

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: Remove/alter earthbank and hedges, install walls, pillars and gates to widen existing vehicle access and extend parking area. (Protected Building).

LOCATION: Greylands, Rue Des Grons, St. Martin.

APPLICANT: Mr & Mrs D McGall

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: 22/04/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 14/09/2021 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Create Limited: 929-3-007, -008 & -009.

Application Ref: FULL/2021/2056

Property Ref: J010790000

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 development, excluding demolition and site works, shall begin until a landscaping scheme, to include those details specified below, has been submitted to and agreed in writing by the Authority:

- i) the treatment proposed for all ground surfaces, including hard surfaced areas;
- ii) full details of tree and hedge planting;
- iii) planting schedules, noting the species, sizes, numbers and densities of plants;

Reason - To make sure that a satisfactory landscaping scheme for the development is agreed in order to respect the setting of the protected building and to assimilate the development into its surroundings.

5.The landscaping scheme shall be fully completed, in accordance with the details agreed under the terms of the above condition, in the first planting season following the 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 make sure that a satisfactory landscaping scheme for the development is agreed in order to respect the setting of the protected building and to assimilate the development into its surroundings.

Expiry Date: This permission will cease to have effect on 21/04/2025 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

Your attention is drawn to the Animal Welfare (Guernsey) Ordinance 2012 and the 2020 Strategy for Nature, and the need to comply with their provisions. The hedge may be used by nesting birds or other wildlife. You are therefore requested to remove the hedge outside of the main bird breeding season (March-July inclusive). If removal during the breeding season is considered essential, it is recommended that you contact La Societe Guernesiaise so that the site can be inspected prior to removal to ensure that any protected species present are not impacted by the works. La Société can be contacted on 07781 166924 or email societe@cwgsy.net.

The Authority does not recognise all of the land outlined on the submitted site location and block layout plan as forming the domestic curtilage associated with the dwelling presently known as Greylands.

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/2021/2056
Property Ref: J010790000
Valid date: 14/09/2021
Location: Greylands Rue Des Grons St. Martin Guernsey GY4 6JP
Proposal: Remove/alter earthbank and hedges, install walls, pillars and gates to widen existing vehicle access and extend parking area. (Protected Building).
Applicant: Mr & Mrs D McGall

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 development, excluding demolition and site works, shall begin until a landscaping scheme, to include those details specified below, has been submitted to

and agreed in writing by the Authority:

- i) the treatment proposed for all ground surfaces, including hard surfaced areas;
- ii) full details of tree and hedge planting;
- iii) planting schedules, noting the species, sizes, numbers and densities of plants;

Reason - To make sure that a satisfactory landscaping scheme for the development is agreed in order to respect the setting of the protected building and to assimilate the development into its surroundings.

5. The landscaping scheme shall be fully completed, in accordance with the details agreed under the terms of the above condition, in the first planting season following the 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 make sure that a satisfactory landscaping scheme for the development is agreed in order to respect the setting of the protected building and to assimilate the development into its surroundings.

INFORMATIVES

Your attention is drawn to the Animal Welfare (Guernsey) Ordinance 2012 and the 2020 Strategy for Nature, and the need to comply with their provisions. The hedge may be used by nesting birds or other wildlife. You are therefore requested to remove the hedge outside of the main bird breeding season (March-July inclusive). If removal during the breeding season is considered essential, it is recommended that you contact La Societe Guernesiaise so that the site can be inspected prior to removal to ensure that any protected species present are not impacted by the works. La Société can be contacted on 07781 166924 or email societe@cwgsy.net.

The Authority does not recognise all of the land outlined on the submitted site location and block layout plan as forming the domestic curtilage associated with the dwelling presently known as Greylands.

OFFICER'S REPORT

Brief Description of the site:

'Greylands' is a substantial detached dwelling set within extensive garden grounds. It is considered that the gardens grounds, within which Greylands sit, are an important part of its setting. It is understood that the building was designed in accordance with

the Arts and Craft architectural movement, which sought to connect the building and its users with its landscape and gardens.

Planning permission was originally sought to remove and alter an earthbank and hedges, construct walls, pillars and install gates. The proposal also included the widening of the vehicular access and to extend the parking area to the front (north) of the dwelling.

