

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 install paddock fencing and gates - raise ground levels of agricultural land.

LOCATION: Grace Stables, Les Damouettes Fields, Fort Road, St. Peter Port.

APPLICANT: Mr M Grunberg

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: 25/07/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 07/06/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: A7 Design: 20-1232 PD/03E & PD/05

Application Ref: FULL/2023/0905

Property Ref: A410120000+A409320000

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).

Expiry Date: This permission will cease to have effect on 24/07/2026 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/2023/0905
Property Ref: A410120000+A409320000
Valid date: 07/06/2023
Location: Grace Stables Les Damouettes Fields Fort Road Fort Road St.
Peter Port Guernsey
Proposal: Variation to previously approved plans to install paddock
fencing and gates - raise ground levels of agricultural land.
Applicant: Mr M Grunberg

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).

OFFICER'S REPORT

Site Description:

The application site comprises a field on the western side of Fort Road and to the east of Damouettes Lane which is adjacent to the adjoining Grace Stables development. Spoil from the adjoining site has been placed on the field and the grass removed.

There is vegetation (trees/hedging) along the roadside boundary and along the north boundary with the adjoining field to the north. The site slopes down to the west (rear) and sits at a lower level than Fort Road. An existing vehicular access to the site is situated in the Fort Road boundary, close to the boundary with the adjoining field to the north. There are residential properties to the north, south and across the road to the east and west.

The site is identified within the Island Development Plan as being Outside of the Centres.

Relevant History:

FULL/2022/1574 - Install paddock fencing and gates - granted

FULL/2022/0592 - Variations to plans previously approved to demolish outbuildings and erect two stable blocks, office, muck heap cover and covered seating area. Install sand school with lighting, horse walker, lunge pen and exercise track with associated parking and landscaping - reduce ridge height, and extend to west and east elevation, alterations to fenestration, re-position office/day room, increase arena width, omit fence, widen access road and erect gate - granted

FULL/2021/0802 - Demolish outbuildings and erect two stable blocks, office, muck heap cover and covered seating area. Install sand school with lighting, horse walker, lunge pen and exercise track with associated parking and landscaping - granted

FULL/2017/3017 - Erect new indoor riding facility and sandschool. Demolish existing outbuildings, remove conifer trees and hedge, create new vehicular access and access road, erect post and rail fencing and carry out landscaping – granted

Existing Use(s):

28 agriculture

Brief Description of Development:

The application relates to the reuse of spoil from the northern part of the site to infill the lower areas of the southern field. The submission specifies that the change in levels will be no more than 500mm and will enable the management of soil wastage on site, without the need for disposal but also reducing the gradient of the slope which will improve conditions on site for grazing.

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

OC5(B) – Agriculture Outside of the Centres – outside the Agriculture Priority Areas

OC9 – Leisure and Recreation Outside of the Centres

GP1 – Landscape Character and Open Land

GP8 – Design

Representations:

Five letters of representation have been submitted commenting on the application and raising the following points:

- The works are retrospectives as tons of subsoil and topsoil have been dumped in the larger field from the smaller field – no earthworks should have taken place and clearly have
- The proposed works is likely to cause flooding to properties along Les Damouettes Lane – the application does not appear to consider or assess the impact of the proposed changes on water drainage
- The site has a history and connection with the original development of Fort George housing which should be researched before any changes are made to the current slope – the natural shape of the historic larger field is being obliterated on a daily basis
- Reference to use of the raised platform
- Consideration should be given to conditions to improve biodiversity of the site particularly as a significant amount has been lost
- Concerns over scale of development and potential commercial development

Consultations:

Guernsey Water – no comments to provide regarding the site.

Summary of Issues:

The key issues in this case relate to the principle of the proposed works and their impact on the landscape character and habitats.

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 site is located in a plateau landscape character as identified in Annex V of the IDP made up by a web of hedges, banks, hedgerow trees and treelined lanes which enclose numerous small pastures. The site forms part of the south-eastern Plateau (St Peter Port to St Martin) and its character is established development interspersed with open fields and large mature gardens and complemented by a cover of garden, hedgerow and roadside trees. The field is situated amongst primarily residential

development. The area does not have an open landscape character given the urban development surrounding it, although the field does form a break in development.

When considering Policy GP1: Landscape Character and Open land the proposed change in levels across a large area, resulting in a relatively modest change to field levels, would not undermine the landscape character type. The proposed works would not result in harm to the landscape character or the unacceptable loss of specific distinctive features that contribute to local distinctiveness nor undermine visual access to this open land in line with the aims of Policy OC9, GP1 and GP8 c. of the IDP.

The change in levels on the site will not result in harm to residential amenity in terms of privacy or overlooking.

The site is not in a Site of Special Significance, Area of Biodiversity Importance nor a habitat of conservation importance nor is the site adjacent to either a SSS or ABI. In the Habitat Survey of 2018 the land was recognised as arable and with regard to habitats/species the area was described as being “of least concern”. The change in levels will not therefore have an unacceptable impact on habitats and biodiversity.

The concerns raised regarding localised flooding have been noted however no comments or concerns have been raised by Guernsey Water in this respect.

In view of the above it is recommended permission is granted for the proposed changes to levels.

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, buildings or sites.

Date: 24/07/2023

