

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 existing dwelling, erect replacement dwelling and associated works.

LOCATION: Pinecrest, Les Queritez, Castel.

APPLICANT: Mr & Mrs F Hervouet

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: 04/06/2025

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 27/01/2025 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Tyrrell Dowinton Architects - 2456 03.01, 02, 03, 04, 05, 06, 07, & 08.

Application Ref: FULL/2025/0100

Property Ref: D010970000+D010980000

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.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.

5.Notwithstanding the details shown on the approved plans, prior to the commencement of any work in connection therewith a landscaping scheme for the site, to include those details specified below shall be submitted to and approved in writing by the Authority:

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

The landscaping scheme shall be fully completed, in accordance with the details agreed under the terms above, in the first planting season following the first occupation of any part of the development or completion of development whichever is the sooner, or in accordance with a programme previously agreed in writing by the Authority. Any trees or plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by trees or plants of a size and species similar to those originally required to be planted.

Reason - To ensure the landscaping scheme reinforces the character of the local area, that the hardstanding contributes to more sustainable construction and to help assimilate the development into its surroundings.

6.No development, including site works (but excluding any demolition), shall begin on site until details of existing and proposed levels, including ground levels, finished floor levels and ridge levels of all buildings 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.

7.No development hereby approved to alter or complete any works to any of the German fortifications/bunkers on the site shall commence until they have been visited and inspected by the States Archaeologist, confirmation of which will be required to be provided to the Authority.

Reason - To allow for archaeological investigation and recording to make sure that any features of archaeological interest are protected or recorded.

8.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.

Expiry Date: This permission will cease to have effect on 03/06/2028 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

1. Your attention is drawn to The Animal Welfare (Guernsey) Ordinance, 2012, the local Strategy for Nature and the need to comply with their legal provisions. The existing buildings may be used by bats or other wildlife for roosting and nesting. We strongly recommend that the site is inspected by a suitably qualified person prior to any building works. Additional measures should also be taken (including consideration of the timing of the works and provision to support associated wildlife in the long term) to ensure that protected species are not impacted by the works. It is recommended that you contact La Société Guernesiaise for advice or to arrange a site

visit. La Société can be contacted by emailing info@societe.org.gg

2. It is recommend that a preliminary roost assessment and breeding bird survey is undertaken by a suitably qualified ecologist prior to works to ensure that there are no roosting bats or nesting birds within the building and so to avoid potential breaches to the Animal Welfare Law. The results of these surveys can also be used to inform whether further mitigation measures should be included within the design of the new accommodation to ensure that there is a net enhancement in biodiversity.

3. With regard to condition 5 as part of the landscaping scheme native trees and plant species should be introduced to ensure biodiversity enhancements. All hard surfacing should be carried out using porous materials or provision should be made for all run-off water to be taken to a permeable or porous area.

4. 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 exposed location of the site and its potential to cause light pollution. Please see the link below for further mitigation details.

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

5. This permission is given under the Land Planning and Development (Guernsey) Law, 2005. This decision does not override or prejudice any legal rights or constraints which exist in relation to the application site.

6. With regard to condition 7 the States Archaeology team can be contacted on 01481 220729 or 01481 220722 , or mobiles 07781 102219 or 07911 721210 .

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/2025/0100
Property Ref: D010970000+D010980000
Valid date: 27/01/2025
Location: Pinecrest Les Queritez Castel Guernsey GY5 7ED
Proposal: Demolish existing dwelling, erect replacement dwelling and associated works.

Applicant: Mr & Mrs F Hervouet

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. 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.

5. Notwithstanding the details shown on the approved plans, prior to the commencement of any work in connection therewith a landscaping scheme for the site, to include those details specified below shall be submitted to and approved in writing by the Authority:

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

The landscaping scheme shall be fully completed, in accordance with the details agreed under the terms above, in the first planting season following the first occupation of any part of the development or completion of development whichever is the sooner, or in accordance with a programme previously agreed in writing by the Authority. Any trees or plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by trees or plants of a size and species similar to those originally required to be planted.

Reason - To ensure the landscaping scheme reinforces the character of the local area, that the hardstanding contributes to more sustainable construction and to help assimilate the development into its surroundings.

