

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: Remove hedge to south boundary and install boundary fencing to south, west and east boundaries.

LOCATION: Amherst Infant School, Guelles Road, St. Peter Port.

APPLICANT: States Property Unit

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: 30/03/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 24/01/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: States Property Unit: ESC/APS/2023/01, 02 & 03

Application Ref: FULL/2023/0206

Property Ref: A102160000+A102190000

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.

Expiry Date: This permission will cease to have effect on 29/03/2026 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/2023/0206
Property Ref: A102160000+A102190000
Valid date: 24/01/2023
Location: Amherst Infant School Guelles Road St. Peter Port Guernsey
GY1 2DF
Proposal: Remove hedge to south boundary and install boundary fencing
to south, west and east boundaries.

Applicant: States Property Unit

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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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.

OFFICER'S REPORT

Site Description:

Amhurst school is located north of Maurepas Road, west of Guelles Road and east of Longfield access road. The school buildings are at the north of the site and the southeast of the site, the southeast is the sports field.

The site is located in the Main Centre Outer Area and a Conservation Area as designated in the Island Development Plan.

Relevant History:

FULL/2022/0627 – Install play equipment to south and west boundaries – Approve June 2022.

FULL/2021/0507 – Demolish water tower, repair roof and replace flues – Approved May 2021.

FULL/2021/0504 – Replace gable panels to east, south and west elevations – Approved April 2021.

Existing Use(s):

Public amenity use class 19: non-residential establishments.

Brief Description of Development:

This application is to remove the hedge along the south boundary and install boundary fencing to the south, west and east boundaries of the school.

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

MC3 Social and Community Facilities in Main Centres and Main Centre Outer Areas
GP4 Conservation Areas
GP8 Design

Representations:

There has been one letter of representation and the issues are;
In this day and age I can quite see why new metal fencing would be desirable, or indeed necessary, but is it not possible to replant a hedge (preferably native) after the work has been done. The Strategy for Nature endeavours to connect children to nature, ripping out a hedge and not replacing it sends the wrong message.

Consultations:

None

Summary of Issues:

- Design of the development.
- Impact of the development on the character and appearance of the area.
- Impact of the development on neighbouring properties.

Assessment against:

1 - Purposes of the law.

The objectives of the Law, as set out in Section 1(2), have been considered and this forms part of the assessment of policy issues as set out in 2 below.

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

The fencing is being installed across many of the schools on the island to keep the schools safer and to prevent access during the evenings and school holidays. The link and the height of the fencing have been chosen by the schools and is considered appropriate.

Since the letter of representation has been received the school was contacted to see if a new hedge would be planted after the fence has been installed. The school's reply states that they will be planting a new hedge wherever one was removed, and where possible they will cut the existing hedge back in order to install the fence rather than remove it, however, they realise that in areas this may not be possible, which is why they have replied to have it removed.

The fencing is not considered to have any harmful impacts on the special character and appearance of the surrounding conservation area, nor will it have any adverse impacts on neighbour amenity.

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

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

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. Where relevant the issues are considered in section 2 above.

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

The proposal would have no impact on Protected Buildings, Trees or Monuments or on SSS's.

Date: 27/03/2023