

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 earthbank to east boundary (retrospective).

LOCATION: La Cachette, Rue Des Longs Beaux, St. Saviour.

APPLICANT: Mr & Mrs Haughey

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: 30/06/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 16/02/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: CH Architects - 405_00_001 and 105

Application Ref: FULL/2023/0230

Property Ref: E00469D001

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 29/06/2026 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/2023/0230
Property Ref: E00469D001
Valid date: 16/02/2023
Location: La Cachette Rue Des Longs Beaux St. Saviour Guernsey
GY7 9UG
Proposal: Erect earthbank to east boundary (retrospective).

Applicant: Mr & Mrs Haughey

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:

The property known as 'La Cachette' has not been built yet, but the site is behind the ribbon development to the west of Route des Houguets and behind a large detached property to the east of Rue des Longs Beaux. There are agricultural fields to the north and south as the whole area is part of the Agriculture Priority Area. The property is located Outside of the Centres as defined in the Island Development Plan.

Relevant History:

FULL/2021/1186 – Demolish existing dwelling and erect replacement dwelling and erect glasshouse/cold store to north boundary – Approved September 2021.

FULL/2018/2257 – Change of use of agricultural land to domestic garden – Approved January 2019.

Existing Use(s):

Residential use class 1: dwelling house.

Agricultural use class 28: agriculture.

Brief Description of Development:

This is a retrospective application to erect an earthbank along the eastern boundary of the site. The earthbank was put in place to denote the new boundary after some of the land was sold to the neighbour.

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

GP1: Landscape Character and Open Land

GP8: Design

Representations:

There has been one letter of representation and the issues are:

- The contents of the earthbank include Japanese Knotweed, fragments of broken asbestos board, concrete posts, metal bars, household artefacts, remnants of old cars, part-filled plastic horticultural/chemical bags with contents unknown, broken panes of glass, general rubbish and debris. No attempt was made by the construction team to remove these items.
- There are Japanese Knotweed shoots now appearing at various points along the bank.

- There is an amount of earthbank slippage subsequent to construction which is presenting a potential 'pathway' for the Japanese Knotweed to extend beyond the perimeter of the mat/membrane, which was laid under the earthbank to contain any possible Knotweed seeds left in the bank.

Consultations:

The Office of Environmental Health and Pollution Regulation

15/05/2023

'I have reviewed the retrospective application for the erection of an earth bank at the east boundary of the above property. There is currently insufficient information submitted for me to comment fully on the application and I would welcome the following from the applicant:

- 1) *Please provide evidence, in the form of a written report, of the excavation, removal and incineration of Japanese Knotweed and any works carried out in relation to any remaining Japanese Knotweed.*
- 2) *Please confirm the material(s) that have been used to make the earth bank.*

Should further information be submitted I would be happy to look at this and provide comments.'

27/06/2023

'I have reviewed the additional information submitted in relation to the development at the above property which was received by email on 7th June 2023, and I do not wish to raise any further objections to the proposals.'

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 design (or in this case the construction) of the earthbank was called into question as per the letter of representation. Environmental Health also required further information. The application was deferred to request a report in relation to

the Japanese Knotweed and confirmation of the materials which made up the earthbank.

On the 7th June the requested information was received and shared with Environmental Health who have confirmed that they are now content that the earthbank and the management of the Japanese Knotweed has been carried out correctly and they do not have any issues with the application.

A site visit was carried out in April where no Japanese Knotweed shoots were seen, however, please see an excerpt of the report about the Japanese Knotweed;

“The soil in the earth bank still contains a small amount of fragmented Japanese knotweed rhizomes, which is expected to produce new growth for 2-3 seasons, however these small fragments, should be easily treatable with a spot spray of an appropriate herbicide, professionally applied. It should be noted that more knotweed is present on this site including in the immediate vicinity of the new earth bank and that these areas will also be treated in the same way. Control of the unexcavated areas may take appreciably longer than that of the knotweed fragments in the earth bank, as the rhizomes will not have been fragmented and so will have greater energy reserves, which will need depleting.

The knotweed contaminated soils used to form the earth bank, had at least 95% (by weight) of all the knotweed rhizomes (and other parts of the plant) removed by hand during these works. The knotweed materials were double bagged and removed to the incinerator at Longue Hougue. Our records show that some 100Kg of knotweed rhizomes were removed from this site, received by Longue Hougue and incinerated.

It should be noted that it is not possible to remove 100% of knotweed rhizomes from soils, either mechanically or by hand, so this method is used to reduce the knotweed infestation to a more manageable level, and also significantly reduces the amount of herbicide required in any control programme.

To summarise, spread of the Japanese knotweed from the earth bank, is in our professional opinion, very unlikely.”

Having read the additional information and had confirmation from Environmental Health, the retrospective application to erect an earthbank along the new eastern boundary is not considered to impact on the character and appearance of the surrounding area, nor is it thought to have any adverse effects 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: 28/06/2023