6. No development, including site works (but excluding any demolition), shall begin on site until details of existing and proposed levels, including ground levels, finished floor levels and ridge levels of all buildings 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.

7. No development hereby approved to alter or complete any works to any of the German fortifications/bunkers on the site shall commence until they have been visited and inspected by the States Archaeologist, confirmation of which will be required to be provided to the Authority.

Reason - To allow for archaeological investigation and recording to make sure that any features of archaeological interest are protected or recorded.

8. 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.

INFORMATIVES

1. Your attention is drawn to The Animal Welfare (Guernsey) Ordinance, 2012, the local Strategy for Nature and the need to comply with their legal provisions. The existing buildings may be used by bats or other wildlife for roosting and nesting. We strongly recommend that the site is inspected by a suitably qualified person prior to any building works. Additional measures should also be taken (including consideration of the timing of the works and provision to support associated wildlife in the long term) to ensure that protected species are not impacted by the works. It is recommended that you contact La Société Guernesiaise for advice or to arrange a site visit. La Société can be contacted by emailing info@societe.org.gg

2. It is recommend that a preliminary roost assessment and breeding bird survey is undertaken by a suitably qualified ecologist prior to works to ensure that there are no roosting bats or nesting birds within the building and so to avoid potential breaches to the Animal Welfare Law. The results of these surveys can also be used to inform whether further mitigation measures should be included within the design of the new accommodation to ensure that there is a net enhancement in biodiversity.

3. With regard to condition 5 as part of the landscaping scheme native trees and plant species should be introduced to ensure biodiversity enhancements. All hard surfacing should be carried out using porous materials or provision should be made for all run-off water to be taken to a permeable or porous area.

4. 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 exposed location of the site and its potential to cause light pollution. Please see the link before for further mitigation details.

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

5. This permission is given under the Land Planning and Development (Guernsey) Law, 2005. This decision does not override or prejudice any legal rights or constraints which exist in relation to the application site.

6. With regard to condition 7 the States Archaeology team can be contacted on 01481 220729 or 01481 220722 , or mobiles 07781 102219 or 07911 721210 .

OFFICER'S REPORT

Site Description:

The application site is a hilltop site that comprises a 1940's bungalow that shares the land with three German WWII bunkers/fortifications. Surrounding the site the area comprises residential properties to the north, south and west with St Germain Nature reserve to the east.

Access to the property is via a gateway off Les Querites (a two way road) in the northeast corner of the site, which links to Rue St Germain a one way access to the school and nature reserve.

The site is situated Outside of the Centres as designated in the Island Development Plan.

Relevant History:

FULL/2025/0323	Erect boundary wall, pillars, railings and gate to alter vehicle access.	Approved 27/05/2025
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Existing Use(s):

Residential – Use Class 1

Brief Description of Development:

Planning permission is sought to demolish the existing dwelling and to erect a replacement dwelling with associated works.

During the course of consideration an additional photomontage was sought to show the development when viewed from Route du Tertre.

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

Island Development Plan Policies

- GP1 Landscape Character and Open Land
- GP8 Design
- GP9 Sustainable Development
- GP13 Householder Development
- IP9 Highway Safety, Accessibility and Capacity

Representations:

In total nine letters of representation were received objecting to the scheme. The grounds for objection are summarised as follows:

- Loss of privacy and overlooking into the garden area and bedrooms of surrounding residential properties, particularly from the first floor bedroom atop of the existing German fortification;
- Loss of natural light into surrounding properties;
- Disproportionate increase in the footprint of the proposed property when compared to the existing property;
- Scale and massing of the proposal far exceeds what is acceptable under Policy GP13, which is exacerbated given the elevated position of the property;
- Adverse impact on the landscape and visibility;
- The proposal will break the horizon line of the landscape and temporary site poles should be erected to illustrate the profile/height of the dwelling so this can be assessed;
- The scheme should be reduced to a single storey to lessen the impact on the surrounding area;
- The proposal will dominate the surrounding area and not blend in;
- Design not in-keeping with the character and appearance of surrounding properties;
- The modern materials to be used are not in-keeping with the traditional properties that surround;
- Loss of trees from the site and the impact on wildlife;
- Impact due to light pollution on natural habitat from the proposed glazed elements and outdoor/pool areas;
- No details of landscaping has been provided and no biodiversity measures have been included. Any landscaping should include native species;
- The scheme fails to comply with the General Material Planning Considerations;
- Hedges and trees have been cleared without permission;

In addition to the above a representation was also received from La Societe Guernesiaise stating the following:

“In respect of this application, we would like to highlight that buildings of this type can be used by roosting bats. This likelihood can increase when the property is located within a variable landscape with habitats such as farmland or woodland nearby. The ongoing Bailiwick Bat Survey has shown that there are bat populations in this particular part of the island.

