

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: Install memorial bench.

LOCATION: La Moye Lane, Route De Jerbourg, St. Martin.

APPLICANT: Colonel I G Nason

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: 01/09/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 20/04/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Site Location Plan (date stamped received 20th April 2022), Block Layout Plan (date stamped received 17th August 2022), photograph of area of proposed bench (date stamped received 15th July 2022), photograph of annotated bench (date stamped received 16th March 2022).

Application Ref: FULL/2022/0684

Property Ref: J016030000

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 works shall take place outside of the bird breeding season unless prior to the commencement of works, a bird breeding assessment has been submitted to and approved in writing by the Authority. The works shall thereafter be completed in accordance with the agreed bird breeding assessment.

Reason - In the interests of protecting the Site of Special Significance by reducing any disturbance to birds in the vicinity.

5.The works undertaken shall be carried out with upmost care and consideration to avoid any material entering the site of special significance, including waste material, excess mortar or oil, petrol or diesel.

Reason - In the interests of protecting the Site of Special Significance by reducing any disturbance to wildlife in the vicinity.

6.Prior to entering the site of special significance, all tools and equipment must be cleaned to reduce the risk of introducing invasive non-native species to the area. No soil or vegetation shall be imported to the site.

Reason - In the interests of protecting the Site of Special Significance by reducing the risk of introducing non-native species to the area.

Expiry Date: This permission will cease to have effect on 31/08/2025 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/2022/0684
Property Ref: J016030000
Valid date: 20/04/2022
Location: La Moye Lane Route De Jerbourg St. Martin Guernsey
Proposal: Install memorial bench.

Applicant: Colonel I G Nason

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.

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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).

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4. The works shall take place outside of the bird breeding season unless prior to the commencement of works, a bird breeding assessment has been submitted to and approved in writing by the Authority. The works shall thereafter be completed in

accordance with the agreed bird breeding assessment.

Reason - In the interests of protecting the Site of Special Significance by reducing any disturbance to birds in the vicinity.

5. The works undertaken shall be carried out with upmost care and consideration to avoid any material entering the site of special significance, including waste material, excess mortar or oil, petrol or diesel.

Reason - In the interests of protecting the Site of Special Significance by reducing any disturbance to wildlife in the vicinity.

6. Prior to entering the site of special significance, all tools and equipment must be cleaned to reduce the risk of introducing invasive non-native species to the area. No soil or vegetation shall be imported to the site.

Reason - In the interests of protecting the Site of Special Significance by reducing the risk of introducing non-native species to the area.

OFFICER'S REPORT

Brief Description of the site:

The application site is situated Outside of the Centres as defined in the Island Development Plan. The area of land in question comprises a Site of Special Significance (SSS).

Planning permission is sought to install a granite memorial bench on an area of scrub land adjacent to a public footpath.

The application was deferred to seek further information in terms of the siting of the bench and its foundations. The applicant has identified the area of the works, shown the extent of the vegetation to be cleared (1m around the proposed bench) and confirmed that the concrete plinth will be 6ft long and 3ft wide and 3inches above ground level. The vegetation will be cleared just enough to build the granite bench.

Relevant History:

None

Existing Use(s):

Land adjacent to cliff path.

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:

GP1: Landscape Character and Open Land

GP2: Sites of Special Significance

GP8: Design

GP9: Sustainable Development

Comments from the States' Biodiversity Officer:

I recommend considering including the following as conditions:

- that the works must be undertaken outside of the bird breeding season, or if they must be undertaken during the breeding season, that they do so only following a breeding bird assessment and applying the necessary protections for any breeding birds found in the vicinity.*
- to ensure that the works are taken with care so as to avoid any material entering the SSS, including waste material, excess mortar or oil, petrol or diesel.*
- to ensure that all tools and equipment are cleaned before entering the site to reduce the risk of introducing invasive non-native species to the area. No soil or vegetation should be imported to the site.*

Conclusion/Brief comment:

The Island Development Plan includes the designation of nine SSS's which have been identified as having outstanding botanical, scientific or zoological interest. The principle aim of Policy GP2 is to wherever possible ensure that development will not damage the special interest of a Site of Special Significance. The application site falls within one of these nine sites, namely "Cliffs". These cliffs are an important part of Guernsey's landscape as well as being a continuous stretch of 'non-urbanised' land which provides many species with a natural corridor and safe nesting, roosting and feeding sites. The cliffs are host to a wide range of wildlife, containing rare and threatened species of insects, plants, birds, amphibians, reptiles and mammals.

Due to the limited footprint and means of fixing via a concrete plinth of the proposal and the resultant impact on the scrub area, the development is of a minor nature and is considered incapable of having a significant adverse effect on the special interest of the site in terms of its effect on wildlife, especially as only limited clearing of vegetation is proposed. It is therefore not required to request an impact assessment of the likely impact on any aspect of the SSS. The proposal is not considered to be significant in terms of its scale, setting and appearance therefore a comprehensive landscaping scheme is not considered necessary in this case.

It is however recommended that the Biodiversity Officer's conditions are attached to the decision to limit the impact to the bird breeding season, importation of material, cleaning of tools and equipment, prior to entering the SSS in order to protect the SSS.

Overall, the development is considered compliant with Policy GP2.

The position of installing a new bench in this locality is considered to serve a practicable purpose which is considered to be justified in light of Policy GP1. The resultant effect on the landscape character is considered to be negligible as the development only proposes to make a limited clearing of vegetation to accommodate a bench in this clifftop setting. In addition, the bench will be set against the backdrop of scrub vegetation which will assimilate the development into its surroundings. Consequently, the development is considered compliant with Policy GP1.

The proposed bench will adopt a good standard of design for the purposes of Policy GP8 by virtue of its size and material and therefore will have a negligible effect on visual amenity. The proposed bench, in addition to one other bench nearby, would not result in visual clutter detrimental to the open landscape concerned. Consequently, the design of the development is acceptable and accordant with the aims and objectives of Policy GP8.

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

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.

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: 25/08/22