

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 and rebuild roadside wall (Protected Monument).

LOCATION: La Maison Des Vinaires, Rue Des Vinaires, St. Pierre Du Bois.

APPLICANT: Mr & Mrs S & R Bellinger

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: 11/11/2021

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 06/10/2021 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Block plan 07/09/2021 and photo 06/10/2021

Application Ref: FULL/2021/1993

Property Ref: F00384B000

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 existing stone shall be carefully removed from the wall during demolition and shall be reused in the rebuilding of the wall hereby approved. The rebuilt section of wall shall replicate the coursing, method of bonding of the existing wall, shall be constructed to the same height, capped with the same bricks and shall be constructed utilising lime mortar.

Reason - To secure the satisfactory appearance of the completed development, in the interests of the rural character of the locality and the setting and special interest of the nearby protected monument.

Expiry Date: This permission will cease to have effect on 10/11/2024 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



PLANNING APPLICATION REPORT

Application No: FULL/2021/1993
Property Ref: F00384B000
Valid date: 06/10/2021
Location: La Maison Des Vinaires Rue Des Vinaires St. Pierre Du Bois
Guernsey GY7 9EZ
Proposal: Demolish and rebuild roadside wall (Protected Monument).

Applicant: Mr & Mrs S & R Bellinger

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.

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Reason - To secure the satisfactory appearance of the completed development, in the interests of the rural character of the locality and the setting and special interest of the nearby protected monument.

OFFICER'S REPORT

Brief Description of the site:

La Maison Des Vinares is a semi-detached two-storey dwelling with painted exterior and timber casement windows. The property occupies a sloping site with detached outbuilding situated to the west, vehicular access onto Rue Des Vinares is to the west of this. The site is located Outside of the Centres and within the Agriculture Priority Area as designed in the Island Development Plan.

Relevant History:

FULL/2019/1650 - Excavate behind section of roadside wall and fill with reinforced concrete and demolish and rebuild section of roadside wall (Protected Monument) – Approved September 2019.

Existing Use(s):

Residential use class 1: dwelling house.

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:

GP6 – Protected Monument
GP8 – Design
GP13 – Householder Development

Conclusion/Brief comment:

This application is to demolish and rebuild 45m of retaining wall, using the same materials & building back as before. The application states that the amount of protected wall to be rebuilt is 24m, however, on comparison with the Protected Monument notice it would appear that the amount of protected wall could be reduced to 10m. The Protected Monument (PM213) 'wall and water troughs'.

Partial demolition of approximately 10m of the protected monument wall is proposed as it is leaning into the road. It has been demonstrated by the Structural Engineer's report that the wall is structurally unsound and that the repair previously suggested in the previous application FULL/2019/1650 (to retain the wall and support it from the back) is technically impossible. However, there is an argument that whilst this does represent the partial demolition of the wall, it is also a repair as the proposal is to rebuild the wall as it is using the same materials.

The stone masons report gives a much clearer understanding of the monument; that the join at 47m on the plan is a join between two different walls, the one to the west built after the one to the east and to a lower quality, hence the failure. The wall to the east of the join includes the two troughs which contribute significantly to the overall significance of the monument. It is considered that when the monument was first identified and listed, the troughs were the focus and a relatively arbitrary extent of wall was included beyond the troughs to ensure that their setting was maintained, and the join in the wall was overlooked at the time.

It is also considered that, as the wall to the west of the joint has been shown to be a different wall to the bulk of the monument, it is reasonable to conclude that it makes a very small contribution, limited to the setting, to the overall special interest of the protected monument. Given that the proposal is to rebuild that section of the wall using the same materials, and that more sensitive repair has been demonstrated to be impossible, it is reasonable to allow the works as described provided that robust conditions are applied ensuring that the wall will be like for like.

Due to the nature and type of development, it is not considered necessary for the applicant to demonstrate that the proposal has been designed to take into account the criteria of Policy GP9 (Sustainable Development).

The proposals are considered to conform to the above policies of the Island Development Plan and grant of permission is recommended, subject to conditions.

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: 11/11/2021

