

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 plant enclosure to west (roadside) boundary.

LOCATION: Fairview, Fermain Road, St. Peter Port.

APPLICANT: Mr & Mrs P Nobes

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: 06/06/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 12/04/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Infinity Group: 89.GY - HP - 01B.

Application Ref: FULL/2023/0740

Property Ref: A411090000

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.Noise associated with plant and machinery incorporated within the development shall be controlled such that the Rating Level, measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 5 dB(A) below the existing LA90 background noise level, including low frequency tones. Rating Level and existing background noise levels shall be determined as per the guidance provided in BS 4142:2014.

Reason - In the interests of residential amenity.

Expiry Date: This permission will cease to have effect on 05/06/2026 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/2023/0740
Property Ref: A411090000
Valid date: 12/04/2023
Location: Fairview Fermain Road St. Peter Port Guernsey GY1 2TB
Proposal: Erect plant enclosure to west (roadside) boundary.

Applicant: Mr & Mrs P Nobes

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. Noise associated with plant and machinery incorporated within the development shall be controlled such that the Rating Level, measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 5

dB(A) below the existing LA90 background noise level, including low frequency tones. Rating Level and existing background noise levels shall be determined as per the guidance provided in BS 4142:2014.

Reason - In the interests of residential amenity.

OFFICER'S REPORT

Brief Description of the site:

Fairview was a detached two storey dwelling which has been demolished and work has commenced on the erection of a replacement dwelling on the site which is to the east of the private lane off Fermain Road. Permission was granted to demolish the dwelling and erect a replacement house on the site and for the roadside hedge to be replaced with a rendered wall.

The Port House is a two and a half storey detached dwelling with subservient two-storey extension to the site and flat roof extension to the rear located to the south of the application site. Courtil Nicolas is a detached one and a half-storey dwelling with dormer and Juliette balcony to the rear situated to the north of the site.

The site is located Outside of the Centres as designated in the Island Development Plan.

Relevant History:

FULL/2022/0103 - Demolish dwelling, erect replacement dwelling with associated landscaping. Remove hedge and erect wall, install gate and widen existing vehicle access to west boundary – granted

FULL/2022/1206 - Variation to previously approved plans to demolish dwelling, erect replacement dwelling with associated landscaping - omit covered access, replace chimney and install flue, install bin store, alteration to fenestration and external materials, reduce height of single storey elevation – granted

Existing Use(s):

01 dwellinghouse

Assessment: *(Tick as appropriate)*

no representation

☒

visual amenity acceptable

☒

accords with policy
within curtilage
design acceptable

x
x
x

no material neighbour impact
traffic not affected

x
x

Policies considered most relevant:

GP8: Design
GP9: Sustainable Development
GP13: Householder Development

Conclusion/Brief comment:

The application relates to a small, rendered blockwork building to house an air source heat pump to form part of the roadside boundary and with a ventilation grille in the roadside elevation. As approved, the roadside boundary was shown to be marked by a wall, following the removal of the roadside hedge.

The design and appearance of the outbuilding represents a satisfactory standard of design and whilst the grille will face the road this will not be highly publicly visible given the private nature of the road nor result in unacceptable harm to the character and appearance of the locality that would warrant the refusal of planning permission. It will not result in harm to residential amenity in terms of overlooking/overshadowing.

The building proposed will house an air source heat pump and a block building combined with the proposed internal insulation will reduce the noise emitting from the structure. It would be reasonable to impose a condition reflecting the new exemptions however, regarding the noise generated at the façade of the nearest noise sensitive premises in order to manage the potential impact of the development on residential amenity.

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.

In view of the above it is recommended permission is granted for the development.

Recommendation:

Grant with Conditions

x

Date: 31 May 2023

