

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 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 - Install mirror wall to south of sand school; alterations to layout and materials of hardsurfaced areas, alteration to paddock fence, installation of retaining wall (west boundary)

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: 30/08/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 03/07/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: A7 Design Ltd - 20-1232 PD/01F & 03E; Simply Arena Mirrors Installation Plan; Specification and Photo montage

Application Ref: FULL/2023/1202

Property Ref: A409320000+A410120000

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 on or before 29/11/2024.

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. The permission hereby granted relates only to the variations specified above. In all other respects the development shall be carried out in full accordance with the permission dated 30/11/2021, issued under planning application reference FULL/2021/0802, and subject to the terms and conditions thereof.

Reason - To limit the effect of the permission to the specified variations only.

5. If the mirrors are no longer useful or required in association with the equestrian use of the site, the mirrors should be demounted and either removed from the site or stored within a building at the site.

Reason - In the interests of wildlife safety.

Expiry Date: This permission will cease to have effect on 29/11/2024 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

The mirrors may pose a risk for bird strike and it is recommended that consideration be given to options for mitigation.

For the avoidance of doubt, this permission confers no consent for any alterations to landscaping, which will be considered under separate cover.

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/2023/1202
Property Ref: A409320000+A410120000
Valid date: 03/07/2023
Location: Grace Stables Les Damouettes Fields Fort Road St. Peter Port
Guernsey
Proposal: Variation to previously approved plans 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 - Install mirror wall to
south of sand school; alterations to layout and materials of
hardsurfaced areas, alteration to paddock fence, installation
of retaining wall (west boundary)

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 on or before 29/11/2024.

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. The permission hereby granted relates only to the variations specified above. In all other respects the development shall be carried out in full accordance with the permission dated 30/11/2021, issued under planning application reference FULL/2021/0802, and subject to the terms and conditions thereof.

Reason - To limit the effect of the permission to the specified variations only.

5. If the mirrors are no longer useful or required in association with the equestrian use of the site, the mirrors should be demounted and either removed from the site or stored within a building at the site.

Reason - In the interests of wildlife safety.

INFORMATIVES

The mirrors may pose a risk for bird strike and it is recommended that consideration be given to options for mitigation.

For the avoidance of doubt, this permission confers no consent for any alterations to landscaping, which will be considered under separate cover.

OFFICER'S REPORT

Site Description:

The site is one of two fields on the western side of Fort Road, south of Croutes Havilland, and a short distance before the former Morley Chapel.

The site was formerly grassland with agricultural sheds along most of the western boundary, however development has commenced on the implementation of the permission to erect stables. Vegetation (trees/hedging) remains along the roadside boundary, and trees along the northern boundary, beyond which are the rear gardens of the houses along Croutes Havilland. The southern boundary, with the adjoining field, is also defined with trees and hedging. The site slopes down to the west (rear).

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

Relevant History:

30/11/21 FULL/2021/0802 Permit 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.

02/08/22 FULL/2022/0952 Permit for 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.

Existing Use(s):

Site under development

Brief Description of Development:

Permission is sought to install 10no demountable arena mirrors (2470mm x 1250mm) along the south end of the previously approved sand school. The mirrors are to face north, eliminating solar flare or fire risk.

The submitted plans also itemise a number of other changes, including:

- A low retaining wall along the west boundary;
- Re-positioning of the turning point to the south-west of the site;
- Alterations to the finish of the access road and parking area to tarmac;
- Alteration of the courtyard to paving;
- Arena access surface changed to gravel;
- Reinstatement of north access to horse arena;
- Replacement of approved post and rail fencing to paddock to east of site with plastic post and rail fencing.

Whilst these changes did not form part of the application description, they would have been covered by the application fee and formed part of the publicised plans. Given the minor nature of these alterations it would be reasonable to include them as part of the consideration of the current application.

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

OC9 – Leisure and Recreation Outside of the Centres

GP1 – Landscape Character and Open Land

GP8 – Design

GP9 – Sustainable Development

IP9 – Highway Safety, Accessibility and Capacity

Representations:

One letter of representation received raising concerns regarding potential for bird strike. Barn owls and sparrowhawks nest in the area and the latter, because of the way it hunts, is unlikely to survive a collision. Mirrors can also cause problems with general bird behaviour, particularly in breeding season.

Consultations:

Guernsey Airport raise no concerns regarding the proposed mirrors, noting that the positioning of the mirrors has been carefully considered with regard to the position of the sun in both winter and summer.

The other potential concern raised was relating to the muck pit, which could cause a bird attractant on the final approach to our westerly runway, but this has been mitigated with an appropriate cover.

Summary of Issues:

Impact on the character of the area;
Impact on road safety;
Impact on airport safety;
Impacts on wildlife.

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 proposed mirrors would be located along the southern edge of the approved sandschool, and would be incidental to the use of that school. The positioning of the mirrors on the site, together with the robust boundary treatment in place/approved, would prevent any adverse impacts on visual amenity, character, neighbour amenity or road safety. Furthermore, Guernsey Airport have confirmed there would be no concerns in respect of airport safety.

The comments made in representation regarding the potential for bird strike are noted, however this issue is not of such significance as to warrant a condition requiring that the mirrors be dismantled or covered whilst not in use. An informative to bring this issue to the attention of the applicant is however recommended, together with a condition requiring the removal of the mirrors once no longer useful in association with the equestrian use of the site.

The remaining changes proposed to the approved plans would have no significant impacts. This application does not however confer any changes to landscaping, which will be considered under separate cover.

In light of the above, the proposal accords with the purpose of the Law, material considerations and relevant planning policies and approval is recommended.

Date: 24/08/2023

