

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: Change of use of agricultural land to domestic garden (189sqm) and the removal of an earthbank and hedge.

LOCATION: Al Qasr, La Neuve Rue, St. Peter Port.

APPLICANT: Mr I M Morellec

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: 16/04/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 19/03/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Application Site Location Plan, Application Block Layout Plan and Strategy for Nature, 2020 information set out on pg. 5 of the letter (12/03/2024).

Application Ref: FULL/2024/0478

Property Ref: A210770000

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.The landscaping scheme shall be fully completed, in accordance with the details set out on page 5 of the letter dated 12/03/2024, from the applicant, Mr Morellec, by 31st March 2025 unless otherwise 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 order to provide biodiversity enhancements in accordance with the Strategy for Nature SPG.

5.If, during any development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted to the Authority a method statement to identify, risk assess and address the unidentified contaminants, and obtained written agreement from the Authority for the works to continue. Any subsequent works shall be carried out only in accordance with the conclusions and recommendations contained in the agreed report.

Reason - To manage potential contamination of the site, in the interests of the health and well-being of occupiers of the dwelling.

Expiry Date: This permission will cease to have effect on 16/04/2027 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.

To reduce the impact on nesting birds, the clearance of any vegetation should be avoided during the main breeding season of March-June (inclusive). If such works during the breeding season are deemed necessary, advice from a suitably qualified ecologist should be sought in the first instance.

It is recommended that you contact La Société Guernesiaise for advice or to arrange a site visit. La Société can be contacted on 07781 166924 or email 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/2024/0478
Property Ref: A210770000
Valid date: 19/03/2024
Location: Al Qasr La Neuve Rue St. Peter Port Guernsey GY1 1SD
Proposal: Change of use of agricultural land to domestic garden (189sqm) and the removal of an earthbank and hedge.

Applicant: Mr I M Morellec

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 - In order to provide biodiversity enhancements in accordance with the Strategy for Nature SPG.

5. If, during any development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted to the Authority a method statement to identify, risk assess and address the unidentified contaminants, and obtained written agreement from the Authority for the works to continue. Any subsequent works shall be carried out only in accordance with the conclusions and recommendations contained in the agreed report.

Reason - To manage potential contamination of the site, in the interests of the health and well-being of occupiers of the dwelling.

INFORMATIVES

Your attention is drawn to The Animal Welfare (Guernsey) Ordinance, 2012 and the need to comply with its provisions.

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OFFICER'S REPORT

Brief Description of the site:

Al Qasr is a detached one and a half-storey dwelling accessed via a private driveway from La Neuve Rue. The property covers a significant proportion of the existing domestic garden/curtilage for the site. The east site boundary with the adjoining field (within the same ownership) is marked by a hedge. A field gate exists at the southern end of the driveway for access. The north boundary is marked by a hedge and there are residential properties to the north and east of the field. The south field boundary is marked by mature hedging/trees. To the west of the site is a field (in

separate ownership) which provides a buffer to the residential development elsewhere in La Neuve Rue.

The site is located in a Main Centre Outer Area and is identified as Important Open Land in the Island Development Plan.

The application relates to the change of use of an area of agricultural land to domestic garden to the east of Al Qasr. This would require the removal of a section of earthbank and hedge between the existing and proposed areas of garden. The application has been accompanied by supporting information to address the relevant planning policies and the Strategy for Nature SPG.

Relevant History:

Pre-application advice was sought in this case.

Existing Use(s):

01 dwellinghouse
28 agriculture

Assessment: *(Tick as appropriate)*

no representation
accords with policy
within curtilage
design acceptable

x
x
x

visual amenity acceptable
no material neighbour impact
traffic not affected

x
x
x

Policies considered most relevant:

Island Development Plan policies:

MC1: Important Open Land in Main Centres and Main Centre Outer Areas
OC5(B): Agriculture Outside of the Centres – outside the Agriculture Priority Areas
GP1: Landscape Character and Open Land
GP15: Creation and Extension of Curtilage

Strategy for Nature SPG

Consultation:

Office of Environmental Health and Pollution Regulation –have reviewed the proposed plans for the change of use of part of agricultural land located at La Roussallerie, St Peter Port, Cadastre ref A210770000, to domestic garden for the adjoining domestic property, Al Qasr.

By interrogating the States' Digimap system and records, I have established that heated commercial glasshouses were historically located at the La Roussaillerie site, and on surrounding land parcels. I understand from the records that many of the greenhouses were removed a long time ago and that residential development of surrounding sites has taken place, including the development of the land that Al Qasr now sits on. As such, contaminated land surveys may have been carried out historically as part of those developments to assess any risk posed by the historical heated glasshouse use.

However, without knowing whether land contamination surveys have been previously carried out at the site or at surrounding sites, there is the potential for land contamination to be present and I have concerns that there could be contamination of metals, hydrocarbons and pesticides from this historic use. Other sources of contamination could also be present.

A CEMP condition is therefore recommended.

Conclusion/Brief comment:

Policy OC5(B) sets out that there is support for the loss of an existing farmstead, agricultural building or land where the new use accords other relevant planning policies in the Island Development Plan.

Policy MC1: Important Open Land in Main Centres and Main Centre Outer Areas preceding text (para. 5.1.3) states: In order to preserve the open character of these areas, new development will only be supported where there is no significant adverse impact on the openness, visual quality or landscape character of the Important Open Land.

Given the established site boundaries and that the site is largely screened from public view by existing residential development and adjoining fields the proposal would not undermine the openness of the area. Furthermore, although altering the field layout it is noted that this field is irregular in shape as is the field to the southwest. The proposal would not undermine the established field pattern here and would not have a detrimental impact on wider landscape character in accordance with both Policies MC1 and GP1.

The area of land is well associated with the existing dwelling, Al Qasr and is not located within an Agriculture Priority Area. The boundaries of the site are clearly defined and surrounding land is in separate ownership to Al Qasr and the agricultural land that is the subject of this application. Although the application requires a section of bank and hedge to be removed this would not represent the unacceptable loss of established boundary features and their positive contribution to the character of the area particularly given that a new bank with hedgerow above is proposed to define the proposed area of curtilage. The land is not identified as being situated within an Area of Biodiversity Importance and the new hedgerow, subject to species/landscaping details, would represent a proportionate level of biodiversity

enhancement having regard to the adopted Supplementary Planning Guidance. The proposed hedge is indicated to comprise a mix of Holly, Elder and Hazel.

The Island Development Plan recognises there is a balance between protecting open and agricultural land and other legitimate uses Outside of the Centres. The designation of the Agriculture Priority Area represents the Island's most valuable agricultural area. In this instance, given that the land is outside of the Agriculture Priority Area, the balance would not be towards protecting this land for agricultural purposes.

With regard to the impact on neighbouring properties, the proposal involves a change of use of an area of land to be included and managed as part of the residential curtilage and given the location of the land in relation to neighbouring residential properties and that adequate boundary screening separates the land from the neighbouring properties, the proposed change of use would not of itself have an adverse impact on or affect their amenities.

It is considered that the change of use would accord with Policy GP15 a)- e) and provided that the proposal accords with all other relevant policies of the IDP, the principle of change of use to domestic curtilage is considered to be acceptable in this particular location.

The comments received by OEHPR are noted, this would not preclude the change of use of land but seeks to highlight that the land may be contaminated.

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.

In view of the above it is recommended permission is granted for the change of use of land proposed subject to appropriate planning conditions.

Recommendation:

Grant with Conditions



Date: 12/04/2024

