

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 of condition 4 of previously approved application FULL/2020/0737 to allow some excavation to take place within site. Variation of condition 5 to approve some submitted details- cycle store, fences and railing details.

LOCATION: Styx Centre, Rue du Longfrie, St. Pierre Du Bois.

APPLICANT: Styx Centre

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: 20/08/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 21/03/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Brian R Martel - 4256.02.02, 03 and 06

Application Ref: FULL/2024/0575

Property Ref: F00593A000+F00592A000

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.Notwithstanding the submitted details, the hard surfacing hereby permitted within the area to the north of the Styx Centre (the existing parking/playground area) shall be constructed with only a maximum scraping of 150mm topsoil within this area. The construction of hard surfacing or preparatory works within this area shall not commence on site until the final design specification, including cross sections showing the existing and proposed levels has been submitted to and approved in writing by the Local Planning Authority. The hard surfacing shall then be installed as per the approved documents.

Reason - In the interests of the health of adjacent trees.

5.No work in connection with the following specific features shall be carried out on site until precise details have been submitted to and agreed in writing by the Authority.

- i) Play equipment
- ii) Vegetable beds shed and water storage
- iii) Public art installation

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 proposed feature(s). This condition is imposed to make sure that the development is of satisfactory design and does not have any adverse impact on the character of the area.

6.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 29/03/2021, issued under planning application reference FULL/2020/0737, and subject to the terms and conditions thereof.

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

Expiry Date: This permission will cease to have effect on 20/08/2027 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/2024/0575
Property Ref: F00593A000+F00592A000
Valid date: 21/03/2024
Location: Styx Centre Rue du Longfrie St. Pierre Du Bois Guernsey GY7 RZ
Proposal: Variation of condition 4 of previously approved application FULL/2020/0737 to allow some excavation to take place within site. Variation of condition 5 to approve some submitted details- cycle store, fences and railing details.
Applicant: Styx Centre

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. Notwithstanding the submitted details, the hard surfacing hereby permitted within the area to the north of the Styx Centre (the existing parking/playground area) shall be constructed with only a maximum scraping of 150mm topsoil within this area. The construction of hard surfacing or preparatory works within this area shall not commence on site until the final design specification, including cross sections showing the existing and proposed levels has been submitted to and approved in writing by the Local Planning Authority. The hard surfacing shall then be installed as per the approved documents.

Reason - In the interests of the health of adjacent trees.

5. No work in connection with the following specific features shall be carried out on site until precise details have been submitted to and agreed in writing by the Authority.

- i) Play equipment
- ii) Vegetable beds shed and water storage
- iii) Public art installation

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 proposed feature(s). This condition is imposed to make sure that the development is of satisfactory design and does not have any adverse impact on the character of the area.

6. 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 29/03/2021, issued under planning application reference FULL/2020/0737, and subject to the terms and conditions thereof.

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

OFFICER'S REPORT

Brief Description of the site:

The application site comprises the Styx Centre, car park and playground accessed from Rue Du Longfrie, and an agricultural field adjacent to the east that is accessed from Route Du Longfrie.

Both the Styx Centre site and the field are located within the St Peters Local Centre, while the field is also designated as Important Open Land under the Island Development Plan.

Relevant History:

FULL/2020/0737 – Change of use of agricultural land to community use, installation of play equipment, creation of new vehicular access and parking areas, closure of existing vehicular accesses and associated works at Le Courtil de Jean Robert.

Existing Use(s):

29 Sui generis- Community Centre

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:

LC1 – Important Open Land in Local Centres

LC3(A) – Social and Community Facilities in Local Centres – New, Extension, Alteration or Redevelopment of Existing Uses

LC7(A) – Leisure and Recreation in Local Centres – New, Extension, Alteration or Redevelopment of Existing Uses

GP1 – Landscape Character and Open Land

GP8 – Design

GP9 – Sustainable Development

GP15 – Creation and Extension of Curtilage

GP18 – Public Realm and Public Art

IP6 – Transport Infrastructure and Support Facilities

IP7 – Private and Communal Car Parking

IP9 – Highway Safety, Accessibility and Capacity

Conclusion/Brief comment:

This application seeks to vary condition 4 of FULL/2020/0737- which allowed the change of use of the adjacent agricultural land to community use. This permission has been considered extant due to the completion of the works to widen the access from Route du Longfrie.