We would recommend that the existing building, in particular the roofspace, be inspected for current or recent use by bats by a suitably qualified person prior to any building works. This would reduce the risk of disturbing or destroying animals which are legally protected under the Animal Welfare Ordinance 2012.

We would request that, if this application is considered further, an informative note be added to the Information Sheet as follows -

‘Your attention is drawn to The Animal Welfare (Guernsey) Ordinance, 2012, the local Strategy for Nature and the need to comply with their legal provisions. The existing buildings may be used by bats or other wildlife for roosting and nesting. We strongly recommend that the site is inspected by a suitably qualified person prior to any building works. Additional measures should also be taken (including consideration of the timing of the works and provision to support associated wildlife in the long term) to ensure that protected species are not impacted by the works. It is recommended that you contact La Société Guernesiaise for advice or to arrange a site visit. La Société can be contacted by emailing info@societe.org.gg

We would also highlight the environmental impact of light pollution on many types of wildlife such as birds, bats and insects. Such pollution can be particularly problematic when introduced into a landscape such as this one, where existing sources of artificial light are relatively sparse. We would ask that consideration be given to the increased light pollution which may arise from this development within the rural landscape. Associated light pollution would extend over a large area. It is likely that the proposed works would result in a net ecological loss overall and therefore would not meet the requirements of the local Strategy for Nature.”

Following deferral of the application for the information requested, those who had made a representation on the application were reconsulted to enable further comment to be made. Four further letters of representation were received (two from the same property address) regarding the additional information objecting to the scheme for the reasons which are summarised as follows:

- A boundary dispute between the applicants and an owner of neighbouring land is currently ongoing;
- No revised plans were shown on the website, only a letter and an additional photomontage;
- The drawings have not been revised and our previous concerns raised remain;
- No drawings have been provided to show the site from the St Germain Nature Reserve;

- A retrospective application has still not been submitted to remove an existing hedge that borders the site;

Consultations:

States Archaeologist

By letter dated 12th February 2025 stated the following:

“The German fortifications are of interest, not least because the site has been largely overgrown and inaccessible for many years and so we lack even a basic photographic record of these structures. I would be grateful therefore if you could put a condition on any approval to the effect that we should undertake a photographic survey of the three German structures before any development work takes place.”

States Agriculture, Countryside and Land Management Services (ACLMS)

By email dated 18th February 2025 stated the following:

“We wish to highlight the potential for the existing dwelling that is proposed to be demolished at Pine Crest, Castel to support nesting birds and roosting bats. From analysis of aerial photographs and the information provided within the application, the property looks to have existed within a dense broadleaf woodland until the storms of 2023 and 2024. Some mature trees remain on site, and it appears as though the dwelling is redundant and in a poor condition. This information suggests that breeding birds are likely to be using the site and this may include birds that rely on built structures. The condition of the roof also provides an opportunity for it to be used by roosting bats.

We recommend that a preliminary roost assessment and breeding bird survey is undertaken by a suitably qualified ecologist prior to works to ensure that there are no roosting bats or nesting birds within the building and so to avoid potential breaches to the Animal Welfare Law. The results of these surveys can also be used to inform whether further mitigation measures should be included within the design of the new accommodation to ensure that there is a net enhancement in biodiversity. We would recommend that a suitably worded condition or advisory be included with any planning consents, should permission be granted.”

Summary of Issues:

The main issues in deciding this application are:

- The principle of a replacement dwelling;
- Design, form, scale and massing of the proposed development and its impact on the character of the surrounding area;
- Impact of the development on the amenity of people living in the area;
- The impact of the development on archaeology; and

- Parking and access issues.

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.

