

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: Erect four single storey cabins and store and landscaping to south of site

LOCATION: Le Murier School, Baubigny Farm Lane, St. Sampson.

APPLICANT: Committee For Education, Sport And Culture

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: 12/06/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 30/04/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Property Services - 7211/10, 11B, 12 & 13

Application Ref: FULL/2024/0784

Property Ref: B009280000

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. No development, excluding demolition and site works, shall begin until a landscaping scheme, to include those details specified below, has been submitted to and agreed in writing by the Authority:

- i) the treatment proposed for all ground surfaces, including hard areas;
- ii) full details of tree and hedge planting;
- iii) planting schedules, noting the species, sizes, numbers and densities of plants;
- iv) finished levels or contours;
- v) any screen walls or similar structures;
- vi) any other structures to be erected or constructed;
- vii) functional services above and below ground; and
- viii) all existing trees, hedges and other landscape features, indicating clearly those to be removed.

Reason - To make sure that a satisfactory landscaping scheme for the development is agreed, in order to help assimilate the development into its surroundings.

5. 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 first occupation of any part of the development or completion of development whichever is the sooner, 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 - To make sure that the appearance of the completed development is satisfactory and to help assimilate the development into its surroundings.

6. No materials to be used on the exterior of the buildings shall be placed on the site until such time as samples of those materials have been submitted to the Authority. Only materials agreed in writing by the Authority shall be used in carrying out the development.

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

7. The development hereby permitted shall be used only in conjunction with and ancillary to St Sampson's High and Le Murier School for purposes incidental to the educational use of those premises within Public Amenity Use Class 19 of the Land Planning and Development (Use Classes) Ordinance, 2017, or in any provision equivalent to that Use Class in any Ordinance revoking or re-enacting that Ordinance and shall not be used separately or for any other purpose at any time.

Reason - Permission has been granted on the basis that the use will be limited to that outlined above. Any other use is likely to raise different planning policy considerations.

Expiry Date: This permission will cease to have effect on 12/06/2027 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

The applicant's attention is drawn to the legal requirements outlined in schedule 2 of the Public Health (Amendment) Ordinance, 2010 which provides for legal requirements in relation to overcrowding standards.

The Authority does not recognise all of the land outlined on the submitted plan(s) as forming curtilage associated with the proposed development and this permission confers no consent for any work on or change of use of land to the west of the development hereby approved.

It is recommended that discussions are held with the States Agriculture, Countryside and Land Management Services (ACLMS) prior to any works commencing on site, to ensure that any potential impacts of the development on the biodiversity of the site are avoided where possible.

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/2024/0784
Property Ref: B009280000
Valid date: 30/04/2024
Location: Le Murier School Baubigny Farm Lane St. Sampson Guernsey
GY2 4DA
Proposal: Erect four single storey cabins and store and landscaping to
south of site

Applicant: Committee For Education, Sport And Culture

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 - Permission has been granted on the basis that the use will be limited to that outlined above. Any other use is likely to raise different planning policy considerations.

INFORMATIVES

The applicant's attention is drawn to the legal requirements outlined in schedule 2 of the Public Health (Amendment) Ordinance, 2010 which provides for legal requirements in relation to overcrowding standards.

The Authority does not recognise all of the land outlined on the submitted plan(s) as forming curtilage associated with the proposed development and this permission confers no consent for any work on or change of use of land to the west of the development hereby approved.

It is recommended that discussions are held with the States Agriculture, Countryside and Land Management Services (ACLMS) prior to any works commencing on site, to ensure that any potential impacts of the development on the biodiversity of the site are avoided where possible.

OFFICER'S REPORT

Brief Description of the site:

The application site is within the grounds of St Sampsons High School & Le Murier School to the south of open playing fields. There is an existing outbuilding on the east of the site.

Surrounding the site the area comprises open playing fields (part of the school complex) to the west and north, the prison further east and two large glass houses to the south.

