

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 entrance portico/lobby, excavation, erect retaining wall/seating area and install hard surfacing to west elevation and internal alterations (Protected Building).

LOCATION: St. Andrew's Church, Route de St Andre, St. Andrew.

APPLICANT: The Rector & Churchwardens Of St Andrews Church

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: 28/04/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 12/01/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Tyrrell Dowinton Associates: 01.02A, 02.01C, 02.02A, 02.03A, 02.04B, 02.15, 02.16C, 02.17.

Application Ref: FULL/2023/0024

Property Ref: K004640000

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 (or within the area outlined in red on the attached plan) until the applicant or developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and agreed in writing by the Authority, and no development shall take place except in accordance with the agreed details.

Reason - The application site is located within an area of known archaeological importance and appropriate and satisfactory provision for mitigation measures to avoid damage to any archaeological remains. This condition is imposed to make sure that any features of archaeological interest are protected or recorded.

5.Prior to construction of the extension, the type, colour, texture and method of laying of the stonework and clarification of the relationship of the extension with the doorway arch shall be submitted to and approved in writing by the Authority. The development shall be carried out only in accordance with the agreed details.

Reason - To make sure the works respect the special character of this protected building, as required by Section 34 of The Land Planning and Development (Guernsey) Law, 2005.

6.Prior to installation, the means of fixing and support of the new raised access, steps and lift shall be submitted to agreed in writing by the Authority. The development shall be carried out only in accordance with the agreed details.

Reason - To protect that part of the building to be retained and to make sure the works respect the special character of this protected building, as required by Section

34 of The Land Planning and Development (Guernsey) Law, 2005.

7. Prior to installation details of the new raised access area, which shall be cut around the plinth of the font, shall be submitted to and approved in writing by the Authority. The development shall be carried out only in accordance with the agreed details.

Reason - To make sure the works respect the special character of this protected building, as required by Section 34 of The Land Planning and Development (Guernsey) Law, 2005.

8. Prior to installation details of the end panel of the tea station, which shall be cut around the carvings of the vestry wall, shall be submitted to and approved in writing by the Authority. The development shall be carried out only in accordance with the agreed details.

Reason - To make sure the works respect the special character of this protected building, as required by Section 34 of The Land Planning and Development (Guernsey) Law, 2005.

9. Prior to its installation, the position and external appearance of the pipe to serve the tea station shall be submitted to and agreed in writing by the Authority. The development shall be carried out only in accordance with the agreed details.

Reason - To protect that part of the building to be retained and to make sure the works respect the special character of this protected building, as required by Section 34 of The Land Planning and Development (Guernsey) Law, 2005.

10. Prior to removal, the new position of any plaques relocated as a result of the approved works shall be submitted to and agreed in writing by the Authority. The development shall be carried out only in accordance with the agreed details.

Reason - To make sure the works respect the special character of this protected building, as required by Section 34 of The Land Planning and Development (Guernsey) Law, 2005.

11. Prior to removal of the planter, the type, colour, texture and method of laying of the stonework of the replacement wall and a specification of the timber backing shall be submitted to and agreed in writing by the Authority. The development shall be carried out only in accordance with the agreed details.

Reason - To make sure the works respect the special character of this protected building, as required by Section 34 of The Land Planning and Development (Guernsey) Law, 2005.

12. Prior to its installation, the colour and texture of the resin-bound gravel surface shall be submitted to and agreed in writing by the Authority. The development shall be carried out only in accordance with the agreed details.

Reason - To make sure the works respect the special character of this protected building, as required by Section 34 of The Land Planning and Development (Guernsey) Law, 2005.

Expiry Date: This permission will cease to have effect on 27/04/2026 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/2023/0024
Property Ref: K004640000
Valid date: 12/01/2023
Location: St. Andrew's Church Route de St Andre St. Andrew Guernsey
GY6 8XN
Proposal: Erect entrance portico/lobby, excavation, erect retaining
wall/seating area and install hard surfacing to west elevation
and internal alterations (Protected Building).
Applicant: The Rector & Churchwardens Of St Andrews Church

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.

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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.

