

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: Alterations to ground levels between field boundaries.

LOCATION: Grace Stables, Les Damouettes Field, 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: 19/01/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 06/12/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: A7 Design: 20-1232-SK01 & SK02

Application Ref: FULL/2023/2424

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).

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.a) Prior to the commencement of any work in connection therewith a landscaping scheme, to include those details specified below, shall be submitted to and agreed in writing by the Authority:

- i) full details of tree and hedge planting;
- ii) planting schedules, noting the species, sizes, numbers and densities of plants; and
- iii) all existing trees, hedges and other landscape features, indicating clearly those to be removed.

b) 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 regrading works hereby approved having been undertaken, or in accordance with a programme previously agreed in writing by the Authority. Any trees or plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by trees or plants of a size and species similar to those originally required to be planted.

Reason - In the interests of visual amenity.

Expiry Date: This permission will cease to have effect on 18/01/2027 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/2023/2424
Property Ref: A410120000+A409320000
Valid date: 06/12/2023
Location: Grace Stables Les Damouettes Field Fort Road Fort Road St.
Peter Port Guernsey
Proposal: Alterations to ground levels between field boundaries.
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).

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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. a) Prior to the commencement of any work in connection therewith a landscaping scheme, to include those details specified below, shall be submitted to and agreed in

writing by the Authority:

- i) full details of tree and hedge planting;
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Reason - In the interests of visual amenity.

OFFICER'S REPORT

Brief Description of the site:

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

The application proposes to regrade and soften the existing 90 degree change in level between the north and south of the site. This change in levels has only become apparent since the clearance work of brambles, bracken, weeds etc. The submission sets out that the retained trees and foliage will need to be removed as part of these works however an approved landscaping scheme associated with the main development shows several new trees in this area of the site which will be repositioned within the flat planter areas to be created.

The application has been accompanied by a letter from CBL Consulting Ltd highlighting issues with the stability of part of this boundary and questioning its integrity in future. The correspondence recommends that the bank is regraded to reduce its angle, including the removal of existing trees with planting of indigenous species to offset the removal of existing.

Relevant History:

FULL/2023/1202 - Variation to previously approved plans for stable development 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)

FULL/2023/0905 - Variation to previously approved plans to install paddock fencing and gates - raise ground levels of agricultural land – granted

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

FULL/2022/0952 - Variation to previously approved plans for stable development 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
Redevelopment underway

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:

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

Representation:

One letter of representation has been submitted commenting on the application:

- The bank has been seriously degraded, not helped by overzealous cutting (undertaken in bird nesting season) – it is not dangerous

- Should permission be granted a condition should be imposed requiring a native hedge to be planted along the boundary, on top of the bank, which will help bind the bank together – consideration should be given to the Strategy for Nature to help offset the considerable loss of biodiversity this project is responsible for
- No details have been provided with the application regarding the number or species of the trees to be removed – there was/is a nice *Quercus robur* in the vicinity
- Considerable damage/removal has been undertaken to the hedgerow nearest Fort Road, another condition should be to repair and plant along this stretch as this will help hide the incongruous mirrors visible from Morely Corner and Les Damouettes

Conclusion/Brief comment:

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 site is situated amongst primarily residential development. The area does not have an open landscape character given the urban development surrounding it and the stable development currently under construction.

The regrading of land in order to avoid a steep drop between the two land parcels will not undermine the landscape character type nor result in harm to the unacceptable loss of specific distinctive features that contribute to local distinctiveness. Visual access to this open land will not be adversely affected.

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

All material considerations as set out in the Land Planning and Development (Guernsey) Law, 2005 and the Land Planning and Development (General Provisions) Ordinance, 2007 have been taken into account in the assessment of this application.

The submission sets out that replacement planting, likely not in accordance with previously approved details will be provided. This matter should be addressed by way of a condition attached to this permission in order to mitigate the effect of removing established trees etc. and the short/medium term impact this will have on the character of the area until replacement planting establishes/matures.

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 regrading

proposed will not therefore have an unacceptable impact on habitats and biodiversity. Although comments have been received regarding additional planting in other parts of the site and the Strategy for Nature there is no mechanism through which biodiversity enhancements for the wider development of this site can be secured through the application for a field boundary. It is however, reasonable to impose a planning condition relating to replacement planting along the regraded boundary. An informative note can be placed on a permission highlighting the importance of the Wildlife Ordinance and the requirements of this separate legislation.

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

Recommendation:

Grant with Conditions



Date: 08/01/2024