The variation is required to allow the connection between the existing field and playground sites, which currently have a levels difference of approx. 1.2m which was not identified during the original application. The existing difference in levels, in combination with the no-dig construction in Condition 4, means that the two sites cannot be connected without a significant building up of the land level in the existing car parking area to the north of the Styx. This would result in land levels being higher than the existing boundary earthbanks along Rue de Longfrie and this was not

considered in the original application. The excavation of part of the site would allow the connection of the two areas without the significant increase in land levels along Rue de Longfrie.

Condition 4:

Notwithstanding the submitted details, the roadway and parking areas hereby permitted shall be constructed on top of the existing ground level and no excavation shall take place within these areas, and a construction specification detailing how compaction of the soil is to be avoided/minimised shall be submitted to and agreed in writing by the Authority before that work is carried out. The development shall be completed in accordance with the construction specification so agreed.

Reason - In the interests of the health of adjacent trees.

The original report details that excavation of the road and parking spaces would cause harm to the health of the adjacent trees and that proposed landscape planting would not be sufficient to mitigate this.

As part of this application to vary this condition, a tree survey was undertaken and a site meeting held with the Applicant, Agent, Planning Officer and Arboriculturist from ACLM's to assess the impact of the proposal on the existing onsite trees. ACLM's agreed that the existing established trees, between the field and Longfrie Pub, close to the new entrance of the site should not be considered a constraint as the largest of the trees is an Ash tree suffering from die-back and is likely to need removal in around 10 years. ACLM's also advised that the smaller trees of this group are ash and elm, not of a size which is likely to be significantly affected by any excavation required for the road or parking areas, and more significantly, they are likely to succumb to Ash dieback and Dutch Elm disease themselves in the next few years, and the new trees which have been planted recently along the central section of the bank are not of a size which will be affected by the works.

Although this group of trees is visually important, its longevity is already limited, and it should therefore not be considered a constraint to the proposed development. Additional tree planting to offset the future loss of these trees has partially been undertaken along the bank, and more will be expected within the landscaping proposals, required under condition 8 of the original consent.

As the trees which would be affected by the construction of the access road are no longer considered a constraint to the development, this section of the site has been removed from the revised condition 4, as control over the depth of excavation of proposed hardstanding which runs from the entrance of the site to the existing car parking area to the north of the Styx is no longer considered necessary or reasonable. For this reason, the revised Condition 4 refers only to the areas of hardstanding proposed within the existing playground area to the north of the Styx Centre.

ALCM's also agreed that a minor amount of scraping of the top soil to allow for the above ground construction of the parking area within the existing playground area would be acceptable and not have a significantly harmful impact on the numerous trees within this section. Approx 150mm of scraping was agreed, with an approx. 300mm road/parking construction above, which would result in an approx. increase in existing levels by 150mm.

It is therefore agreed, that Condition 4 can be varied as follows:

Notwithstanding the submitted details, the hard surfacing hereby permitted within the area to the north of the Styx Centre (the existing parking/playground area) shall be constructed with only a maximum scraping of 150mm topsoil within this area. The construction of hard surfacing or preparatory works within this area shall not commence on site until the final design specification, including cross sections showing the existing and proposed levels has been submitted to and approved in writing by the Planning Authority. The hard surfacing shall then be installed as per the approved documents.

Reason - In the interests of the health of adjacent trees.

Additional details of the proposed fencing, railings and cycle store have been submitted, and are considered appropriate for the location. The requirements for the future submission of these has therefore been removed from Condition 5 which previously required their submission.

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: 13/08/2024

