

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: Restoration and repair of existing steps and associated retention works to slope (Protected Monument).

LOCATION: Clarence Battery, La Vallette, St. Peter Port.

APPLICANT: The Committee For Environment & Infrastructure

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: 01/11/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 25/09/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: States Property Unit - 6485-06C, 6485-07B, 6485-08B, 6485-09B, 6485-10C, 6485-11, 6485-12A, 6485-13B.
Supporting Notes For Application

Frederick Sherrell Ltd - Figure S3, Figure S4, Figure S5.

Application Ref: FULL/2023/1654

Property Ref: A41111D000

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.As noted on drawing 6485-13 - B, should any trees require removal, including their stumps, full details of replacement trees to the west of the site outlined on the Site Location Plan, including the species, height and diameter of the trees when planted, shall be submitted to and agreed in writing by the Authority.

Reason - To ensure the species, height and diameter of any replacement trees are appropriate in the interests of visual amenity and bio-diversity given that four trees may be removed as part of the development.

5.The landscaping scheme shall be fully completed, in accordance with the details agreed under the terms of the above condition, in the first planting season following the completion of the replacement steps and slope retention works, or in accordance with a programme previously agreed in writing by the Authority. Any plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by plants of a size and species similar to those originally required to be planted.

Reason - In the interests of visual amenity and bio-diversity.

Expiry Date: This permission will cease to have effect on 31/10/2026 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

Your attention is drawn to the Animal Welfare (Guernsey) Ordinance 2012, and the need to comply with its provisions. The trees that may need to be removed as part of the development might be used by nesting birds or other wildlife. You are therefore requested to undertake any clearance outside of the main bird breeding season (March-July inclusive). If removal during the breeding season is considered essential, it is recommended that you contact La Societe Guernesiaise so that the site can be inspected prior to their removal to ensure that any protected species present are not impacted by the works. La Société can be contacted by email at societe@cwgsy.net.

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/2023/1654
Property Ref: A41111D000
Valid date: 25/09/2023
Location: Clarence Battery La Vallette St. Peter Port Guernsey GY1 1AX
Proposal: Restoration and repair of existing steps and associated retention works to slope (Protected Monument).

Applicant: The Committee For Environment & Infrastructure

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. As noted on drawing 6485-13 - B, should any trees require removal, including their stumps, full details of replacement trees to the west of the site outlined on the Site

Location Plan, including the species, height and diameter of the trees when planted, shall be submitted to and agreed in writing by the Authority.

Reason - To ensure the species, height and diameter of any replacement trees are appropriate in the interests of visual amenity and bio-diversity given that four trees may be removed as part of the development.

5. The landscaping scheme shall be fully completed, in accordance with the details agreed under the terms of the above condition, in the first planting season following the completion of the replacement steps and slope retention works, or in accordance with a programme previously agreed in writing by the Authority. Any plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by plants of a size and species similar to those originally required to be planted.

Reason - In the interests of visual amenity and bio-diversity.

INFORMATIVES

Your attention is drawn to the Animal Welfare (Guernsey) Ordinance 2012, and the need to comply with its provisions. The trees that may need to be removed as part of the development might be used by nesting birds or other wildlife. You are therefore requested to undertake any clearance outside of the main bird breeding season (March-July inclusive). If removal during the breeding season is considered essential, it is recommended that you contact La Societe Guernesiaise so that the site can be inspected prior to their removal to ensure that any protected species present are not impacted by the works. La Société can be contacted by email at societe@cwgsy.net.

OFFICER'S REPORT

Brief Description of the site:

The application relates to restoring and repairing cliff path steps to the south of La Vallette, and associated retention works to the cliff face to the west of La Vallette. Clarence Battery comprises a protected monument.

The site is located in the Main Centre Outer Area, Conservation Area, Area of Biodiversity Importance as designated in the Island Development Plan.

Relevant History:

None.

Existing Use(s):

Cliff path

Assessment: *(Tick as appropriate)*

no representation
accords with policy
within curtilage
design acceptable

✓
✓
✓
✓

visual amenity acceptable
no material neighbour impact
traffic not affected

✓
✓
✓

Policies considered most relevant:

GP1: Landscape Character and Open Land
GP3 Areas of Biodiversity Importance
GP4 Conservation Areas
GP6 Protected Monument
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 Land Planning and Development (Guernsey) Law, 2005, affords statutory protection to existing trees to be preserved as far as possible. In light of the drawings submitted which indicates that 4 existing trees may need to be removed as part of the works, it is reasonable to attach a condition to the decision to ensure that full details of replacement trees are submitted to and agreed in writing in the interest of maintaining biodiversity and visual amenity, should the existing trees require removal.

It is also advised through an informative that the works to remove the existing trees are carried out outside of the main bird breeding season (March-July inclusive) if possible.

The application is acceptable in relation to the above policies and other material planning considerations.

Recommendation:

Grant with Conditions

✓

Date: 01/11/23

