

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 picnic benches to west and east of site.

LOCATION: Millennium Walk, St Saviours Reservoir, Rue A L'Or & Rue Des Annevilles, St. Saviour.

APPLICANT: Mr D Overbury

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: 01/07/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 12/04/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Guernsey Water: Block Plan Location A, Block Plan Location B, AS_2022_1003 001A & AS_2022_1004 001A; Millenium Walk Alterations sheet; Method Statement; Picnic Bench Locations photo sheet

Application Ref: FULL/2022/0917

Property Ref: E011700000

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 shall begin on site until details of any excavation, including identification of Root Protection Areas and methods to protect tree roots within those areas, have been submitted to and approved in writing by the Authority.

Reason - The trees are important features in the area and this condition is imposed to make sure that they are properly protected during the course of works.

5.No development shall begin on site until details of the proposed edgings and any proposed retaining features have been submitted to and agreed in writing by the Authority. The development shall be carried out only in accordance with the agreed details.

Reason - The information provided with the application does not include full details of the proposed features. This condition is imposed to make sure that the works are of satisfactory design and do not have any adverse impact on the character or biodiversity interest of the Area of Biodiversity Importance.

Expiry Date: This permission will cease to have effect on 30/06/2025 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/2022/0917
Property Ref: E011700000
Valid date: 12/04/2022
Location: Millennium Walk St Saviours Reservoir Rue A L'Or & Rue Des Annevilles St. Saviour Guernsey GY7 9XS
Proposal: Install picnic benches to west and east of site.
Applicant: Mr D Overbury

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 shall begin on site until details of any excavation, including identification of Root Protection Areas and methods to protect tree roots within those areas, have been submitted to and approved in writing by the Authority.

Reason - The trees are important features in the area and this condition is imposed to make sure that they are properly protected during the course of works.

5. No development shall begin on site until details of the proposed edgings and any proposed retaining features have been submitted to and agreed in writing by the Authority. The development shall be carried out only in accordance with the agreed details.

Reason - The information provided with the application does not include full details of the proposed features. This condition is imposed to make sure that the works are of satisfactory design and do not have any adverse impact on the character or biodiversity interest of the Area of Biodiversity Importance.

OFFICER'S REPORT

Brief Description:

The application relates to two areas of land, one located adjacent to a car park to the north-east of the reservoir (Location A) and one located to the west of the reservoir, between the upper and lower paths (Location B). The proposal is to clear and level these two areas, lay edgings and stone dust and to install picnic benches, 2no at Location A and 3no at Location B.

The site is located Outside of the Centres and within an Area of Biodiversity Importance as designated in the Island Development Plan.

Relevant History:

None.

Existing Use(s):

Land adjacent to reservoir

Assessment: *(Tick as appropriate)*

no representation
accords with policy
within curtilage
design acceptable

x
x
x
x

visual amenity acceptable
no material neighbour impact
traffic not affected

x
x
x

Policies considered most relevant:

OC9: Leisure and Recreation Outside of the Centres
GP1: Landscape Character and Open Land
GP3: Areas of Biodiversity Importance
GP8: Design

Conclusion/Brief comment:

The submitted plans, particularly in respect of Location B, lack specificity, in terms of the exact location of each site and any existing features at those sites, eg tree locations. Furthermore the identified scale for the large scale drawings appears inaccurate. Taken together, the submitted plans and photographs are however just adequate to identify the location and extent of the proposals.

The proposals comprise discrete areas, both in terms of size and location, of limited visual impact and support the informal use of this area. It is noted that the proposal intends to provide facilities which are accessible to all, thereby requiring a greater level of intervention in terms of land levelling and laying of a surface than simply placing a picnic bench. The submitted sustainability statement identifies that only low level vegetation will be cleared, and that is of low biodiversity value, and the proposed surfacing would require little intervention and would be easily reversible. The proposals refer to land levelling, however it is not clear if this will be achieved through excavation or addition of material, or what effect this might have on tree roots. Furthermore, the land in Location B appears to rise to the west and it is not clear whether retaining features would be required. On balance, the information provided is just adequate to demonstrate that the extent of works would not be likely to have an adverse impact on the Area of Biodiversity Importance, however further details of any excavation, retaining features and edgings should be required by condition to ensure this is the case.

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

x

Date: 28/06/22

