

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 hedge and earth bank, widen pedestrian access and create vehicle access to north roadside boundary.

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

APPLICANT: Mr M Le Cheminant

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: 10/03/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 13/10/2021 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Block plan and annotated photographs (date stamped received 13th October 2021).

Application Ref: FULL/2021/2289

Property Ref: J010950000

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.Within 2 months of the section of earthbank to the front of the property being removed, the remaining section of earthbank where disturbed, shall be made good to match the existing earthbank in terms of its height, form and appearance.

Reason - To ensure a satisfactory form of development and the timely completion of the works in the interests of visual amenity.

Expiry Date: This permission will cease to have effect on 09/03/2025 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.

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/2021/2289
Property Ref: J010950000
Valid date: 13/10/2021
Location: Jesmond Rue Des Grons St. Martin Guernsey GY4 6JS
Proposal: Remove hedge and earth bank, widen pedestrian access and create vehicle access to north roadside boundary.

Applicant: Mr M Le Cheminant

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. Within 2 months of the section of earthbank to the front of the property being removed, the remaining section of earthbank where disturbed, shall be made good to match the existing earthbank in terms of its height, form and appearance.

Reason - To ensure a satisfactory form of development and the timely completion of the works in the interests of visual amenity.

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.

OFFICER'S REPORT

Site Description:

The property known as Jesmond comprises a semi-detached property, located in a row of semi-detached properties to the south of Rue Des Grons, St. Martin. The site is located Outside of the Centres in the Island Development Plan.

Relevant History: None relevant to this application

Existing Use(s):

Residential

Brief Description of Development:

Planning permission is sought to remove a hedge and a section of earth bank to widen the existing pedestrian access to create a vehicular access to the north roadside boundary.

The existing pedestrian access is similar to other pedestrian accesses to the front of properties to the south of Rue Des Grons. The front garden has been hard surfaced with a resin gravel finish.

The proposal includes the removal of a 1.5m section of the earthbank to increase the access to 3.5m.

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

GP8	Design
GP13	Householder Development
IP9	Highway Safety, Accessibility and Capacity

Representations:

None received.

Consultations:

None generated.

Comments:

La Societe Guernesiaise:

"In respect of this application, we would like to highlight that all types of hedges support nesting birds and other wildlife.

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 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 jamie.hooper@cwqsy.net".

Summary of Issues:

Impact on the character of the area and visual amenity.
Impact on highway safety and traffic management.

Assessment against:

- 1 - Purposes of the law.**
- 2 - Relevant policies of any Plan, Subject Plan or Local Planning Brief.**
- 3 - General material considerations set out in the General Provisions Ordinance.**
- 4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).**

All relevant 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 property is currently served by parking to the rear. The proposal seeks to remove a section of earthbank to create a parking area to the front and whilst this property would be the only one along this row of dwellings on Rue Des Grons, it is not unexpected to see parking to the front of dwellings.

The earthbank at the front of the property forms part of a continuous earth bank running along the roadside boundary of the row of properties to the south of Rue Des Grons, broken by pedestrian accesses to the respective properties. As such the removal of a 1.5m section of this bank would not have a significant impact on the overall appearance of this earth bank.

As the property is not a protected building, nor is it located in a Conservation Area, more scope is given to householder development which is supported under Policy GP8 and GP13.

The removal of a small section of the earthbank (1.5m) is not considered to cause substantial harm to the visual amenity of the area to warrant refusal, especially as the site is not located within a sensitive area.

The lane to the north of the site is recognised as a 'neighbourhood road' and therefore traffic speeds and volumes are likely to be considerably less than experienced on other traffic hierarchy routes across the island. Consequently, the effect on traffic management and highway safety does not raise any significant concerns.

It is noted that the application site in question is served by two car parking spaces to the rear, however as there are no maximum car parking standards applicable to dwellings outside the centres, the creation of additional car parking spaces is not precluded.

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.

Date: 07/03/22