

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: Demolish existing agricultural outbuilding, erect 2 storey agricultural outbuilding and hardstanding to west boundary. Change of use of agricultural land to domestic land (89sqm) and create new vehicle access and track to north boundary .

LOCATION: Chinook Cottage & Stables, Icart Road, St. Martin.

APPLICANT: Dr V Schumann

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: 11/10/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 27/10/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Studio: 035/SK01B, /SK02C, /SK03D, SK04, SK08A, SK09 & SK11.
Phase 1 tree/hedge planting specification by Phil Collenette
Tree Consultancy

Application Ref: FULL/2022/2014

Property Ref: J00897B000 + J00897B001

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 landscaping scheme shall be fully completed, in accordance with drawing number 035/SK11 and Phase 1 tree/hedge planting specification by Phil Collenette Tree Consultancy, in the first planting season following the first use or completion of the agricultural building or the new domestic access whichever is the sooner, 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 - In the interests of visual amenity and to ensure biodiversity enhancements are achieved within a reasonable timeframe.

5.The building hereby approved shall be used only for agricultural purposes falling within Agricultural Use Class 28 of the Land Planning and Development (Use Classes) Ordinance, 2007, or in any provision equivalent to that Use Class in any Ordinance revoking or re-enacting that Ordinance.

Reason - Permission has been granted on the basis that the use will be limited to that outlined above. Any other use is likely to raise different planning policy considerations.

6.The building hereby approved shall be finished externally in off-black timber cladding in accordance with drawing 035/SK03D. No changes to the external cladding shall be made unless otherwise agreed in writing by the Authority.

Reason - In the interests of visual amenity.

7.Details of any external lighting on the hereby approved agricultural building shall be submitted to and approved in writing by the Authority prior to its installation and any internal or external lighting shall only be used when the building is in active use.

Reason - To minimise light pollution in order to mitigate the potential impact on the special interest of the adjacent Site of Special Significance.

8.For the avoidance of doubt, no permission is sought nor conferred for any works to the property known as Vue de Reve and the agricultural land to the east of the hereby approved domestic access track.

Reason - To define the permission for the avoidance of any doubt.

9.Prior to their installation, details of the gates serving the new domestic access and the gates serving the agricultural land via the new access shall be submitted to and agreed in writing by the Authority. The works shall then be completed in accordance with the agreed details.

Reason - In the interests of visual amenity.

Expiry Date: This permission will cease to have effect on 10/10/2026 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

To limit the potential impact of light pollution on wildlife within the adjoining Site of Special Significance, it is recommended that external lighting is avoided or kept to a minimum and any lighting is positioned or installed so that it does not illuminate the adjoining Site of Special Significance and is turned off when the site is not in active use.

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 220729 or 01481 220722, or mobiles 07781 102219 or 07911 721210.

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/2022/2014
Property Ref: J00897B000 + J00897B001
Valid date: 27/10/2022
Location: Chinook Cottage & Stables lcart Road St. Martin Guernsey
Proposal: Demolish existing agricultural outbuilding, erect 2 storey agricultural outbuilding and hardstanding to west boundary. Change of use of agricultural land to domestic land (89sqm) and create new vehicle access and track to north boundary .

Applicant: Dr V Schumann

RECOMMENDATION - Grant: Planning Permission with Conditions:

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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 - In the interests of visual amenity.

INFORMATIVES

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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.

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OFFICER'S REPORT

Site Description:

The site comprises of an area of agricultural land on the Icart headland with several relatively isolated detached dwellings to the east, and the Icart tea rooms building to the west. The western section of the field is a former quarry which has been excavated below the ground level of the adjoining field and currently incorporates a single storey timber clad agricultural building.

The site is Outside of the Centres and the cliffs to the south of the site are designated as a Site of Special Significance. The entire site is in an area of potential archaeological interest.

Relevant History:

J897/B

None

J906

FULL/2022/2052 – Application pending to demolish existing dwelling and erect replacement dwelling including associated landscaping and creating gated vehicle access.

J897/A

13/04/2023 - FULL/2022/2053 – Permission granted to demolish existing dwelling, erect replacement dwelling with associated landscaping and create gated vehicle access.

Existing Use(s):

Agricultural use class 28

Brief Description of Development:

Planning permission is requested to demolish the existing agricultural building and to erect a replacement 2 storey agricultural building within the former quarry along the west boundary. Permission is also sought to change the use of a parcel of agricultural land measuring 89sqm to domestic land and to create a new vehicle access in the north boundary and associated track to serve 3 existing dwellings. The agricultural building is proposed to be finished with off-black timber cladding.

