

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: Install oil tank and wall enclosure to east boundary, remove and replant hedge to north boundary and erect pergola to south boundary.

LOCATION: Magnolia, Route De Farras, Forest.

APPLICANT: Mrs S Swale

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: 03/06/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 25/04/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Block plan and annotated photos (dated 15/04/24 & 25/05/24 respectively).

Application Ref: FULL/2024/0685

Property Ref: H00150F000

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.Prior to the removal of the existing hedge full details of the replacement hedge (including the type of hedge and planting densities) shall be submitted to and approved in writing by the Authority. The replacement hedge shall be planted in accordance with the approved details in the first planting season following the removal of the existing hedge. 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 - To ensure that an appropriate replacement hedge is planted in a timely fashion in the interests of the landscape character of the locality.

5.Notwithstanding the hereby approved details, the block wall surrounding the oil tank shall be smooth renderedr within four weeks of its construction.

Reason - To secure the satisfactory appearance of the completed development.

Expiry Date: This permission will cease to have effect on 03/06/2027 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

The applicants attention is drawn to the fact that any developments regarding oil tanks must comply with Environmental Pollution (Water Pollution) Ordinance, 2022, Schedule 2, General Requirements For Activities Likely To Present A Threat Of Water Pollution (17). Complying with the Environmental Pollution (Water Pollution) Ordinance, 2022 does not negate the applicant from also complying with any other

legislation or regulations that may also be required by the Planning Authority or Building Control.

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/2024/0685
Property Ref: H00150F000
Valid date: 25/04/2024
Location: Magnolia Route De Farras Forest Guernsey GY8 0DY
Proposal: Install oil tank and wall enclosure to east boundary, remove and replant hedge to north boundary and erect pergola to south boundary.

Applicant: Mrs S Swale

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. Prior to the removal of the existing hedge full details of the replacement hedge

(including the type of hedge and planting densities) shall be submitted to and approved in writing by the Authority. The replacement hedge shall be planted in accordance with the approved details in the first planting season following the removal of the existing hedge. 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 - To ensure that an appropriate replacement hedge is planted in a timely fashion in the interests of the landscape character of the locality.

5. Notwithstanding the hereby approved details, the block wall surrounding the oil tank shall be smooth rendered within four weeks of its construction.

Reason - To secure the satisfactory appearance of the completed development.

INFORMATIVES

The applicants attention is drawn to the fact that any developments regarding oil tanks must comply with Environmental Pollution (Water Pollution) Ordinance, 2022, Schedule 2, General Requirements For Activities Likely To Present A Threat Of Water Pollution (17). Complying with the Environmental Pollution (Water Pollution) Ordinance, 2022 does not negate the applicant from also complying with any other legislation or regulations that may also be required by the Planning Authority or Building Control.

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.

OFFICER'S REPORT

Brief Description of the site:

The property known as 'Magnolia is a mid-20th century detached bungalow which has been extended, it is set back from and faces north onto La Route de Farras. There are neighbouring properties to the east and west and across the road to the

north, to the south is an open agricultural field. The property is located Outside of the Centres as defined in the Island Development Plan.

Relevant History:

There is no relevant history pertaining to this application.

Existing Use(s):

Residential use class 1: dwelling house.

Assessment: *(Tick as appropriate)*

no representation	X
accords with policy	X
within curtilage	X
design acceptable	X

visual amenity acceptable	X
no material neighbour impact	X
traffic not affected	X

Policies considered most relevant:

GP8: Design

GP13: Householder Development

Consultation:

The Office of Environmental Health and Pollution Regulation.

'I have reviewed the proposed plans for Magnolia regarding the installation of an oil tank which were received by email on 7th May 2024 and there is an issue of concern that I must raise. I gather the installation of the 650BTATLAS oil tank will be completed by Rubis with the associated "building of a concrete base and a block wall around the oil tank in line with regulations." I would therefore like to remind the applicant that any developments regarding oil tanks must also comply with Environmental Pollution (Water Pollution) Ordinance, 2022, Schedule 2, General Requirements For Activities Likely To Present A Threat Of Water Pollution (17). Complying with the Environmental Pollution (Water Pollution) Ordinance, 2022 does not negate the applicant from also complying with any other legislation or regulations that may also be required by the Planning Authority or Building Control.'

Conclusion/Brief comment:

This application is to replace the dying front boundary hedge with a new hedge, replace the rear garden shed with a timber pergola and erect an oil tank enclosure in the front driveway area.

All of the proposals are considered to be appropriate and acceptable. The front boundary comprises a dying hedge – to be replaced – two trees and some low

shrubs. Once the new hedge is established the front boundary will help to screen the oil tank, which although is at the front of the property it will be set to one side and it will not be easily seen from any public vantage points.

The construction of the new oil tank must comply with both Building Control and Environmental Pollution legislation, as stated above. Due to its height the wall around the oil tank should be rendered and painted to match the property, to help the location of the oil tank blend in, this can be conditioned.

The pergola in the rear garden will be replacing an old timber shed. The pergola is small and compact and is not considered to have any detrimental impacts on the character of the surrounding area nor will it impact on neighbour amenity.

The proposals are considered to conform to the above policies of the Island Development Plan and grant of permission is recommended, subject to conditions.

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: 03/06/2024

