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: Demolish (retrospective) and erect roadside wall to create opening for tree growth.

LOCATION: The Rectory, Le Neuf Chemin Road, St. Saviour.

APPLICANT: The Constables Of St. Saviour

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: 11/01/2019

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 17/12/2018 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: CCD Architects: 3491.01 & 02A.

Application Ref: FULL/2018/2864

Property Ref: E004090000

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.

Expiry Date: This permission will cease to have effect on 10/01/2022 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

Effect of planning permission:

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

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

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

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

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

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

Right of appeal against planning decisions:

Your attention is drawn to the provisions of Section 68(1) of the Land Planning and Development (Guernsey) Law 2005, which provides a right of appeal, on the merits against a decision to grant planning permission subject to conditions (except a building condition), to the Planning Tribunal, which is independent of the States of Guernsey. An appeal to the Planning Tribunal under section 68 of the Law against this decision must be made before the expiry of the period of six months beginning with the date on which the Authority made this decision. The official Appeal Notice Forms are available on the States of Guernsey website at www.gov.gg/planningpanel and must be completed with all enclosures in multiples as requested and received within the six months deadline.

Copy of representations made:

In reaching this decision the Authority took into account any written consultations made under Section 11(1) of the Land Planning and Development (General Provisions) Ordinance, 2007 ('the Ordinance'). A copy of any consultation responses made under section 11 will be included with this decision in accordance with section 19 of the Ordinance.

Other Remarks:

Please note that any work which abuts or affects the public highway requires prior approval by Traffic and Highway Services. Please contact Traffic & Highway Services (highways@gov.gg) for further advice. You must also ensure that any access/es to the development are constructed to meet the existing road/footway levels in accordance with their requirements.

This document is not a Building Licence and confers no approval under the Building Regulations.

A separate Building Control Licence may be required and it is the responsibility of the developer to ensure that ALL necessary consents are obtained and that any pre-commencement conditions are discharged prior to development being commenced.

A J ROWLES
Director of Planning
Planning Service

States of Guernsey
Planning Service

PLANNING APPLICATION REPORT

Application No:	FULL/2018/2864
Property Ref:	E004090000
Valid date:	17/12/2018
Location:	The Rectory Le Neuf Chemin Road St. Saviour Guernsey GY7 9FQ
Proposal:	Demolish (retrospective) and erect roadside wall to create opening for tree growth.
Applicant:	The Constables Of St. Saviour

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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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.

OFFICER'S REPORT

Brief Description:

The Rectory, Le Neuf Chemin Road is a detached two-storey property with rendered exterior and multi-pane sash windows. It occupies a corner plot with Le Neuf Chemin Road and Les Buttes. A low granite marks the roadside boundary to Le Neuf Chemin Road and a small proportion of this wall has been removed/collapsed.

The application relates to the demolition of a section of the roadside wall and the construction of a replacement wall that scallops down from 1180mm to 400mm high in order to allow for tree growth behind.

The site is located Outside of the Centres, Conservation Area and Agriculture Priority Area as designated in the Island Development Plan. St Saviours Church to the south is a Protected Building.

Relevant History:

None recent and relevant.

Existing Use(s):

01 dwelling house

Assessment:

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

Conclusion/Brief comment:

Policy GP13: Householder Development stipulates that proposals for the alteration and/or extension of residential properties within the residential curtilage, will be supported where there are no significant adverse effects on the amenities of neighbouring properties; the design, scale, mass and form would not detract from the open character of open locations; and they do not affect the special interest of Conservation Areas, Areas of Biodiversity Importance, protected buildings or protected monuments.

GP8: Design indicates that new development will be supported where it is demonstrated that it has been designed to a good standard of architectural design,

taking into account energy uses and will not have an unacceptable impact on neighbouring amenity or designated areas.

Policy GP4: Conservation Areas identifies that development will be supported where it conserves and, if possible, enhances the character, architectural or historic interest and appearance of that conservation area.

Furthermore, it is a requirement under the Land Planning and Development (Guernsey) Law, 2005, when considering applications affecting protected buildings and Conservation Areas, to secure so far as possible that the special historic, architectural, traditional or other special characteristics (including setting) are preserved.

As part of the assessment of this planning application a site visit was undertaken at which time it was clear that the Oak tree located immediately adjacent to the wall has caused damage to it due to its growth and root spread having regard to the change in ground level between the garden and public footway which runs immediately outside the wall.

The proposed replacement wall, which would be lower in height than the existing, would ensure that the tree can continue to grow without undermining the condition and stability of the wall. The proposed works will be in keeping with the character and appearance of the area and will not undermine the quality of the Conservation Area. The proposed works therefore accord with Policies GP13, GP8 and GP4 of the Island Development Plan.

Policy GP1: Landscape Character and Open Land sets out that development will be supported where it respects the landscape character and does not result in the unacceptable loss of any specific distinctive features that contribute to the wider landscape character and local distinctiveness. The roadside wall forms a feature of this site and the proposed development will see the roadside enclosure by a wall retained, albeit at a reduced height. Policy GP1 is therefore satisfied in this case.

The proposed works will not impact on the setting and special interest of the Protected Building therefore Policy GP5 is not directly relevant in this case.

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

Recommendation:
Grant with Conditions ☑

Date: 11 January 2019