The principle of a replacement dwelling

The application falls to be considered under policy GP13: Householder Development which allows, subject to accordance with the criterion of this policy, consideration of proposals that involve the demolition and replacement of existing buildings. Replacement dwellings on a one for one basis must be assessed irrespective of the size of the existing or proposed replacement dwelling. The application for the demolition of the existing dwelling and erection of a replacement dwellinghouse on a one for one basis, accords with Policy GP13.

The existing dwelling is of no particular architectural or historic interest. Its form a (circa) 1950's single storey bungalow which has been unoccupied for some time and is in a state of disrepair, is not altogether attractive nor does it make a positive contribution to the surrounding area. The proposed demolition of the dwelling and the retention and reuse of the German fortifications would not impact on the character of the area. Its removal is therefore acceptable and is supported by GP13.

For these reasons it is considered that the principle of demolition and construction of a replacement dwelling is acceptable in this location.

Design, form, scale and massing of the proposed development and its impact on the character of the surrounding area

Policy GP13: Householder Development sets out a number of criteria that should be satisfied. The policy also identifies that consideration must be given to the contribution the existing building makes to the character of the area concerned and that a Waste Management Plan should be submitted with a planning application. This must demonstrate how waste associated with the development process is to be minimised, how existing materials on site are to be reused on or off site and how residual waste will be dealt with.

The preceding text to Policy GP13, paragraph 19.14.10 states:

In considering proposals for the replacement of a dwelling on a one for one basis, consideration will be given to the impact of the new building on the openness of the area rather than a comparison between the impact of the existing dwelling compared

with the impact of the new. A replacement dwelling can therefore be larger than the dwelling it is replacing and have a greater impact upon the openness of the area concerned compared with the existing dwelling and will be supported where the Authority is satisfied that the proposed impact is acceptable when considered against all relevant policies of the Island Development Plan.

Policy GP8: Design seeks to ensure that development respects the quality of the physical environment, recognising that good design can contribute to the creation of a cohesive built environment that enhances the experience of the Island whether that is for living, working or visiting.

In this regard policy GP8 supports development that achieves good design that respects the local character but demonstrates an effective and efficient use of land and uses soft and hard landscape where appropriate to help mitigate and/or assimilate a scheme within its setting. The policy recognises the importance of development of a residential nature to allow for flexibility and adaption to suit needs whilst also assuring that proposals have addressed the health and well-being of the future occupiers and neighbours.

The application site is not within a Conservation Area or close to any Protected Buildings. There is a variety of building forms and styles in the surrounding area. Paragraph 19.9.5 of the IDP which forms the preceding text to Policy GP8 states that: *'In other, less sensitive areas' (not within Conservation Areas, Sites of Special Significance and Protected buildings), 'a good standard of design will be expected, however the Island Development Plan adopts a supportive position with regard to building design in these areas to enable the property owner to exert personal choice in design matters. This adopts the flexible and proportionate approach that underpins the Plan Objectives of the Island Development Plan.'*

The concerns raised through the public consultation process regarding the design of the proposal and in particular the height, scale and bulk/massing of the development have been noted and have been carefully assessed on site. Whilst it is noted that the proposed dwelling will appear taller and the volume and bulk and massing much larger than the existing building, the site comprises a substantial plot that is capable of accommodating such a building. Furthermore, a large part of the scheme will be single storey construction with two, two storey wings to the north and east. Cross section drawings and massing models have also been submitted together with photomontages that show that the height of the scheme as proposed and its overall bulk and massing will not be out of context with the surrounding area and in long range views from the coast to the west.

The design of the scheme takes a modern contemporary form with a single storey central core with two wings to the north and east. Both wings will be two storey one providing a master (north wing) and a guest bedroom (east wing). The wing to the northern aspect of the scheme will utilise an existing bunker with a new structure above to provide the additional accommodation. A lightweight glazed bridge is proposed linking this aspect with the main dwelling. A raised seam zinc low

profile/pitched roof is proposed for all aspects of the scheme which together with the break between the two storey and single storey elements helps to reduce the bulk and massing of the building and its overall impact on the character and appearance of the surrounding area. The proposal is also set further within the site than the existing dwelling when viewed from Les Querites and Rue St Germain to the northeast and will be viewed behind and in context with the existing German fortification in this direction.

