

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: Replace/alter lean-to roof, internal and fenestration alterations and alterations to roadside wall (Protected Building).

LOCATION: Les Grandes Portes, Les Portes, St. Sampson.

APPLICANT: Mr A & Mrs S Brewer

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: 24/09/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 03/07/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: CCD Architects: 3866-PL-11A, 12, 13, 14, 15, 16, 19, 20, 21

Application Ref: FULL/2024/1131

Property Ref: B013690000

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.Within 2 months of the section of the roadside wall and railings being removed, the ends of the roadside wall and railings to be retained shall be made good, in accordance with the approved details.

Reason - to preserve the special interest of the protected building (including the roadside wall and railings) and in the interests of visual amenity.

5.Notwithstanding the information submitted and shown on drawing no. 3866-PL-14 the use of Millboard 'shadow line' cladding is not approved. The cladding hereby approved shall be of natural timber and full details of the type, texture and colour of the cladding material to be used shall be submitted to and agreed in writing by the Authority. The work shall be completed in accordance with the agreed details.

Reason - The use of a composite material would have a negative effect on the special interest of the protected building compared to the original character of the protected building (Policy GP5). Natural timber cladding material would preserve the special interest of the protected building.

6.The additional supplementary planting as shown on drawing 3866-PL-19 shall be planted in the first planting season following the removal of the section of wall and railings hereby approved. 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 the boundary treatment is infilled with additional supplementary plants within a reasonable timeframe.

7.Notwithstanding the information submitted and following the commencement of works, should the existing Copper beech tree die, or become diseased, then the

section of roadside wall and railings to be removed shall be replaced on a like-for like basis.

Reason - The proposal to demolish a section of the protected roadside wall and railings has been granted on the basis that the works would allow the Copper Beech tree to be retained. The felling of the tree following the removal of this section of wall and railings would leave an unsightly gap in the road frontage and the reinstatement of the wall and railings is appropriate to ensure that the special interest of the protected building is preserved in accordance with the requirements of Section 34 of Land Planning and Development (Guernsey) Law, 2005.

Expiry Date: This permission will cease to have effect on 24/09/2027 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. The building is located in an area where bats may be nesting and measures may therefore need to be taken (including consideration of the timing of the works) to ensure that any protected species present are not impacted by the works. It is recommended that you contact Agriculture, Countryside and Land Management Services for advice or to arrange a site visit on 01481 717000.

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/2024/1131
Property Ref: B013690000
Valid date: 03/07/2024
Location: Les Grandes Portes Les Portes St. Sampson Guernsey GY2
4GD
Proposal: Replace/alter lean-to roof, internal and fenestration
alterations and alterations to roadside wall (Protected
Building).
Applicant: Mr A & Mrs S Brewer

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 - to ensure that the boundary treatment is infilled with additional supplementary plants within a reasonable timeframe.

7. Notwithstanding the information submitted and following the commencement of works, should the existing Copper beech tree die, or become diseased, then the section of roadside wall and railings to be removed shall be replaced on a like-for like basis.

Reason - The proposal to demolish a section of the protected roadside wall and railings has been granted on the basis that the works would allow the Copper Beech tree to be retained. The felling of the tree following the removal of this section of wall and railings would leave an unsightly gap in the road frontage and the reinstatement of the wall and railings is appropriate to ensure that the special interest of the protected building is preserved in accordance with the requirements of Section 34 of Land Planning and Development (Guernsey) Law, 2005.

INFORMATIVES

Your attention is drawn to The Animal Welfare (Guernsey) Ordinance, 2012 and the need to comply with its provisions. The building is located in an area where bats may

be nesting and measures may therefore need to be taken (including consideration of the timing of the works) to ensure that any protected species present are not impacted by the works. It is recommended that you contact Agriculture, Countryside and Land Management Services for advice or to arrange a site visit on 01481 717000.

OFFICER'S REPORT

Brief Description of the site:

The application site comprises a protected building known as 'Les Grandes Portes'. The whole of the building is protected, together with the roadside wall, railings and gate.

The property is located Outside of the Centres as designated in the Island Development Plan.

Planning permission is sort to replace/alter a lean-to roof, make internal and fenestration alterations, and remove a section of the roadside wall and railings. The application has been supported by a Statement of Significance.

The application seeks to remove a small section of the roadside wall and railings in order to retain a mature Copper beech tree.

Relevant History:

None germane to this application.

Existing Use(s):

Residential

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:

- GP1 Landscape Character and Open Land
- GP5 Protected Buildings
- GP8 Design
- GP9 Sustainable Development

GP13 Householder Development

Comments:

Agriculture, Countryside and Land Management Services:

Historic building adjacent to woodland, potential to support roosting bats. Suggest requirement for a bat survey is included.

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.

It is a requirement under the Land Planning and Development (Guernsey) Law, 2005, when considering applications affecting protected buildings, to secure so far as possible that the special historic, architectural, traditional or other special characteristics (including setting) are preserved. This duty is reflected in Policy GP5 of the IDP.

The agent has satisfactorily demonstrated an understanding of the significance of the building in accordance with Policy GP5. It is noted in the Statement of Significance that the existing lean-to roof was replaced by the current owners in 1988, therefore is not an original feature. The walls however were constructed before 1898.

It is considered that the replacement roof will have a limited effect on the special interest of the protected building and is considered a reasonable aspiration of the property owner under Policy GP5. It is noted that the alterations will enable the space to become ancillary habitable accommodation, serving as a sitting room, study and shower room. The works comply with Policy GP8.

An informative regarding a bat survey should be included as part of the decision in light of the recommendations by ACLMS.

The removal of the garage door is acceptable, so are the internal alterations proposed. It is however considered inappropriate to use Millboard (composite) cladding on the rear elevation of the garage due to the effect this would have on the fabric and special interest of the protected building. This matter can be managed by condition.

The roadside wall and railings directly in front of the Copper beech tree is damaged and distorted. Whilst it might be appropriate to remove the tree in order to repair/replace the section of the damaged wall and railings, the existing tree is in good health as set out in the arboriculturist report and provides a positive effect on both the setting of the protected building and visual amenity when read in the street

scene. Works to trees as part of a planning application are protected under the Law as trees should be protected as far as possible.

Policy GP5 requires a balance to be struck between harm to the protected building and the reasonable aspirations of the property owner and this case provides a carefully considered proposal between removing a limited section of the protected wall and railings (3436mm) which are in poor condition, whilst enabling the Copper beech tree to remain in accordance with Policy GP5.

It is however considered necessary and reasonable to replace the damaged section of the wall and railing should the existing tree die or becomes diseased in order to take into account the provisions of the Law which seeks to preserve the special interest of protected buildings.

It is also reasonable to attach a condition to ensure that full details of the replacement planting to infill the void where the existing wall and railings lie be submitted to and agreed in writing by the Authority given the close proximity to the road in the interest of visual amenity.

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: 17/09/24