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Reason - The application site is located within an area of known archaeological importance and appropriate and satisfactory provision for mitigation measures to avoid damage to any archaeological remains. This condition is imposed to make sure that any features of archaeological interest are protected or recorded.

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OFFICER'S REPORT

Brief Description of the site:

The site known as 'St Andrews Church' lies to the north of Route de St Andre and east of Rue des Morts, with the church hall and cemetery to the north and a car park to the east.

The church is located Outside of the Centres, within the Agriculture Priority Area, a Conservation Area and Archaeological Area as defined in the Island Development Plan. The church is also a Protected Building.

Relevant History:

FULL/2023/0594 – Alter guttering and down pipes (Protected Building) – Pending.

FULL/2021/0295 – Structural repair to window to south elevation (Protected Building) – Approved April 2021.

Existing Use(s):

Public amenity use class 19: non-residential establishment.

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:

OC2: Social and Community Facilities Outside of the Centres

GP4: Conservation Areas

GP5: Protected Buildings

GP7: Archaeological Remains

GP8: Design

GP9: Sustainable Development

Consultations:

States Archaeologist, Culture and Heritage.

'There is a strong possibility that human remains – either as in situ burials or as disturbed, redeposited material – will be present in the area to the west of the church entrance, where it is proposed to construct the new entrance portico (marked as '2' on drawing no. 02.01B).

Although it might be assumed that this area was avoided for burial, because of the access to the west door of the church, it is very likely that burials were interred here while the original (pre-fifteenth century) door was in use on the south side of the nave. Our previous experience of excavating outside the west entrances of St Martin's church and the Castel Church revealed burials within a few inches of the surface, and located very close to the church walls. Burials were also uncovered immediately adjacent to the walls of St Tugual's Chapel on Herm, and again very close to the current ground surface.

In view of this I would like to request that any excavation for the portico structure is carried out in the first place by our team, in discussion with the contractors and the church authorities. There would presumably be no need for deep excavation for the southern part of this structure, but as indicated above it is likely that burials are present just below the current gravel surface.

There will presumably be some deeper excavation required for the installation of the toilet and its drainage. In the immediate vicinity of the church – i.e. within the structure of the portico – this should be carried out by archaeologists, and any further trenches for drainage beyond this area should at the very least be monitored by archaeological personnel. It would be helpful in due course to know what arrangements are proposed for the drainage from the sink and toilet.

One other aspect of the application is potentially of some archaeological interest. The creation of the bench and seating area to the west of the entrance (marked as '1' on drawing no. 02.01B) will disturb the ground currently behind the low retaining wall running north/south. Although because of the slope down towards the church it is unlikely that there are in situ burials in this area – at least until a level below that of the current gravel surface – it is possible that this earth contains redeposited human remains. For that reason the removal of soil here should be archaeologically monitored.'

Conclusion/Brief comment:

This application is to erect an entrance portico/lobby, housing an external WC, and level access into the church with a lift. Excavate externally add a retaining wall/seating area and some hard surfacing around the west elevation, plus remove some of the pews internally to allow for a coffee station and some tables and chairs.

Initially the application was deferred to request further information regarding the Statement of Significance, how the proposed extension relates to the existing church walls, more evidence regarding the reasonable aspirations of the applicants, and issues regarding the internal alterations.

The Statement of Significance was amended along with some of the drawings and further information was submitted regarding the reasonable aspirations of the applicants.

The reasons for the location of the WC have been submitted and how the proposed extension will tie into the fabric of the existing church and the information provided has ascertained that the extension now complies with the most relevant policy GP5.

The number of pews to be removed has been reduced from 30% to 18%, which is less of an impact to the interior of the church. The effect of the new tea station on the overall special interest of the protected building is considered to be slight and is a reasonable aspiration outweighing the harm and is considered acceptable.

The proposals are not considered to have any detrimental impacts on the character and appearance of the surrounding conservation area, nor will they have any effects on any of the immediate neighbour's amenity.

The States Archaeologist advises that there is the potential for archaeological remains to be present and requests that initial excavations are undertaken by the archaeological team. To address these comments it is recommended that a programme of archaeological works is agreed prior to the commencement of works to ensure adequate protection and preservation of any artifacts found on site, this can be dealt with by condition.

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.

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: 28/04/2023