There is no uniform design in the local area and many of the properties surrounding have been extended previously using modern materials. A mix of finishes are proposed for the walls including dressed limestone/granite stonework, light grey cementitious board and silicone smooth render all finished in light grey, with a dark grey/anthracite zinc roof which will soften any harm on the character of the surrounding area. However, should planning permission be granted it is recommended that a condition is included for details of all external materials and any finishes to be applied to be submitted to and agreed in writing by the Development & Planning Authority. This will ensure that high quality and appropriate materials to respect the character of the area are used that will also help the development assimilate into its surroundings.

The concerns expressed through the public consultation have been noted with regard to the impact of the development on the character and appearance of the locality. As referred to above the Island Development Plan allows for greater flexibility with regard to new development proposed in non-designated areas such as this and a development should preserve or enhance the character and appearance of the locality.

Given the varied nature of development in the locality it is concluded that the dwelling proposed will not appear unduly visually intrusive and would not be out of keeping in the locality. From long distance views from the coastal road to west, any views of the scheme will be seen in context with those properties in a more prominent position closer to the road. Given the topography and steep sloping sides of the hill to which the site is located the property will be largely unseen from various viewpoints immediately to the west of the site along Rue De La Hougue. An additional photomontage has been provided showing views of the property from Route Du Tertre to the north west, which shows that it will be seen in context with existing built form in the surrounding area and the existing German fortifications and although the proposal will appear much larger than the exiting dwelling, for the reasons referred to above it is concluded not to appear as an obtrusive feature, nor would it negatively affect the openness or landscape character of the surrounding area. To expand on the impact on the landscape character, this has been carefully considered and within views of the application site, the landscaping both in the foreground and surrounding the site will help to integrate the development into its surroundings, despite being visible from public vantage points. Similarly, the design of the scheme (predominantly single storey) will ensure that the scheme will not break the existing tree line and the high-quality materials to be used which are sympathetic to the eye and add a sense of visual appeal will naturally 'soften' into the surrounding landscape.

Concerns have been raised from representors regarding the impact of the proposal on the landscape character due to the felling of the trees that occurred prior to the submission of the application. Within the supporting information it is claimed that a lot of the trees felled were at the end of their lives and were damaged during recent heavy storms. Irrespective, the trees in question were not Protected Trees and planning permission is therefore not required for their removal. The removal of the trees has allowed for views of the coast from the nature reserve to the east, however prior to the felling of the trees there was no public view of the coast from this direction. A photomontage has been submitted from this direction that shows that the design of the scheme with its staggered roof form (comprising both single and two storey elements) helps to reduce the impact of this proposal from this viewpoint, still allowing aspects of the coast to be viewed. Furthermore, given the exposed location of the application site, it is a reasonable aspiration of the property owner for further planting to be planted along this boundary to provide an element of privacy and security for the site. It would be unjustifiable and outside of the control of planning to control the height of any such planting. Whilst it is noted that the scheme has the potential to effect views from the nature reserve to the east, for the reasons above it is concluded that any harm would not be so substantial to warrant the refusal of planning permission.

A landscaping scheme has been submitted to show existing trees to be retained together with new trees to be planted which in the positions shown will help the development to assimilate into its surroundings. However, the landscaping scheme proposes non-native species to Guernsey and to ensure that appropriate planting to Guernsey is achieved and to maximise biodiversity it is recommended that a condition be included for a landscaping scheme to be provided to include native tree planting. The landscaping over time will further help the development assimilate into its surroundings.

Considering the above, it is concluded that the scheme, accords with Policies GP1, GP8 and GP13 of the Island Development Plan.

Paragraph 19.10.4 of the IDP (which forms the preceding text to Policy GP9) outlines that the design, layout and orientation of buildings, their form of construction and the materials used have a key role in delivering more sustainable development and reducing energy demand.

A supporting statement has been submitted confirming that the requirements of Policy GP9 regarding energy use and current Building Regulations have been considered. Information has also been provided to show that there is potential for PV cells to be installed and that an electric vehicle charging point is to be installed. A Site Waste Management Plan with a detailed account of how waste associated with the development will be disposed of has also been submitted.

