

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: Variation to previously approved plans to erect 3 dwellings and create new vehicle access - remove earthbank and erect fence to west and north boundaries (Retrospective).

LOCATION: 1, 2 & 3 Cobo Views, Rue De Bouverie, Castel.

APPLICANT: Pulse Mechanical Electrical

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: 21/03/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 14/02/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Naftel Associates: A210304 PD 15

Application Ref: FULL/2023/0282

Property Ref: D01471A000

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 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 20/03/2026 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/2023/0282
Property Ref: D01471A000
Valid date: 14/02/2023
Location: 1, 2 & 3 Cobo Views Rue De Bouverie Castel Guernsey
Proposal: Variation to previously approved plans to erect 3 dwellings and create new vehicle access - remove earthbank and erect fence to west and north boundaries (Retrospective).
Applicant: Pulse Mechanical Electrical

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 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.

OFFICER'S REPORT

Site Description:

The application site comprises a residential development of three dwellings, all of which are wind and watertight. Prior to the commencement of development a low

bank and hedging existed along the north and west site boundaries, however these have been removed and fencing erected.

The site is located in a Local Centre as designated in the Island Development Plan.

Relevant History:

FULL/2020/1606	Erect three dwellings and create new vehicular access and relocate and widen existing vehicular access.	Granted
FULL/2022/0960	Erect single storey extension to the west (rear) elevation of units 1, 2 and 3.	Granted

Existing Use(s):

Residential

Brief Description of Development:

Permission is sought in retrospect for the removal of the bank and hedging along the north and west boundaries of the site and for the replacement with 1.8m timber fencing. The first panel on the north boundary, adjacent to the road, is reduced in height.

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

GP1: Landscape character and open land

GP8: Design

GP9: Sustainable development

GP13: Householder development

Strategy for Nature

Representations:

One letter of representation received, objecting to the loss of biodiverse native banks in favour of wooden fencing, comprising unnecessary urbanisation of the Island and counter to the Strategy for Nature.

Consultations:

None undertaken.

Summary of Issues:

Impacts on visual amenity and character;
Impacts on ecology and biodiversity.

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).**

The proposal is for works ancillary to the residential use of the site and, given the stage of development on site, Policy GP13 would apply. The proposal would not have any adverse impact on the amenities of neighbouring properties, would not detract from the open character of an open location and would not affect any area of special designation, and would therefore be in compliance with that policy and Policy GP9.

In the context of this site, and taking into account the reduction in height of the fencing along the north boundary adjacent to the road, the alteration from a soft to hard boundary treatment would not have any adverse impacts in terms of visual amenity or the character of the area, and would be in compliance with Policy GP8.

At the time of the submission of the application for development at this site, the site was a car park and therefore development for residential purposes did not result in any net change to the biodiversity value of the site and, taking into account the characteristics of this area, no additional planting was required as part of the approval. The bank and hedging along the north and west boundaries were however to be retained and formed the only planting at the site. It is therefore unfortunate that this has been removed.

It must however be noted that the bank was not a traditional or historic construction, and the hedging was coniferous, and the ecological value of both was therefore limited. On balance, in the context of this site, it is considered that any adverse impacts on the ecology/biodiversity of the site arising from the works which have been undertaken would not be sufficient to sustain refusal.

In light of the above it is recommended that the application be approved.

Date: 16/03/23