Concerns were raised as the development sought to remove a large proportion of the remaining area of its grassed front garden in order to facilitate a car parking area and driveway, thereby adversely affecting the setting of the protected building as well as public views of the protected building. Some concerns were also raised in respect of the proposed 1.8m high solid gates and pillars which was likely to compound the impact on the setting of the protected building by virtue of obscuring public views of the gardens along Rue Des Grons.

The agent has subsequently reduced the extent of the parking area so that it is reflective of a former planning permission (FULL/2014/3434), reduced the width of the vehicular access points from 12m to approx. 7m wide respectively, and has introduced 1.8m high metal bar gates to enable views into the site whilst providing security in attempt to overcome the concerns raised.

Relevant History:

FULL/2014/3434	Demolish existing and erect replacement garages and alterations to driveway (Protected Building).	Granted
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Existing Use(s):

Residential

Assessment: *(Tick as appropriate)*

no representation
accords with policy
within curtilage
design acceptable

✓
✓
✓
✓

visual amenity acceptable
no material neighbour impact
traffic not affected

✓
✓
✓

Policies considered most relevant:

GP1 Landscape Character and Open Land
GP5 Protected Buildings
GP8 Design
GP9 Sustainable development
GP13 Householder Development
IP9 Highway Safety, Accessibility and Capacity

Comments:

La Societe Guerneslaise:

"In respect of this application, we would like to highlight that all types of hedges support nesting birds and other wildlife. This property has an extensive earthbank forming the roadside boundary and we would recommend that the sections either side of the new proposed gates and pillars be retained where possible.

If the application is approved, we would request that the removal of the hedge be undertaken outside of the main bird breeding season (March-July inclusive). If removal during the bird breeding season is considered essential, then we would recommend that the hedge is inspected for current or recent use by birds (and other wildlife) by a suitably qualified person prior to removal. This would reduce the risk of disturbing or destroying animals which are protected under the Animal Welfare Ordinance 2012.

We would request that an informative note be added to the Information Sheet as follows -

'Your attention is drawn to the Animal Welfare (Guernsey) Ordinance 2012 and the 2020 Strategy for Nature, and the need to comply with their provisions. The hedge may be used by nesting birds or other wildlife. You are therefore requested to remove the hedge outside of the main bird breeding season (March-July inclusive). If removal during the breeding season is considered essential, it is recommended that you contact La Societe Guerneslaise so that the site can be inspected prior to removal to ensure that any protected species present are not impacted by the works. La Société can be contacted on 07781 166924 or email jamie.hooper@cwqsy.net".

Conclusion/Brief comment:

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.

The agent has 'scaled back' the proposed extent of works to the driveway and alterations to the vehicle access in light of the concerns raised, and has adopted a similar approach taken to that approved in 2015 (FULL/2014/3434). Despite the material change in circumstances via the adoption of the Island Development Plan, the alterations to the driveway and entrance would have a limited adverse effect on the setting of the protected building which is considered to be outweighed by the reasonable aspirations of the property owner. Consequently, these works are supported under the provision of Policy GP5.

In light of the amendments secured, the proposed gates, brick pillars and curved wall adopt a high standard of design for the purposes of Policy GP8, in term of their size,

form, material, detailing and appearance which complements the setting of the protected building.

Sufficient space is provided in front of the gates to enable a car to temporarily park off the road whilst the gates open without impacting on highway safety or traffic management.

The agent has also provided justification for the bell-mouth entrance width as set out in the agent's letter of 9th March 2022. Whilst the entrance widths are approximately 7m and is likely to cause harm to the boundary treatment of the property and affect the surrounding character of the area, the degree of harm is not considered to be so substantial in this particular case when taking into account the narrowness of the road, the reasonable aspirations of the property owner, and the proportionality of the entrance width when viewed against the substantial size of the property and the extensive grounds in which it sits.

Whilst noticeable in the street scene, the proposed development is not considered to adversely affect the surrounding built environment or appearance of the locality.

The proposal will not adversely affect the amenities of neighbouring residents.

It is reasonable to attach a condition to ensure that full details of the landscaping are submitted to and agreed in writing by the Authority.

Sufficient information has been submitted that has taken into account the criteria of Policy GP9 (Sustainable Development).

Based on the above, the application is considered compliant with the relevant Island Development Plan policies; it is therefore recommended that planning permission be granted, subject to conditions.

Recommendation:

Grant with Conditions



Date: 12/04/22