

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 outbuilding to north-east of site.

LOCATION: Les Cheneaux, Montville Road, St. Peter Port.

APPLICANT: Mr J Mourant

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: 30/11/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 14/06/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Site plan (14/06/22) & 1-4 elevations and plan layouts (06/05/22).

Application Ref: FULL/2022/1049

Property Ref: A408030000

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, including site works, shall begin on site until a method statement for the construction of the shed and the protection of the adjacent trees shown in yellow on the approved plan has been submitted to and agreed in writing by the Authority (see other remarks). The shed shall then be constructed and the trees shall be protected in the agreed manner for the duration of building operations on the application site.

Reason - The trees are important features in the area and this condition is imposed to make sure that they are properly protected while building works take place on the site.

Expiry Date: This permission will cease to have effect on 29/11/2025 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

With regards to condition 4, it is recommended that a no dig/excavation method of construction is used and details are provided about vehicles, plant and equipment to be used during the construction phase and any measures to be implemented to minimise soil compaction. Alternatively, details should be provided to demonstrate that the shed and all associated works would be located outside of the root protection area of the adjacent trees shown in yellow on the approved plan.

The Authority does not recognise all of the land outlined on the submitted plans as forming the domestic curtilage associated with the dwelling presently known as Les Cheneaux. To confirm the extent of the domestic curtilage, it is recommended that an Application for a Property Search is submitted to receive a plan outlining the area of domestic curtilage.

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/2022/1049
Property Ref: A408030000
Valid date: 14/06/2022
Location: Les Cheneaux Montville Road St. Peter Port Guernsey
GY1 1BQ
Proposal: Erect outbuilding to north-east of site.

Applicant: Mr J Mourant

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, including site works, shall begin on site until a method statement for the construction of the shed and the protection of the adjacent trees shown in yellow on the approved plan has been submitted to and agreed in writing by the Authority (see other remarks). The shed shall then be constructed and the trees shall be protected in the agreed manner for the duration of building operations on the application site.

Reason - The trees are important features in the area and this condition is imposed to make sure that they are properly protected while building works take place on the site.

INFORMATIVES

With regards to condition 4, it is recommended that a no dig/excavation method of construction is used and details are provided about vehicles, plant and equipment to be used during the construction phase and any measures to be implemented to minimise soil compaction. Alternatively, details should be provided to demonstrate that the shed and all associated works would be located outside of the root protection area of the adjacent trees shown in yellow on the approved plan.

The Authority does not recognise all of the land outlined on the submitted plans as forming the domestic curtilage associated with the dwelling presently known as Les Cheneaux. To confirm the extent of the domestic curtilage, it is recommended that an Application for a Property Search is submitted to receive a plan outlining the area of domestic curtilage.

OFFICER'S REPORT

Brief Description of the site:

The property known as 'Les Cheneaux' is a large detached property located in Montville. The property has other residential properties to the east, south and one to the west. To the north and going round to the west is important open land and adjacent are two Areas of Biodiversity Importance. The property is located within the St Peter Port Main Centre Outer Area and part of the curtilage is within the Conservation Area as defined in the Island Development Plan.

Relevant History:

There is no relevant history pertaining to this application.

Existing Use(s):

Residential use class 1: dwelling house
Agricultural use class 28: Agriculture.

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:

MC1: Important Open Land in Main Centres and Main Centre Outer Areas
GP4: Conservation Areas
GP8: Design
GP13: Householder Development

Consultations:

Agriculture, Countryside and Land Management Services (ACLMs)
25/08/22

'The above application is next to ABI designated woodland. Please can we request further information is given on:

- If any additional lighting will be installed, this could affect nocturnal woodland associated species.*
- If hardstanding or excavation is required for the installation. This could affect tree roots from the surrounding woodland*
- Confirmation land area available. The photographs are not very clear but it doesn't look like enough room is available for the size of the shed without removal of trees or hedging'*

20/10/22

'Assuming a no dig/excavation construction there should be no impact on adjacent trees from the construction – at least in terms of physical impact of the shed & foundation itself. Excavations of 100mm ("at least" was the phrase used in the applicant's letter but I think they mean "maximum") could potentially harm trees but rather depends on the size and juxtaposition of the works. I don't have access to the plans and I couldn't find them online either so I'm not 100% clear on these aspects, or on the issue of public visibility from Montville Drive.

Do we know if the applicant will be using vehicles, plant & equipment to do the works? Depending how these are used they could cause soil compaction which would harm adjacent trees through compaction of soil. Compaction can be avoided by,

amongst other things, using marine ply to spread the load and planning a methodology that will reduce the area of operation to the minimum.'

Conclusion/Brief comment:

This application is to erect a small timber shed/outbuilding to the northeast of the site, to house equipment to maintain the land. A hedge has already been planted and allowed to establish itself in order to screen the shed/ outbuilding.

A small shed for storing maintenance equipment is acceptable as long as the development does not have a significant adverse impact on the open character, visual quality or landscape character of the Important Open Land. Due to a combination of its limited size, its siting in a corner of the site and the planting to screen the shed, the application for a shed is considered to comply with this policy as it does not have any significant adverse impacts on the open character of the Important Open Land.

With regards to the questions raised by ACLMs the applicant has responded that there won't be any lighting as the shed/outbuilding is for equipment to maintain the land which will only be used during daylight hours. The area of land for the outbuilding has been woodchipped and a hedge has been planted to screen the building.

From a site visit it is noted that the outbuilding will not be seen from any public viewing points, including along Montville Drive, and the hedge planting undertaken provides a good method of mitigation.

The scale and massing of the new outbuilding is not considered to have a detrimental effect on the character and amenity of the surrounding area/conservation area, nor will it have any impact on either of the immediate neighbours.

Agriculture, Countryside and Land Management Services raised concerns about the potential impact on trees in the surrounding woodland and they advise that assuming there would be a no dig/excavation construction there should be no impact on adjacent trees from the construction. However, it is advised that excavations of 100mm could potentially harm trees and the use of vehicles, plant and equipment could cause soil compaction which would harm adjacent trees.

The information submitted by the applicant is unclear in terms of the proposed method of construction as it is advised that the shed could be constructed with a floating base but that it could also involve excavations of up to 100mm. In addition, the precise location of the nearest trees relative to the proposed shed is unclear. In order to ensure that the construction of the shed does not harm trees on the neighbouring land, it is recommended that precise details of the method of construction are submitted. In this respect it is recommended that a no dig/excavation method of construction is used and details are provided about

vehicles, plant and equipment to be used during the construction phase and any measures to be implemented to minimise soil compaction. Alternatively, details should be provided to demonstrate that the shed and all associated works would be located outside of the root protection area of the adjacent trees.

The proposals are considered to conform to the above policies of the Island Development Plan and grant of permission is recommended, subject to conditions.

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



Date: 30/11/2022