

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: Demolish lean-to greenhouse attached to rectory (Protected Building).

LOCATION: St. Andrews Rectory, Route De St. Andre, St. Andrew.

APPLICANT: Constables Of St. Andrew

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: 17/10/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 23/08/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Block Plan scale 1:250 (labelled by the Planning Service 16/10/2023) showing the location of the greenhouse to be demolished.

Application Ref: FULL/2023/1444

Property Ref: K004650000

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 any work in connection therewith details of the precise location/extent of the proposed fencing above retaining walls and details of the height and appearance of the proposed fencing shall be submitted to and agreed in writing by the Authority. The development shall be carried out only in accordance with the agreed details.

Reason - The information provided with the application does not include full details of the position of the proposed feature. This condition is imposed to ensure that the full extent of fencing within the curtilage of a Protected Building is clearly identified and that the design and appearance of such fencing is sympathetic to the setting of the Protected Building and the character and appearance of the Conservation Area.

Expiry Date: This permission will cease to have effect on 16/10/2026 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/2023/1444
Property Ref: K004650000
Valid date: 23/08/2023
Location: St. Andrews Rectory Route De St. Andre St. Andrew
Guernsey GY6 8XN
Proposal: Demolish lean-to greenhouse attached to rectory (Protected
Building).
Applicant: Constables Of St. Andrew

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 any work in connection therewith details of the precise location/extent of the proposed fencing above retaining walls and details of the height and appearance of the proposed fencing shall be submitted to and agreed in writing by the Authority. The development shall be carried out only in accordance with the agreed details.

Reason - The information provided with the application does not include full details of the position of the proposed feature. This condition is imposed to ensure that the full extent of fencing within the curtilage of a Protected Building is clearly identified and that the design and appearance of such fencing is sympathetic to the setting of the Protected Building and the character and appearance of the Conservation Area.

INFORMATIVES

OFFICER'S REPORT

Brief Description:

The application relates to the removal of the lean-to glasshouse attached to the west elevation of St Andrews Rectory.

The application was deferred given that the proposal amounts to the partial demolition of a Protected Building and to seek clarification regarding the floor/ground levels and retaining walls following demolition work. Further information was provided which clarified that the existing floor is to be removed and the land graded into the levels to the front of the rectory along with an extension of the existing land drain and to surface in gravel to match existing. An existing retaining wall is to be kept, repaired and repointed as required. The cross wall at the back of the greenhouse is also proposed to be retained. This runs between the retaining wall and the rectory gable. The only wall to be removed is the brick wall at the front of the greenhouse. A 4ft high chain link fence supported by metal stanchions is proposed on top of the retaining wall.

The erection of fence within the curtilage of a Protected Building also requires planning permission but is not specifically annotated on the application drawings.

The site is located Outside of the Centres, within an Agriculture Priority Area, Conservation Area and Archaeological Area as identified in the Island Development Plan.

The property is a Protected Building, the summary of the entry into the list sets out: *The whole of the house and the exterior of the outbuildings, together with the roadside and garden walls, gate piers and cart stones, ... The interior of the northern outbuildings are excluded.*

Relevant History:

Pre-application advice was sought in this case.

Existing Use(s):

01 dwellinghouse

Assessment: *(Tick as appropriate)*

no representation	☒	visual amenity acceptable	☒
accords with policy	☒	no material neighbour impact	☒
within curtilage	☒	traffic not affected	☒
design acceptable	☒		

Policies considered most relevant:

Island Development Plan policies:

GP4: Conservation Areas

GP5: Protected Buildings

GP8: Design

GP9: Sustainable Development

Conclusion/Brief comment:

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.

The application to remove the greenhouse, proposed treatment of the floor and retaining walls is acceptable in relation to the above policies and other material planning considerations.

Using a chain link fence as a safety barrier to the elevated retaining walls would be harmful to the setting of the Protected Building. It is acknowledged that a fence or barrier will need to be erected for safety reasons which represents a reasonable aspiration of the property owner however, this must be of an appropriate design in order to preserve the character and appearance of the locality, within a Conservation Area and the setting of the Protected Building.

Given that the precise location of the fence is not shown on the application drawings (to be approved) and to enable the applicant to explore an alternative, more sympathetic alternative to a chain link fence, it is reasonable to impose a planning condition to address both these matters.

Recommendation:

Grant with Conditions



Date: 17/10/2023

