals to extend or alter a protected building where the development proposed does not have an adverse effect on the special interest of the particular protected building or its setting. The policy states that in all cases proposals must accord with other relevant policies of the IDP.

The building in its proposed position would be sufficient distance so as not to cause any harm to the special interest of the protected building or its setting. The proposal complies with policy GP5 in this respect.

Sustainable Development

Confirmation has been received that the development proposed has been designed to take into account matters of energy efficiency and current Building Regulations in accordance with Policy GP9.

All material considerations as set out in the Land Planning and Development (Guernsey) Law, 2005 and the Land Planning and Development (General Provisions) Ordinance, 2007 have been taken into account in the assessment of this application.

Recommendation:

Grant with Conditions



Date: 04/02/2025