Based on the contents of the Site Waste Management Plan it is considered that the waste at this site will be appropriately controlled and provided that the waste is

disposed of in accordance with the Waste Management Plan (which can be controlled by condition) the proposal satisfies the provisions of Policy GP9 & GP13 in this respect.

Impact of the development on the amenity of people living in the area

GP8: Design indicates that new development will be supported where it is demonstrated that it will not have an unacceptable impact on neighbouring amenity and considers the health and well-being of the occupiers.

Concerns have been raised through the public consultation process regarding the impact of the development on sunlight and daylight to surrounding properties along with overlooking. Given the topography of the site, the proposed dwelling will be positioned at a higher level than the neighbouring properties in all directions. However, the boundary shared with the nearest neighbouring property (Mulberry Cottage) is situated circa 25m to the north and a separation distance between the nearest elevation of the proposed dwelling and Mulberry Cottage of circa 40m will remain, sufficient to ensure that no significant harm is caused with regard to, overshadowing, loss of natural light or the loss of privacy. The impacts of the proposal on the amenities afforded to the occupiers of all other properties surrounding the site has also been carefully assessed, however the separations distances involved would be even greater than those for Mulberry Cottage resulting in less of an impact.

The scheme has been designed to provide for the future occupiers of the dwelling with flexible living accommodation, off-road parking and private amenity space which will provide access for all and will enable future occupiers to remain in the property for longer.

The scheme will alter the relationship of the property on this site to those dwellings in the immediate area, however it will not result in unacceptable harm to the amenities of surrounding residential occupiers and the scheme accords with Policies GP8 and GP13 in this respect.

The comments received regarding current boundary disputes are noted however this is a private matter outside of planning control that would need to be resolved through the courts and does not form a material planning consideration that can be taken into account as part of the assessment of a planning application.

The impact of the development on archaeology:

Although the application site, is not within an Area of Archaeological Importance as designated in the IDP, the States Archaeologist has commented on the application and has stated that *"The German fortifications are of interest, not least because the site has been largely overgrown and inaccessible for many years and so we lack even a basic photographic record of these structures."* A request has therefore been made for a condition on any approval to allow access to undertake a photographic survey of the three German structures before any development work takes place. This is acceptable in planning terms.

Parking and access issues:

The replacement dwelling raises no concerns over parking and access issues. The application drawings show that access to the site will remain unaltered as part of the replacement dwelling application. However for completeness, a separate planning application was submitted to alter and improve the access point, to provide a gated access point with granite piers and improvements to the boundary walls either side (Ref: FULL/2025/0323). That application can be implemented separately to provide improvements to the current situation for the site and therefore has no bearing on the decision for the replacement dwelling the subject of this report. It was therefore approved on 27th May 2025.

Should these improvements to the access point not be implemented, the existing access and parking arrangements on site are sufficient to accommodate the proposal without any harm to highway safety. Furthermore sufficient space remains within the site to enable vehicles to turn around onsite and leave forward facing.

The proposal will not impact on highway safety and complies with the relevant policies of the IDP in this respect.

Conclusion

In view of the above it is concluded that the scheme accords with all relevant policies in the Island Development Plan and it is recommended that planning permission is granted for the replacement dwelling subject to planning conditions relating to:

- Submission of details and samples of all external materials
- Landscaping scheme (hard and soft landscaping)
- For finalised details of all land levels and finished floor levels of the building
- To allow the States Archaeologist access to record the German fortifications
- Waste management plan

Informative notes will also be placed on the permission in relation to:

- new planting and the consideration of native species
- a roost assessment and breeding bird survey to avoid impact to wildlife;
- consideration of lighting proposed for the scheme

3 - General material considerations set out in the General Provisions Ordinance.

In addition to the consideration of policy issues, Section 13 of the Land Planning and Development (General Provisions) Ordinance, 2007 identifies other material planning considerations which could be relevant. These include; the appropriateness of the development in relation to its surroundings in terms of design, layout, scale, siting and materials; the likely effect on the character and amenity of the locality; any possible fall-back position by way of extant planning permissions or exempt development; the

likely effect on the reasonable enjoyment of neighbouring properties. These issues where relevant are considered above.

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

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

Date: 04/06/2025