

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: Excavate ground levels, erect retaining wall, alter and relocate ramps to external steps, create terraced area with external steps, balustrade and fence to north-west (side) elevation. Widen vehicle access and create pedestrian access to roadside, install fence and gate to south-east boundary (Protected Building) (Revised Scheme).

LOCATION: Moulin Du Milieu, Rue A L'Eau, Castel.

APPLICANT: Mr P Leighton

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: 26/04/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 07/02/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Tyrrell Dowinton Associates - 2230 03.101 & 03.102

Application Ref: FULL/2023/0300

Property Ref: D003110000

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.Prior to the commencement of any work in connection therewith a landscaping scheme, to include those details specified below, shall be submitted to and agreed in writing by the Authority:

- i) full details of tree and hedge planting to the southwest of the parking area (around the existing cesspit), to the south of the dwelling where an area of fill is shown to be removed and enclosing the courtyard to the north of the building;
- ii) planting schedules, noting the species, sizes, numbers and densities of plants; and
- iii) all existing trees, hedges and other landscape features, indicating clearly those to be removed.

Reason - In order to help assimilate the development into its surroundings to preserve the character and appearance of the Conservation Area and setting of the Protected Building.

5.The landscaping to the courtyard to the north of the building shall be fully implemented in accordance with the details agreed under condition 4 prior to this courtyard being brought into use. The proposed planting to the southwest of the parking area (around the existing cesspit) shall be fully completed, in accordance with the details agreed under condition 4, in the first planting season following the widening of the vehicular access and the landscaping to the south of the building (where fill is to be removed) shall be implemented in the first planting season following its removal. 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 order to help assimilate the development into its surroundings to preserve the character and appearance of the Conservation Area and setting of the Protected Building.

6. Within four weeks of the access being widened, the end of the enlarged opening shall be finished off using materials and a method of construction which match the remainder of the wall.

Reason - In the interests of visual amenity, to preserve the character and appearance of the Conservation Area and setting of the Protected Building.

7. The stone to be used in the construction of the new works hereby permitted shall match as closely as possible the type, colour, texture, method of bonding and pointing of the existing stone.

Reason - In the interests of visual amenity, to preserve the character and appearance of the Conservation Area and setting of the Protected Building.

Expiry Date: This permission will cease to have effect on 25/04/2026 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/2023/0300
Property Ref: D003110000
Valid date: 07/02/2023
Location: Moulin Du Milieu Rue A L'Eau Castel Guernsey GY5 7AL
Proposal: Excavate ground levels, erect retaining wall, alter and relocate ramps to external steps, create terraced area with external steps, balustrade and fence to north-west (side) elevation. Widen vehicle access and create pedestrian access to roadside, install fence and gate to south-east boundary (Protected Building) (Revised Scheme).

Applicant: Mr P Leighton

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.

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. Prior to the commencement of any work in connection therewith a landscaping scheme, to include those details specified below, shall be submitted to and agreed in writing by the Authority:

- i) full details of tree and hedge planting to the southwest of the parking area (around the existing cesspit), to the south of the dwelling where an area of fill is shown to be removed and enclosing the courtyard to the north of the building;
- ii) planting schedules, noting the species, sizes, numbers and densities of plants; and
- iii) all existing trees, hedges and other landscape features, indicating clearly those to be removed.

Reason - In order to help assimilate the development into its surroundings to preserve the character and appearance of the Conservation Area and setting of the Protected Building.

5. The landscaping to the courtyard to the north of the building shall be fully implemented in accordance with the details agreed under condition 4 prior to this courtyard being brought into use. The proposed planting to the southwest of the parking area (around the existing cesspit) shall be fully completed, in accordance with the details agreed under condition 4, in the first planting season following the widening of the vehicular access and the landscaping to the south of the building (where fill is to be removed) shall be implemented in the first planting season following its removal. 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 order to help assimilate the development into its surroundings to preserve the character and appearance of the Conservation Area and setting of the Protected Building.

6. Within four weeks of the access being widened, the end of the enlarged opening shall be finished off using materials and a method of construction which match the remainder of the wall.

Reason - In the interests of visual amenity, to preserve the character and appearance of the Conservation Area and setting of the Protected Building.

7. The stone to be used in the construction of the new works hereby permitted shall match as closely as possible the type, colour, texture, method of bonding and pointing of the existing stone.

Reason - In the interests of visual amenity, to preserve the character and appearance of the Conservation Area and setting of the Protected Building.

