ONLINE VERSION

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: Install oil tank and erect fence panel at front of dwelling.

LOCATION: Le Colombier, Kimberley Estate, Sandy Hook, L'Islet, St. Sampson.

APPLICANT: Mr & Mrs G Le Maitre

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: 07/11/2014

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 18/08/2014 as subsequently amended on 20/10/2014 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Application Ref: FULL/2014/2382

Property Ref: B01746D008

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 Environment Department 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 Environment Department and (ii) it is commenced or, as the case may be, continued, in accordance with that requirement and any further requirements imposed by the Environment Department 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. Notwithstanding the submitted information, only one fence panel erected to the north elevation of the oil tank and to a maximum height of 0.5m is hereby permitted.

Reason - To ensure a satisfactory design and external appearance in the interests of visual amenity.

5. The existing hedge shall be retained at all times and shall be protected from damage during the course of installation of the tank.

Reason - To ensure that the hedge is retained and protected in the interests of amenity.

Expiry Date: This permission will cease to have effect on 06/11/2017 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

Effect of planning permission:

Section 18 of the Land Planning and Development (Guernsey) Law, 2005 ('the Law') defines the effect of the planning permission hereby granted, namely:

(1) Planning permission ceases to have effect unless the development permitted by it is commenced within a period of three years immediately following the date on which it is granted (or such shorter period as may be specified in the permission).

(2) Planning permission enures for the benefit of the land concerned and of every person for the time being having an interest in it.

(3) Any conditions subject to which planning permission is issued are enforceable in accordance with the provisions of Part V of the Law.

(4) Planning permission for the erection of a building is only permission to use it for the purpose specified in the permission or, subject to any restriction so specified, for any other purpose for which it is designed.

(5) Planning permission is only permission to carry out the development specified in it (subject to any conditions so specified), and does not imply the giving of any other approval or consent required under this Law or any other enactment or under any rule of law.

Right of appeal against planning decisions:

Your attention is drawn to the provisions of Section 68(1) of the Land Planning and Development (Guernsey) Law 2005, which provides a right of appeal, on the merits against a decision to grant planning permission subject to conditions (except a building condition), to the Planning Tribunal, which is independent of the States of Guernsey. An appeal to the Planning Tribunal under section 68 of the Law against this decision must be made before the expiry of the period of six months beginning with the date on which the Department made this decision. The official Appeal Notice Forms are available on the Department's website at www.gov.gg/planning-appeals 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 Department took into account any written representations arising from consultations made under Section 11(1) of the Land Planning and Development (General Provisions) Ordinance, 2007 ('the Ordinance'). A copy of any representations made to the Department under section 11 will be included with this decision in accordance with section 19 of the Ordinance.

Other Remarks:

You should note that any work which abuts or affects the public highway requires prior approval by the Public Services Department (PSD). You must also ensure that any access/es to the development are constructed to meet the existing road/footway levels in accordance with PSD 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

ENVIRONMENT
A STATES OF GUERNSEY GOVERNMENT DEPARTMENT

PLANNING APPLICATION REPORT

Application No:	FULL/2014/2382
Property Ref:	B01746D008
Valid date:	18/08/2014
Location:	Le Colombier Kimberley Estate Sandy Hook L'Islet L'Islet St. Sampson Guernsey GY2 4EW
Proposal:	Install oil tank and erect fence panel at front of dwelling.
Applicant:	Mr & Mrs G Le Maitre

RECOMMENDATION - Grant: Planning Permission with Conditions:

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OFFICER'S REPORT

Brief Description:

The application is for the installation of an oil tank and the installation of fence panels to the front of a two storey dwelling. The application site is within a non-designated area within the Rural Area Plan.

Relevant History:

None Relevant

Existing Use(s):

Residential use class 1

Assessment: *(Tick as appropriate)*

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

Conclusion/Brief comment:

The application was deferred to seek amendments for the partial burial of the oil tank to limit the impact of the structure on the visual amenity of the area. Revised plans showing the tank buried 1m into the ground have been submitted.

The tank is proposed to be positioned to the south west corner of the site adjacent to a roadside hedge and a car parking area serving the property. The installation of the tank would result in the removal of some planting however an element of planting would also be retained. The tank would project 440mm above ground level and originally it was proposed to erect 3 fence panels to the north and west of the site. Although the amended scheme would now not necessitate the erection of three panels, the development would benefit from screening to the north elevation, albeit the fencing will be conditioned to be substantially lower than the 1.8m originally proposed.

Although it is not ideal that the tank is positioned to the front of the property, the applicant has submitted a letter stating that the existing underground tank to the front of the dwelling is leaking due to the ingress of water. It states that given the high water table the installation of a new underground tank is prohibitive and given

the limited access to the rear of the property it would not be possible to install a tank to the rear.

The siting of the tank although some distance from the house is screened by an existing roadside hedge and fence separating the neighbouring property and the site and as such is in a fairly well screened position within the garden. Burial of the tank by 1m as now proposed would also help to minimise the visual impact of the development.

The siting of the oil tank although not ideal is therefore on balance considered acceptable. A condition relating to the fencing will be attached.

All material considerations as set out in the Land Planning and Development (Guernsey) Law, 2005 and the Land and Planning (General Provisions) Ordinance 2007 have been taken into account in the assessment of this application and accords with these; for the reasons above the application is therefore recommended for approval.

Recommendation:

Grant with Conditions ☑

Date: 6th November 2014