

THE LAND PLANNING AND DEVELOPMENT (GUERNSEY) LAW, 2005

AND SECTION 19 OF THE LAND PLANNING AND DEVELOPMENT (GENERAL PROVISIONS) ORDINANCE, 2007

NOTIFICATION OF REFUSAL OF PLANNING PERMISSION

PROPOSALS: Remove section of earthbank and hedge to create pedestrian gated access to north boundary and erect retaining sleeper wall and fence (retrospective).

LOCATION: Unit 13 Warma, La Route De Carteret, Cobo, Castel.

APPLICANT: Mr T Holland On Behalf Of Miss Z Holland

I refer to the application referred to below received as valid on 10/12/2021 regarding the above proposals as described more fully in the application and drawings referred to below.

Date of refusal of permission: 17/05/2022

Drawing Nos: Create Ltd: 899-3-005 & 006

Application Ref: FULL/2021/2673

Property Ref: D01543A013

The Development & Planning Authority has decided to refuse your application under the provisions of section 16 of the Land Planning and Development (Guernsey) Law, 2005 for the following reasons:-

1. The demolition of a section of earth bank and hedging and erecting a sleeper wall and timber gate and fence to the north boundary of the site does not achieve a good standard of design and would, if approved, have a significant detrimental effect on the character and appearance of the area, contrary to Island Development Plan Policies GP1, GP8 and GP13.
2. The proposal is also likely to undermine the effectiveness of the earth bund as a means of mitigating risk against coastal flooding for the Warma development site, as achieved as part of application FULL/2018/1786, contrary to Island Development Plan Policy GP9.

OTHER REMARKS:-**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, against a decision to refuse an application for planning permission or outline planning permission to the Planning Tribunal on the merits. 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.

Copy of representations made

In reaching this decision the Development & Planning 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 to the Authority under section 11 will be included with this decision in accordance with section 19 of the Ordinance.

A J ROWLES

Director of Planning
Planning Service



PLANNING APPLICATION REPORT

Application No: FULL/2021/2673
Property Ref: D01543A013
Valid date: 10/12/2021
Location: Unit 13 Warma La Route De Carteret Cobo Cobo Castel
Guernsey GY5 7YR
Proposal: Remove section of earthbank and hedge to create pedestrian
gated access to north boundary and erect retaining sleeper wall
and fence (retrospective).
Applicant: Mr T Holland On Behalf Of Miss Z Holland

RECOMMENDATION - Refusal with Reasons:

REASONS FOR REFUSAL

1. The demolition of a section of earth bank and hedging and erecting a sleeper wall and timber gate and fence to the north boundary of the site does not achieve a good standard of design and would, if approved, have a significant detrimental effect on the character and appearance of the area, contrary to Island Development Plan Policies GP1, GP8 and GP13.
 2. The proposal is also likely to undermine the effectiveness of the earth bund as a means of mitigating risk against coastal flooding for the Warma development site, as achieved as part of application FULL/2018/1786, contrary to Island Development Plan Policy GP9.
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OFFICER'S REPORT

Site Description:

The application site, known as Applecross (No.13) comprises a detached dwelling-house, located to the north-east corner of the Warma development site, approved as part of FULL/2018/1786.

The site, together with the adjacent properties to the west, back onto La Mare de Carteret playing fields and a nature trail to the north. The north boundary comprises an earthbank with hedge planting as approved as part of FULL/2018/1786. Access to the site is from Le Pre de la Cotte, off Route de Carteret. The site is located within the Cobo Local Centre as defined in the Island Development Plan.

Relevant History:

FULL/2021/1647.	Change of use of agricultural land to domestic garden (1,365 sqm) and remove boundary wall	Granted
FULL/2018/1786 – Warma development site.	Erect 13 new dwellings with associated car parking, amenity areas and landscaping and create new vehicular access.	Granted
FULL/2019/2123 – Mycroft development site.	Demolish dwelling and erect 10 new dwellings, create new vehicular and pedestrian access.	Granted

Existing Use(s):

Residential

Brief Description of Development:

Retrospective permission is sought to remove a section of earthbank and hedging along the north boundary to create pedestrian gated access, together with a retaining sleeper wall and fence.