OFFICER'S REPORT

Site Description:

Moulin Du Milieu is a detached building situated to the west of Rue A L'Eau. Residential development and a pumping station are situated to the north of the site, whilst to the south is more sporadic residential development, with open and undeveloped land to the west. Various outbuildings and a greenhouse are situated to the rear of the building. The stone boundary walls and the position of the building near the roadside are features in the Conservation Area.

The site is located Outside of the Centres and within a Conservation Area, Archaeological Area and Agriculture Priority Area as designated in the Island Development Plan. The building is a Protected Building but the mill leat is not specifically listed on the notice.

Relevant History:

FULL/2021/0960 - Re-roof and install new fascia and guttering (protected building) - granted

FULL/2022/2164 - Erect single storey extension at ground floor level to south-east (side) elevation, single storey extension at 1st floor level to north-west (side) elevation, erect covered veranda to south-west (rear) elevation and internal alterations (Protected Building) – under consideration

FULL/2022/1908 - Excavate ground levels, erect retaining wall, alter and relocate ramps to external steps, create terraced area with external steps, balustrade and fence to north-west (side) elevation. Widen vehicle access and create pedestrian access to roadside, and install fence and gate to south-east boundary (Protected Building) – refused

1. 9.7m wide vehicular access and its impact on the special character and appearance of the Conservation Area and setting of the Protected Building.
2. Supporting information regarding the special interest of the building and site.
3. Timber close boarded fence and its urbanising effect on the rural location which would detract from the Conservation Area and setting of the Protected Building.

Existing Use(s):

02 flats (given lack of internal connectivity and external access to each floor)

Brief Description of Development:

The application relates to excavation and demolition works to alter ground levels adjacent (southeast) to the main building and to remove existing access steps and to widen the vehicular access (to 6.235m) by demolishing a section of wall to the side of the existing access. A new retaining wall is proposed to enclose the parking area and secure it from the garden, the erection of steps from the parking area to the garden and pedestrian access in the roadside wall, steps and path for access to the adjoining National Trust land. A post and wire fence is proposed along the southeast boundary between the site and National Trust land. A 1.1m high black metal railing is proposed to the boundary with the adjoining dwelling northwest of the site in addition to hedge planting. To the northwest of the property, a wall is to be demolished and alterations are proposed to ground levels with external steps introduced. Existing cobbles are shown to be lifted and re-laid following the completion of works. Alterations are also proposed to paths/ramps within the site, with some existing paths removed and new steps introduced to the southwest of the building.

The application has been accompanied by information that seeks to address the potential impact of the development on the setting of the Protected Building and its importance to the Conservation Area.

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

Island Development Plan policies:

GP4: Conservation Areas

GP5: Protected Buildings

GP8: Design

GP9: Sustainable Development

GP13: Householder Development

IP9: Highway safety, Accessibility and Capacity

Representations:

None.

Consultations:

None.

Summary of Issues:

The key issues in this case relate to the impact of the works on the setting of the Protected Building, the character and appearance of the Conservation Area and wider open land and on residential amenity.

Assessment against:

1 - Purposes of the law.

The objectives set out in Section 1(2) of The Land Planning and Development (Guernsey) Law, 2005, 'the Law', have been considered and this report forms part of the assessment, with policy issues set out in Section 2 below.

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

The purposes of the Land Planning and Development (Guernsey) Law, 2005, are to protect and enhance, and to facilitate the sustainable development of, the physical environment of Guernsey.

Section 34 of the Law explains the general functions of authorities in respect of protected buildings. This states that:

It is the duty of any department of the States when exercising its functions under this Law –

- (a) to secure so far as possible that the special historic, architectural, traditional or other special characteristics of buildings listed on the protected buildings list ("protected buildings") are preserved, and
- (b) in particular, in exercising its functions with respect to a protected building or any other building or land in the vicinity of a protected building, to pay special attention to the desirability of preserving the protected building's special characteristics **and setting** [emphasis added].

Section 38 of the Law explains the general functions of authorities in respect of conservation areas. This states that:

In the exercise, with respect to any building or other land in a conservation area, of any powers under this Law or any other enactment, special attention shall be paid to the desirability of preserving and enhancing the character and appearance of that area.

In respect of these statutory duties, the word 'preserve' is taken in its ordinary meaning as set out in Chamber's dictionary, which is 'to keep safe from harm or loss'.

The purposes of the Law are reflected in the Island Development Plan, the principal aim of which is to help maintain and create a socially inclusive, healthy and economically strong Island, while balancing these objectives with the protection and enhancement of Guernsey's built and natural environment and the need to use land wisely. Relevant policies will be addressed below in assessing the key issues.

