

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 erect four semi-detached dwellings with associated works - Remove hedge and erect fence to west boundary.

LOCATION: Land To Rear of, St Mary Anthony, Carriere Lane, Vale.

APPLICANT: Shire Limited

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: 05/03/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 02/02/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: A7 Design Ltd - 20-1168 WD/01C

Application Ref: FULL/2024/0215

Property Ref: C01145B000+C011450000

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 08/04/2024.

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 variation specified above. In all other respects the development shall be carried out in full accordance with the permission dated 09/04/2021, issued under planning application reference FULL/2020/2256, and subject to the terms and conditions thereof.

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

Expiry Date: This permission will cease to have effect on 08/04/2024 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/2024/0215
Property Ref: C01145B000+C011450000
Valid date: 02/02/2024
Location: Land To Rear Of St Mary Anthony Carriere Lane Vale
Guernsey GY3 5QJ
Proposal: Variation to previously approved plans to erect four semi-detached dwellings with associated works - Remove hedge and erect fence to west boundary.

Applicant: Shire Limited

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 08/04/2024.

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4. The permission hereby granted relates only to the variation specified above. In all other respects the development shall be carried out in full accordance with the permission dated 09/04/2021, issued under planning application reference FULL/2020/2256, and subject to the terms and conditions thereof.

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

OFFICER'S REPORT

Brief Description of the site:

The application site comprises land formerly associated with the dwellinghouse located to the north, known as St Mary Anthony, and now under development to construct four residential properties.

The land is bounded by residential properties in all directions and the boundaries are formed by a substantial hedge to the west, fencing to the south, a low wall and planter to the east and a wall topped with fencing to the north.

St Mary Anthony is no longer a protected building, as of 23/05/2023. The site is located within the St Sampson Main Centre Outer Area in the Island Development Plan.

Relevant History:

FULL/2020/2256 Erect four semi-detached dwellings with associated car parking and alterations to access. (Protected Building). Approved 09/04/2021

Existing Use(s):

Development site.

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:

MC2 Housing in Main Centres and Main Centre Outer Areas

GP5 Protected Buildings

GP8 Design

GP9 Sustainable Development

Conclusion/Brief comment:

The application proposes a variation to the previously approved scheme for residential development, removing the substantial conifer hedging along the length of the west boundary and replacing it with 2m high timber fencing.

The potential for replacement of this hedging was considered as part of the assessment of the previous application for development of the site, and the report commented as follows:

The west boundary abuts the private amenity spaces of the properties located to the west and south-west. The dwelling on the property to the south-west fronts on to La Route du Braye to the south, set away from the property boundary, however the two storey dwelling to the west has first floor windows facing towards the application site. The boundary is presently formed by a substantial conifer hedge which prevents any overlooking of the application site, or vice versa. The submitted plans however indicate replacement of that hedge. Should the hedge be removed or reduced in height, the separation distance between the properties and the use of rooflights to the rear elevations of the proposed dwellings, would however limit any impacts on the amenities of either the proposed or adjacent properties.

The removal of the hedge and replacement with fencing as proposed would not therefore result in significant impacts on the amenity of the adjoining properties.

The boundary is of limited visibility from public places and the replacement would not impact on the character of the area and would not impact on the setting of those buildings. Whilst the proposal would have some impact in terms of biodiversity, the ecological value of this species is low and the impacts would not be significant.

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.

Recommendation:

Grant with Conditions



Date: 05/03/2024