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

OC5(B) – Agriculture Outside of the Centres – outside the Agriculture Priority Areas

GP1 - Landscape Character and Open Land

GP2 – Sites of Special Significance

GP7 – Archaeological Remains

GP8 - Design

GP9 - Sustainable Development

GP15 – Creation and Extension of Curtilage

IP9 – Highway Safety, Accessibility and Capacity

Representations:

None

Consultations:

None

Summary of Issues:

The main issues in deciding this application are:

1. Design, scale and impact of the development on the landscape character, openness and appearance of the area.
2. The impact of the development on the adjacent Site of Special Significance.

Assessment against:

- 1 - Purposes of the law.**
- 2 - Relevant policies of any Plan, Subject Plan or Local Planning Brief.**
- 3 - General material considerations set out in the General Provisions Ordinance.**
- 4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).**

During the course of consideration the application was deferred due to concerns about the use of the building and its scale and design and the resultant impact on the character and openness of the area. In response additional information was submitted regarding the use of the building, site poles were erected and revised plans have been submitted which include reducing the eaves height by 200mm and the ridge height by 350mm, altering the cladding to an off-black timber cladding and details of proposed landscaping to the north and south boundaries have been provided.

Information has been submitted which indicates that the proposed agricultural building will be used in association with agricultural land to the east and north measuring an area of approximately 4.2 acres. The agricultural land is proposed to be used to produce hay and the agricultural building would be used to store hay and to store agricultural machinery to maintain the land. The proposed use of the agricultural building accords with Policy OC5(B).

Due to its scale and height, the agricultural building will be visible from Icart Road and from a public footpath to the south and it will detract from the open and undeveloped nature of the area. However, the building will be situated partially below ground level within a former quarry, it will be adjacent to the Icart tea rooms building and it will be partially screened from public views by existing and proposed landscaping to the south and north. The design of the agricultural building and the use of a dark timber cladding will achieve a good standard of design. If the agricultural barn is finished with a high quality timber cladding this would further reduce the overall visual impact of the building and on balance the proposal is unlikely to have an unacceptable impact on the landscape character, openness and appearance of the area. The proposal accords with Policies GP1 and GP8.

Permission was originally sought for the use of black corrugated metal sheet cladding. The application was subsequently revised to the use of an off-black timber cladding but the agent has raised concerns about the longevity of timber cladding and proposes using black cement or metal cladding instead. However, concerns remain about the use of a cement or metal cladding, particularly considering the scale of the building, the undeveloped character of the area and the potential visibility of the building from public viewpoints. As a result, it is recommended that the building is clad in off-black timber cladding as per drawing 035/SK03D.

The site is bounded to the south by a Site of Special Significance. The agricultural building is set back over 20 metres from the boundary with the Site of Special

Significance which is likely to be sufficient to prevent any direct adverse impacts on the Site of Special Significance during construction. Due to the undeveloped nature of the area, there are some concerns about the potential impact of light pollution on wildlife. To limit the potential for light pollution, it is recommended that new lighting is kept to a minimum, particularly external lighting, and it includes low intensity and directional devices and lighting which are kept turned off when the site is not in use. Details of lighting can be dealt with by condition and provided that an appropriate lighting scheme is developed, the impact of the development on the adjoining Site of Special Significance can be mitigated, in accordance with Policy GP2.

Permission is also sought to create a 3.5m vehicle access in the north boundary and an associated track comprising of granite cobbles and grass strips to serve 3 dwellings to the east. The new access would subdivide an existing agricultural field but the access is not within an Agriculture Priority Area and the resultant fields to the east and west would remain a reasonable size. Whilst the access would cut across an open and undeveloped field, to the detriment of the landscape character of the area, the design of the access, and particularly the inclusion of grass strips, would minimise its visual impact and the proposal would not have an unacceptable detrimental impact on the landscape character of the area. The proposed access accords with Policies GP15, GP1, GP8 and IP9. The planting proposed along the south and north boundaries is likely to provide a significant biodiversity enhancement.

Information has been submitted to demonstrate that the design has taken into account the use of energy and resources, in accordance with Policy GP9.

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.

It is recommended that the application is approved.

Date: 09/10/2023