Section 13 to Part IV of The Land Planning and Development (General Provisions) Ordinance, 2007, sets out a number of general material considerations, the following of which are considered to be relevant in this instance:

- (b) the character and quality of the natural and built environment which is likely to be created by the development,
- (c) the appropriateness of the development in relation to its surroundings in terms of its design, layout, scale, siting and the materials to be used,
- (d) the likely effect of the development on the character and amenity of the locality in question,

Section 15 clarifies that the considerations referred to in paragraphs (b) and (c) of section 14 also apply to protected buildings.

The building is considered to be significant both as a Protected Building and as the defining edge of the Conservation Area and its setting is important because this is a former water mill (including remnants of the mill leat). How the building fits into the surrounding landscape forms part of its character as a former mill, where the building is partially buried in the slope to allow water to be directed past it.

The revised application has been accompanied by information that seeks to address the special interest of the site. The submission confirms that the fill to the south of the site is a modern occurrence which is not connected with the mill nor important to retain. The replacement of steps and paths and introduction of a retaining wall are proposed and considered as part of the submission to have limited impact on the special interest of the Protected Building. The scheme also highlights that the works will offer safer access, to current Building Control standards, for occupiers.

The works to provide new steps (including those to the National Trust land) and pathways with handrail are considered to represent a good standard of design in this location and a reasonable aspiration of the property owner (GP4, GP5 and GP8).

The removal of the fill material to the south of the building would not have a detrimental impact on the character and appearance of the Conservation Area (GP4, GP8 and GP9) subject to a sensitive landscaping scheme. It is noted however, that a separate planning application is currently under consideration for the erection of an extension to the building (FULL/2022/2164) which would infill the area of lawn/landscaping shown on the application drawings. This separate proposal would not however, impact on the acceptability of removing the area of fill.

The roadside boundary wall contributes to the character and appearance of the Conservation Area and the setting of the Protected Building. The scheme would see the existing vehicular access enlarged to 6.2m wide from 4.5m. Although part of the character of the Conservation Area is formed by continuous stone walls the proposed enlargement of the vehicular access associated with this property would not result in unacceptable harm to the character and appearance of the area. The parking area is proposed to be sensitively surfaced to avoid unacceptably urbanising the site, with landscaping above. The scheme as amended sees an area of hardstanding screened by the retained boundary wall with landscaping above which

both help mitigate the effects of the development on the locality and setting of the Conservation Area in accordance with Policies GP4, GP5 and GP8 of the IDP.

The scheme proposes a post and wire fence between the application site and National Trust land which will be visible when travelling along Rue A L'Eau. The area has a rural character and the proposed post and wire fence would be in keeping with the rural surroundings in line with the aims of Policies GP4, GP8 and GP9 of the IDP.

To the north of the building a courtyard is shown to be enclosed by a railing and planting which will help assimilate this aspect of the development to its surroundings and ensure that the relationship between the application site and its neighbour is not unacceptably altered with regard to privacy and overlooking.

Landscaping on the site is currently naturalistic and the scheme as amended is more sympathetic to its setting in a rural area and Conservation Area. A condition can be imposed to address landscaping above the retaining wall and in this cleared area (there is no guarantee planning permission will be granted nor that the development will be implemented) in order to ensure that the landscaping does not have an urbanising effect on the rural character, impacting on the setting of the Protected Building and Conservation Area.

It is acknowledged that this is a sloping site where significant works would be required to make it fully accessible for all which would be likely to have a detrimental impact on the setting of the building and on the character and appearance of the Conservation Area. The scheme confirms that steps will meet current Building Regulations and overall the scheme does address the requirements of Policy GP8 in terms of access for all.

Conclusion

The revised scheme addresses the aims of Policies GP4, GP5, GP8 and GP9 of the IDP and it is recommended permission is granted for the development subject to a landscaping condition and conditions relating to the new retaining wall and widening the existing vehicular access. Details of paving, fencing and railings have been included in the submission therefore no further details are required.

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

In addition to the consideration of policy issues, Section 13 of the Land Planning and Development (General Provisions) Ordinance, 2007 identifies other material planning considerations which could be relevant. These include; the appropriateness of the development in relation to its surroundings in terms of design, layout, scale, siting and materials; the likely effect on the character and amenity of the locality; any possible fall-back position by way of extant planning permissions or exempt development; the likely effect on the reasonable enjoyment of neighbouring properties. These issues where relevant are considered above.

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

The proposal would have no adverse impact on protected trees or sites

Date: 25 April 2023