

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: Erect toilet building and install defibrillator (revised scheme).

LOCATION: L'Ancrese Common, Les Clotures Road, Vale.

APPLICANT: L'Ancrese Golf Course Management

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: 02/08/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 19/04/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Torode Architecture - 6099 - 03.

Application Ref: FULL/2022/0937

Property Ref: C018680000

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.Any turf removed in the excavation of the trenches hereby approved shall be carefully retained on the site and once the cables have been laid, the trenches shall be back filled with the original soil and the turfs replaced within a timeframe previously agreed in writing by the Authority.

Reason - To limit the impact of the proposal on the surrounding SSS in accordance with the submitted Ecological Report and to comply with the provisions of Policy GP2 of the IDP.

5.No development shall begin on site until details of the storage of materials, equipment and machinery has been submitted to and agreed in writing by the Authority. All plant, machinery and materials associated with the approved development and any spoil created shall be stored within this designated storage area.

Reason - To limit the impact of the proposal on the surrounding SSS in accordance with the submitted Ecological Report and to comply with the provisions of Policy GP2 of the IDP.

6.No development shall begin on site until precise details of the 'green roof', including drawings showing the method of construction, details of the plant species to be used and a plan for its management and maintenance, have been submitted to and agreed in writing by the Authority.

Reason - The inclusion of a 'green roof' is an integral part of the design concept for the development hereby permitted. Its provision is essential to secure the appearance of the completed development in the interests of visual amenity.

7.The WC shall not be brought into use until the 'green roof' has been completed in accordance with the details agreed under the above condition. It shall then be maintained in accordance with the management and maintenance plan agreed under the above condition.

Reason - The inclusion of a 'green roof' is an integral part of the design concept for the development hereby permitted. Its satisfactory maintenance is essential to secure the appearance of the completed development in the interests of visual amenity.

Expiry Date: This permission will cease to have effect on 01/08/2025 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

Your attention is drawn to The Animal Welfare (Guernsey) Ordinance, 2012 and the need to comply with its provisions.

To reduce the impact on nesting birds, the clearance of any vegetation should be avoided during the main breeding season of March-June (inclusive). If such works during the breeding season are deemed necessary, advice from a suitably qualified ecologist should be sought in the first instance.

It is recommended that you contact La Société Guernesiaise for advice or to arrange a site visit. La Société can be contacted on 07781 166924 or email societe@cwgsy.net.

The application site is located within an area of known archaeological importance and your attention is drawn to the provisions of the Island Development Plan, Annex VIII on Archaeological Assessment.

It is desirable that access be granted to the States Archaeologist, Culture & Heritage Service, and that you contact them to gain advice or make arrangements for archaeological recording during any earth moving on the site.

The Archaeology team can be contacted on 01481 709738 , 01481 709739 or mobiles 07781 102219 or 07781 131061.

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/2022/0937
Property Ref: C018680000
Valid date: 19/04/2022
Location: L'Ancrese Common Les Clotures Road Vale Guernsey
Proposal: Erect toilet building and install defibrillator (revised scheme).

Applicant: L'Ancrese Golf Course Management

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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Reason - To limit the impact of the proposal on the surrounding SSS in accordance with the submitted Ecological Report and to comply with the provisions of Policy GP2 of the IDP.

5. No development shall begin on site until details of the storage of materials, equipment and machinery has been submitted to and agreed in writing by the Authority. All plant, machinery and materials associated with the approved development and any spoil created shall be stored within this designated storage area.

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INFORMATIVES

Your attention is drawn to The Animal Welfare (Guernsey) Ordinance, 2012 and the need to comply with its provisions.

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during the breeding season are deemed necessary, advice from a suitably qualified ecologist should be sought in the first instance.

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OFFICER'S REPORT

Site Description:

L'Ancrese Common is a substantial area of publicly accessible land and the area that is the subject of this application is used as a golf course.

The site is located Outside of the Centres and within an Archaeological Area and Site of Special Significance as designated in the Island Development Plan.

Relevant History:

Previous applications for the proposed WC have been withdrawn.

Existing Use(s):

Open commons land

Brief Description of Development:

Planning permission is sought for the erection of a single-storey flat roof WC with timber clad exterior and for the installation of a defibrillator kit to the front/southeast elevation. The building proposed is to be situated to the east of La Jaonneuse Road and a new gravel path is proposed from the existing footpath to provide access to the facility. A cesspit is proposed beneath the building with a remote emptying point in the new pathway and a cesspit emptying point at the road.

The application has been accompanied by an Ecological Assessment of a proposed WC.