It is noted that several trees have been removed to the east boundary of the site, however this does not comprise development. The former (east) boundary wall had been removed as part of application FULL/2021/1647 (Change of use of agricultural land to domestic garden (1,365 sqm) and remove boundary wall).

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

GP1 Landscape Character and Open Land
GP8 Design
GP9 Sustainable development
GP13 Householder Development

Representations:

The Authority has received a letter of representation from one party (Agriculture and Countryside Land Management Services) objecting to the proposal. Grounds for objection principally relate to the following issues:-

- Direct access onto public land.
- Maintenance issues expressed in the application are the same for other properties to the south of the nature trail.
- Future concerns of how the access will be used as no guarantees can be provided which usually results in boundary encroachment.
- If left uncontrolled, the inappropriate management of these spaces can have a detrimental effect on the natural environment through the disposal of green waste and through the introduction of invasive non-native species, which ACLMS

does not have the resources to monitor, manage and enforce against. Similar case studies are provided.

- Limiting access points to nature trails will reduce inappropriate management of these spaces and reduce the demands for ACLMS and reduce the risks to the natural environment.
- Biodiversity issues - through the partial loss of the earthbank and trees.
- Visual impact issues - through the introduction of fences and gateways and the removal of the earthbank.

Consultations:

None.

Summary of Issues:

- The loss of the east boundary treatment.
- The impact of the development on the character and appearance of the area.
- The impact of the development on neighbour amenity.

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).**

Policy GP1 sets out that development will be supported where it; respects the relevant landscape character type within which it is set; does not result in the unacceptable loss of any specific distinctive features that contribute to the wider landscape character and local distinctiveness of the area concerned; takes advantage, where practicable, of opportunities to improve visual and physical access to open and undeveloped land; and accords with all other relevant policies of the Island Development Plan.

As set out in Policy GP8, to achieve high standards of design which respects and, where appropriate, enhances the character of the environment, proposals for new development will be expected to; respect the character of the local built environment or the open landscape concerned, and provide soft and hard landscaping where this reinforces local character and distinctiveness, amongst other criteria.

In addition, Policy GP9 sets out that proposals for new development will be supported where it has demonstrated resilience to climate change and flooding, amongst other criteria.

The removal of this section of earthbank to create private access onto La Mare de Carteret playing fields and a nature trail, as well as for maintenance purposes as set out in the agent's letter, does not represent good design for the purposes of Policy GP8.

By comparison, the installation of a pedestrian access and footbridge as part of the Mycroft development site was carried out as part of a comprehensive development framework serving multiple dwellings, and not for individual properties, nor for maintaining the earthbank.

The removal of the earthbank, will have a detrimental effect on this well-defined boundary treatment to the north of the site as achieved as part of FULL/2018/1786. In addition, the installation of a timber sleeper wall, fence and gate would introduce hard landscaping in an area which is comprised of soft landscaping and is highly visible in public views. This therefore represents an inappropriate form of development in its surroundings and would be detrimental to landscape character and visual amenity, and if approved, is likely to set an undesirable precedent for similar proposals.

It would be unreasonable to attach a condition to ensure that green waste associated with the maintenance of the north section of the earth bank as described in the agent's letter and representation received shall be transferred and disposed of within the applicant's site, as this would require indefinite monitoring and the activities undertaken would not be relevant to planning. Therefore, this would fail to meet the relevant tests for applying planning conditions.

There are also grounds to oppose this development on the basis that this is likely to undermine the effectiveness of the earth bund as a means of mitigating risk against coastal flooding for the Warma development site as a whole, as achieved as part of application FULL/2018/1786, contrary to Island Development Plan Policy GP9.

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.

Overall, the proposal cannot be supported in its current form. It is recommended that the application be refused.

Date: 17/05/2022