

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: Change of use of agricultural land to domestic garden (295sqm), erect single storey extension to north (rear) elevation, remove garage door and install window, remove hedges and erect fence and gate to east boundary, and relocate vehicle access.

LOCATION: Maison de la Paix, La Manche Estate, Rue de L'Ecole, Vale.

APPLICANT: Mr & Mrs M Nichols

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: 07/02/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 07/09/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Torode drawing no's: 6246-01B & 02 & hand sketched biodiversity plan and annotated photos (31.01.2023).

Application Ref: FULL/2022/1455

Property Ref: C012960017&C0129630A0

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 each tree shown to be retained on the approved plan has been protected, in a manner previously agreed in writing by the Authority. Each tree shall be protected in the agreed manner for the duration of building operations on the application site. Within the areas agreed to be protected, the existing ground level shall be neither raised nor lowered, and no materials or temporary building or surplus soil of any kind shall be placed or stored thereon. If any trenches for services are required in the protected areas, they shall be excavated and back-filled by hand and any tree roots encountered with a diameter of 5cm or more shall be left unsevered.

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.

5.No development, excluding demolition and site works, shall begin until a landscaping scheme, to include those details specified below, has been submitted to and agreed in writing by the Authority:

- i) full details of tree and hedge planting;
- ii) planting schedules, noting the species, sizes, numbers and densities of plants;
- iii) all existing trees, hedges and other landscape features, indicating clearly those to be removed.

Reason - To ensure that the development provides biodiversity enhancements in line with the aims of the adopted Strategy for Nature, 2020.

6.The landscaping scheme shall be fully completed, in accordance with the details agreed under the terms of the above condition and the approved biodiversity plans and report, in the first planting season following the change of use of the extended domestic land hereby approved, or in accordance with a programme previously agreed in writing by the Authority. Any trees or plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by trees or plants of a size and species similar to those originally required to be planted.

Reason - To make sure that the landscaping scheme provides a biodiversity enhancement for the site in line with the aims of the Strategy for Nature, 2020.

7.The replacement hedge in front (south) of the dwelling along the front (south) boundary shall be planted within four weeks of the removal of the existing hedge. Any plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by trees or plants of a size and species similar to those originally required to be planted.

Reason - In the interests of visual amenity.

Expiry Date: This permission will cease to have effect on 06/02/2026 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/2022/1455
Property Ref: C012960017&C0129630A0
Valid date: 07/09/2022
Location: Maison de la Paix La Manche Estate Rue de L'Ecole Vale
Guernsey GY3 5LH
Proposal: Change of use of agricultural land to domestic garden (295sqm),
erect single storey extension to north (rear) elevation, remove
garage door and install window, remove hedges and erect fence
and gate to east boundary, and relocate vehicle access.

Applicant: Mr & Mrs M Nichols

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 - To ensure that the development provides biodiversity enhancements in line with the aims of the adopted Strategy for Nature, 2020.

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Reason - In the interests of visual amenity.

OFFICER'S REPORT

Brief Description of the site:

The property known as 'Maison de la Paix' is a modest two storey end of terrace 1970's dwelling, which is set back from and faces south onto La Manche Estate access road. To the west is the attached dwelling, to the north a large detached dwelling, to the south more estate housing and to the east a triangular patch of land (subject of this application) with Houmtel Lane beyond. The property is located Outside of the Centres 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:

GP1: Landscape Character and Open Land

GP8: Design

GP9: Sustainable Development

GP13: Householder Development

GP15: Creation and Extension of Curtilage

IP9: Highway Safety, Accessibility and Capacity.

Conclusion/Brief comment:

This application is for a change of use of 295sqm of agricultural land to domestic garden. Plus to erect a single storey extension to the north/rear elevation, to remove a garage door and install a window, to remove hedges from the south and east of the dwelling and erect a 1.2m high fence and gate to the east of the dwelling and to relocate the vehicle access on the south boundary.

There are two protected trees on the northern boundary which have to be protected during the works. The application was deferred to allow a tree survey to be carried

out and for the drawings to be amended accordingly. The north extension has been reduced in size to ensure the protected tree roots are not disturbed, a matter which can be managed by condition.

The extension proposals, and change of garage door to window, achieve a good standard of design, using materials which complement the existing materials. The extension will provide adequate levels of sunshine and daylight, and give the occupiers more flexible and adaptable accommodation.

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

Confirmation has been received that the development proposed has been designed to take into account matters of energy efficiency and current Building Regulations in accordance with Policy GP9.

Removing the hedge and relocating the vehicle entrance is not considered to cause any impacts to highway safety as it is a relatively quiet private estate road. The existing space is only approx. 3.6m, and larger cars stick out onto the pavement, the change will allow the full length of larger cars to pull off the road (over 6m in length), in terms of highway safety the proposal accords with policy.

Replacing the eastern hedge with a 1.2m fence and gates is not considered to cause concern as the changes do not impact on neighbour amenity and will not alter the character of the area.

The land to be changed to domestic curtilage is a relatively small area which has been laid to lawn and not really utilised for any specific purpose. The area of land is isolated from other areas of agricultural land as it is surrounded by housing. The proposed changes are not considered to harm the landscape character of the area. The land is not within an Agriculture Priority area or an Area of Biodiversity Importance. There will not be any removal of boundaries only biodiversity enhancement by introducing perimeter hedging. There will be no detrimental impacts to neighbouring residential amenity.

The change of use proposals include a new hedge being planted around the perimeter of the land, plant lavender and other additional pollinators, an area will be left uncut to allow wild flowers and grasses to grow, introduce bird baths and bug hotels, all of which will improve biodiversity enhancement and is considered proportionate and appropriate for the size of the land in accordance with the Strategy for Nature.

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: 06/02/2023