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

Island Development Plan policies:

OC9 – Leisure and Recreation Outside of the Centres

GP1 – Landscape Character and Open Land

GP2 – Sites of Special Significance

GP7 – Archaeological Remains

GP8 - Design

Representations:

One letter of representation has been submitted objecting to the application and raising the following points:

- Do not want to see a building (however small) placed on the land
- There are toilets available at the Beachhouse, L'Ancrese East kiosk and Ladies Bay – there is no need for another facility
- Although the application indicates the toilet would be available for public use this would only be the case if the access code is known – the toilet will be of benefit to no one apart from golfers but the Common is for everyone to use

Consultations:

None.

Summary of Issues:

The key issues in this case relate to the principle of the development and the impact of the building on the character of the locality and the Site of Special Significance.

Assessment against:

1 - Purposes of the law.

The objectives set out in Section 1(2) of The Land Planning and Development (Guernsey) Law, 2005, 'the Law', have been considered and this report forms part of the assessment, with policy issues set out in Section 2 below.

2 - Relevant policies of any Plan, Subject Plan or Local Planning Brief.

The site is located within a Site of Special Significance and the proposal comprises minor works not requiring an Environmental Impact Assessment as set out under Schedule 1 or 2 of the Land Planning and Development (Environmental Impact

Assessment) Ordinance, 2007 or Section 40(5) of the Land Planning and Development (Guernsey) Law, 2005.

Notwithstanding the above, it is a requirement under the Land Planning and Development (Guernsey) Law, 2005, when considering applications affecting a Site of Special Significance that special attention is paid to the desirability of preserving, enhancing and managing the character, appearance and environment of the site. This approach is reinforced through Policy GP2.

In summary the main environmental impacts are:

- physical disturbance of habitats during construction
- Loss of habitats
- noise disturbance (construction and long term)
- Visual disturbance (construction and long term)
- Light pollution (construction and long term)
- disturbance of birds (including nesting) (construction and long term)
- Disturbance of sensitive species (construction and long term)

The submission sets out various mitigation measures to reduce the environmental impacts to an acceptable level:

Design phase

- a. Position building within east side of scrub and position cesspit close to the road, within the species poor grassland
- b. Retain habitats where possible
- c. Avoid outdoor lighting, use infra-red motion detectors inside and secure the door to prevent it opening in high winds and activating lights

Construction phase

- d. Avoid sensitive seasons (bird nesting between March and June inclusive) but be mindful at all times
- e. Be mindful of wildlife such as slow worms, frogs and small mammals
- f. Keep construction activities to a minimal area
- g. Install a green roof
- h. Limit hardsurfaced area

Post Construction phase

- i. Retain turfs and replace upon completion/restore site upon completion of works
- j. Reseed damaged/bare areas
- k. Retain and manage scrub to screen the building
- l. Avoid frequent mowing of new areas of grassland
- m. Maintain green roof

- n. Monitor ground conditions and extend hardstanding only where necessary

The report concludes by stating the site is of moderate ecological value overall but with some relatively important areas. The WC would lead to moderate localised environmental impacts to a small part of the SSS designated area most of which could be mitigated if care is taken and the recommendations above are followed.

The proposed building has been designed to be small and of limited height in order to reduce its impact on the wider open landscape. The proposed timber clad exterior and sedum roof represent a good and appropriate standard of design that respects the open landscape concerned. The development will not result in overshadowing or loss of privacy to any residential properties. Although comments have been raised regarding the availability of these facilities to the public or golfers this cannot prevent the grant of planning permission.

Based on the above, it is recommended that permission is granted subject to appropriate conditions and informative notes. Subject to these it is considered that the environmental impacts of the proposal would be reduced to an acceptable level (in accordance with the conclusions of the report). The proposal is therefore unlikely to adversely affect the special interest of the Site of Special Significance in accordance with Policy GP2. The scheme accords with the aims of Policies GP8 and GP9 of the Plan.

The defibrillator is acceptable in relation to the above policies and other material planning considerations.

3 - General material considerations set out in the General Provisions Ordinance.

In addition to the consideration of policy issues, Section 13 of the Land Planning and Development (General Provisions) Ordinance, 2007 identifies other material planning considerations which could be relevant. These include; the appropriateness of the development in relation to its surroundings in terms of design, layout, scale, siting and materials; the likely effect on the character and amenity of the locality; any possible fall-back position by way of extant planning permissions or exempt development; the likely effect on the reasonable enjoyment of neighbouring properties. These issues where relevant are considered above.

4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).

The proposal would have no adverse impact on protected trees or sites.

Date: 27 July 2022