

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 2 signs to south-west of site.

LOCATION: Earlswood Garden Centre, Ville Baudu, Vale.

APPLICANT: Mr T Phillips

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: 31/07/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 22/05/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Site Location Plan, Block Layout Plan, Floor Plan (all date stamped received 23rd July 2024), photograph of signage (undated).

Application Ref: FULL/2024/0856

Property Ref: C010740000

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. For the avoidance of doubt, the proposed signage to be installed adjacent to the west boundary wall at the southern entrance of the site, shall not exceed the height of the wall once installed.

Reason - to ensure that the signage achieves a high enough standard of design for the purposes of Policy GP8 (Design) and respects the character and appearance of the Conservation Area (Policy GP4).

5 .Full details of the signage, including the size and appearance, should be submitted to and agreed in writing by the Authority. The works shall be carried out only in accordance with the agreed details.

Reason - to avoid any ambiguity as the size of the signage is not specified as part of the revised application.

Expiry Date: This permission will cease to have effect on 31/07/2027 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

For the avoidance of doubt, the advertisements to which this permission relates is non-illuminated. Any form of illumination, whether by external or internal means, will require a separate grant of planning permission.

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/2024/0856
Property Ref: C010740000
Valid date: 22/05/2024
Location: Earlswood Garden Centre Ville Baudu Vale Guernsey
GY3 5AA
Proposal: Erect 2 signs to south-west of site.
Applicant: Mr T Phillips

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. For the avoidance of doubt, the proposed signage to be installed adjacent to the west boundary wall at the southern entrance of the site, shall not exceed the height of the wall once installed.

Reason - to ensure that the signage achieves a high enough standard of design for the purposes of Policy GP8 (Design) and respects the character and appearance of the Conservation Area (Policy GP4).

5. Full details of the signage, including the size and appearance, should be submitted to and agreed in writing by the Authority. The works shall be carried out only in accordance with the agreed details.

Reason - to avoid any ambiguity as the size of the signage is not specified as part of the revised application.

INFORMATIVES

For the avoidance of doubt, the advertisements to which this permission relates is non-illuminated. Any form of illumination, whether by external or internal means, will require a separate grant of planning permission.

OFFICER'S REPORT

Brief Description of the site:

Planning permission is sought to erect 2 signs to the south-west of the site, at the vehicular entrance point serving Earlswood Garden Centre.

The application site is located Outside of the Centres and Conservation Area as designated in the Island Development Plan. The entrance of the site is located adjacent to a protected building, known as The Retreat.

The application was deferred as some concerns were raised over height, form, size and position of the sign. Concerns were also raised in respect of the impact on the setting of the protected building, the effect on the Conservation Area, neighbour amenity and vehicular movements.

The applicant has amended the application to incorporate two low level signs on either side of the entrance, attached to aluminium posts. The signs will be no higher than 950mm high to be lower than the boundary wall as noted on the floor plan. The western boundary wall is 1m high, and the posts will be between 100mm and 200mm away from the boundary walls, as noted on the floor plan.

Relevant History:

FULL/2013/3162	Erect signpost at junction of Le Douit Lane with L'Ancrese Road.	Refused
FULL/2009/2643 Guernsey Conservatories	Erect a sign (retrospective).	Refused
FULL/2009/1760 Guernsey Conservatories	Erect a sign.	Granted

Existing Use(s):

Garden 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:

OC4: Retail Outside of the Centres

GP4 Conservation Areas

GP5 Protected Buildings

GP8 Design

Conclusion/Brief comment:

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 light of Policy OC4, the proposed signage is of a limited scale and is a minor alteration to facilitate the continuation of the existing retail use at its current level of operation, and in light of the amendments secured, there would not be an unacceptable adverse impact on the visual character and amenity of the locality.

Due to the position of the advertisements, immediately adjacent and below the top of the respective boundary walls (forming the east and west boundary treatment of the site), together with the size and appearance, the proposal will not adversely affect the amenities of neighbouring residents, the character and appearance of the Conservation Area, or the special interest of the adjacent protected building.

It is necessary and reasonable to attach a planning condition to ensure that the height of the proposed sign adjacent to the west boundary wall does not exceed the height of the wall once installed. This will ensure that the signage achieves a high enough standard of design for the purposes of Policy GP8 (Design) and respects the character and appearance of the Conservation Area (Policy GP4). The drystone wall along the east boundary is higher therefore a condition for the east boundary sign is not necessary. Full details of the sign shall be controlled by condition, including its size, to ensure the details are precise and are Enforceable.

An informative regarding illumination of signage should be attached to the decision to avoid any ambiguity.

Sufficient information has been submitted that has taken into account the criteria of Policy GP9 (Sustainable Development).

Based on the above, the application is considered compliant with the relevant Island Development Plan policies, and accords with the purpose of the Law and the Material Planning Considerations. It is therefore recommended that planning permission be granted, subject to conditions.

Recommendation:

Grant with Conditions



Date: 31/07/24