Relevant History:

FULL/2021/0385	Erect four single storey cabins and store and landscaping to south of site	Granted 29/04/2021
FULL/2018/1296	Install 4 cabins and 'stores' building to provide units of independent living (revised)	Granted 27/07/2018
FULL/2016/0487	Convert packing shed to provide activity centre and erect four log cabins to provide living units.	Granted 18/05/2016
FULL/2011/2713	Convert existing outbuilding into ancillary educational facility	Granted 26/10/2011

Existing Use(s):

Educational facility

Assessment: *(Tick as appropriate)*

no representation
accords with policy

☒
☒

visual amenity acceptable
no material neighbour impact

☒
☒

within curtilage
design acceptable



traffic not affected



Policies considered most relevant:

Island Development Plan Policies:

- OC2: Social and Community Facilities;
- GP1: Landscape Character and Open Land;
- GP8: Design;
- GP9: Sustainable Development

Consultation:

The Office of Environmental Health and Pollution Regulation –

Were consulted and by email dated 07th June 2024 confirmed that *“they have no additional comments to add to the previous response on the previous application for the development in 2021 (ref: FULL/2021/0385)”*. For ease of reference those comments were as follows:

“I have reviewed the proposed plans for the installation of 4 cabins (and a store) to be utilised for the purpose of independent living accommodation which were received by email on 1st April 2021. Whilst I do not wish to raise any objections to the proposals I would be very grateful if the applicant’s attention could be drawn to the legal requirements outlined in schedule 2 of the Public Health (Amendment) Ordinance, 2010 which provides for legal requirements in relation to overcrowding standards.”

Agriculture, Countryside and Land Management Services

Requested to be consulted on the application and by email dated 23rd May 2024 recommended that an assessment of existing biodiversity value and potential ecological impacts of the proposed development be submitted for review. Following discussions with ACLMS where it was confirmed that permission had been granted for the same proposal, under the same policies of the IDP, ACLMS redacted the requirement for the assessment and instead recommended that an informative be included on the permission recommending that discussions are held with ACLMS prior to any works to ensure that any potential impact of the development on biodiversity are avoided where possible.

Conclusion/Brief comment:

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

Planning permission was granted on 18/05/2016 to convert a packing shed to provide an activity centre and to erect four log cabins to provide living units. Planning permission was subsequently granted in 2018 for a revision to the scheme, to change the types of log cabins to be erected and to provide a stores building to be used in connection with the facility. Permission was subsequently granted in 2021 (ref: FULL/2021/0385) to erect four single storey cabins and a store in a slightly different arrangement and landscaping to the south of the site. That permission has since expired and the application the subject of this report is for the same development as that previously approved under the 2021 permission.

The principle of the proposed use has been previously established and remains acceptable and there has been no change in policy. Policy OC2: Social and Community Facilities Outside of the Centres, supports proposals for the extension, alteration and replacement of existing social and community facilities where the proposal would not undermine the vitality of the Centres, where it would be of a scale appropriate to its setting, where there are no unacceptable impacts on the visual appearance and amenity of the location concerned and where the proposal accords with all other relevant policies of the IDP.

The cabins will provide accommodation for the activity centre and will be used in connection with and administered by Le Murier School to help pupils to develop their skills for, and experience independent living in a safe and supervised environment. The proposal is of an appropriate scale so as not to undermine the vitality of the Centres. It is recommended however that a condition is included on the permission to limit the use of the cabins to educational use only, to ensure that separate units of independent residential accommodation are not created.

To the north, northwest and west, the site is situated adjacent to the school playing fields with open fields beyond. To the south of the site two large greenhouses are situated and to the east and southeast the prison and associated buildings are located. Although the revised scheme alters the arrangement and siting of the cabins from that previously approved, they remain well designed, are of an appropriate scale and height and have been appropriately positioned so as to not encroach significantly into otherwise open areas. Existing trees within the site are shown to be retained and protected. A landscaped earth bank is proposed to enclose the southern site frontage, and new planting is proposed to the west. The proposal would therefore not negatively impact on the character or openness of the surrounding area.

For the above reasons it is considered that the proposal accords with the provisions of Policies OC2, GP1 and GP8 of the IDP.

Information has been provided to demonstrate proportionate compliance with Policy GP9. The proposal would have no adverse impact on neighbouring uses or on traffic.

Recommendation:

Grant with Conditions



Date: 11/06/2024

