

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 fencing to north, west & north-west boundary.

LOCATION: Les Varendes High School, Rue Des Varendes, St. Andrew.

APPLICANT: Committee For Education, Sport & 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: 06/11/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 13/08/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Tyrrell Dowinton Associates: 2464 03.02 & 03.03.

Application Ref: FULL/2024/1248

Property Ref: K000150000+K00016A000+K000230000

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.The fencing and any gates hereby approved to be installed along the full extent of the boundary between points A to B as shown on drawing Ref: 03.02 shall be installed to ensure that a 150mm gap is maintained between the base of the fence/gates and ground level. The fence and gates shall be maintained as such in perpetuity unless otherwise agreed in writing by the Authority.

Reason - To ensure that no harm is caused to wildlife In the interests of biodiversity and having regard to the Strategy for Nature SPG.

5.No development in connection therewith shall begin on site until the exact location of the additional pedestrian gate as referred to on drawing ref: 03.02 has been submitted to and agreed in writing by the Authority. 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 scheme is of satisfactory design and does not have any adverse impact on the character of the area.

Expiry Date: This permission will cease to have effect on 06/11/2027 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/2024/1248
Property Ref: K000150000+K00016A000+K000230000
Valid date: 13/08/2024
Location: Les Varendes High School Rue Des Varendes St. Andrew
Guernsey GY6 8TD
Proposal: Erect fencing to north, west & north-west boundary.
Applicant: Committee For Education, Sport & Culture

RECOMMENDATION - Grant: Planning Permission with Conditions:

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Reason - To ensure that it is clear that permission is only granted for the development to which the application relates.

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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. The fencing and any gates hereby approved to be installed along the full extent of the boundary between points A to B as shown on drawing Ref: 03.02 shall be installed

to ensure that a 150mm gap is maintained between the base of the fence/gates and ground level. The fence and gates shall be maintained as such in perpetuity unless otherwise agreed in writing by the Authority.

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5. No development in connection therewith shall begin on site until the exact location of the additional pedestrian gate as referred to on drawing ref: 03.02 has been submitted to and agreed in writing by the Authority. 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 scheme is of satisfactory design and does not have any adverse impact on the character of the area.

OFFICER'S REPORT

Site Description:

The application site comprises Les Varendes High School and Sixth Form Centre together with the school playing fields situated to the north of the site. Surrounding the site the area comprises open land to the east, Footes Lane sports facility to the northeast, and residential developments to the south and southwest.

The site is situated Outside of the Centres as designated in the Island Development Plan.

Relevant History:

PAPP/2007/0395	Demolish existing and erect replacement shed.	Granted 27/02/2007
PAPP/2004/1207	Erect replacement fencing	Granted 01/06/2004

Existing Use(s):

School

Brief Description of Development:

Planning permission is sought for the installation of fencing, pedestrian and vehicle gates in the following locations:

- Fencing to be installed in the following locations:
 - along part of the southwest boundary to separate the site from Rue des Varendes to the west;
 - along part of the north boundary linking to the existing much larger fencing on the west boundary;
 - along the full extent of the east boundary of the site between the school playing fields and Elizabeth Collage Playing Fields;
 - along the boundary immediately to the north of the main school building and between the Elizabeth Collage Playing Fields;
 - to the east of the school building to separate the main building with the 6th form centre; and
 - to the south of the main school building along the car park boundary accessed off Rue des Varendes.
- Pedestrian gates will be installed in the following locations:
 - Along the east boundary of the site within a section of the proposed fencing towards the main school building;
 - At the end of the section of fencing that abuts the Sixth Form Centre;
 - To the south of the sixth form centre again in a section of fencing;
- Vehicle access gates will be installed in the following locations:
 - At the car park entrance to the south of the site accessed off Rue des Varendes;
 - to the south of the main school building along the car park boundary accessed off Rue des Varendes;
 - to the northeast corner of the site to provide access to the Elizabeth Collage playing fields;

Following discussions with States Agriculture, Countryside Land Management Services (ACLMS) and to address concerns raised regarding the impact on wildlife, the application was deferred to seek revised plans. The applicant has agreed to ensure that a 15cm gap is maintained between the ground and the base of all fencing between the playing fields, to ensure that wildlife can continue to freely pass between the fields. An additional gate is now proposed in the fencing between the fields to ensure that any balls that pass under the fencing can be retrieved with ease.

Relevant Policies of any Plan, Subject Plan or Local Planning Brief:

Island Development Plan Policies

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

- IP9: Highway Safety, Accessibility and Capacity

Strategy for Nature Supplementary Planning Guidance 2020

Representations:

Two letters of representation have been received from members of the public objecting to the proposal. The grounds for objection are summarised as follows:

- The site is currently open for shrews, voles, hedgehogs etc which move between fields and hedgerows. The erection of the fencing as proposed will affect this;
- The fields in the area are used collectively with teams moving from one field to the next. These are not just inter school activities but also organisations i.e. Guernsey Cricket. Fencing off these two areas would mean activities were no longer possible or excessive time would be lost and games disrupted whilst an alternative access method was sort;
- The appropriateness of the development in relation to its surroundings;
- The likely effect on the natural beauty and landscape quality of the area;
- The likely effect on the character and amenity (attractiveness or pleasant qualities);
- The likely effect on parks and playing fields;
- Ofsted does not expect schools to take specific steps about site security schools should assess risk in particular inspections do not have a pre-determined view on the need for perimeter fencing.
- The fields have been used by the schools for many years without the need for fencing without problems;
- Fencing will be an eyesore and there is no need for the fencing;

Consultations:

Discussions have been held with States ACLMS

Summary of Issues:

- Whether the principle of the development is acceptable
- Visual impact and any impact on the landscape quality and character of the surrounding area;
- Impact on neighbours;
- Impact on highway safety

Assessment against:

1 - Purposes of the law.

The objectives set out in Section 1(2) of The Land Planning and Development (Guernsey) Law, 2005, 'the Law', have been considered and this report forms part of the assessment, with policy issues set out in Section 2 below.

2 - Relevant policies of any Plan, Subject Plan or Local Planning Brief.

Whether the principle of the development is acceptable

Policy OC2 supports proposals for the extension, alteration and redevelopment of existing social and community facilities where the development 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 they accord with all other relevant policies of the IDP.

The proposal would not increase the floorspace of any of the existing buildings or of the facility in general. The scheme would support the existing operation of the school facility and would therefore not undermine the vitality of the Centres and is of a scale appropriate to its setting. The need for the fencing has been demonstrated and is required for the safety and security of the school and the school children. With regards to the visual impacts, any impact on the amenity of the location concerned and compliance with all other relevant policies of the IDP these are assessed in detail in the following sections of this report. The scheme complies with Policy OC2 and the principle of development is therefore supported.

Visual impact and any impact on the landscape quality and character of the surrounding area

Policy GP1 sets out that development will be supported where it respects the relevant landscape character type within which it is set, where development does not result in the unacceptable loss of any specific distinctive features that contribute to the wider landscape character and local distinctiveness of the area and takes advantage where practicable of opportunities to improve visual and physical access to open and undeveloped land.

Policy GP8 requires proposals for new development to achieve a high standard of design which respects and where appropriate enhances the character of the environment.

By means of background to the landscape character of the area, the site as designated in Annex V: Landscape Character within the IDP, is within the Central Plateau. These areas are generally characterised by a web of hedges, banks, hedgerow trees and tree-lined lanes, which enclose numerous small pastures. Interspersed through this field pattern are a series of small scattered settlements, usually in lower sheltered ground and surrounded by mature trees. Many of these hamlets reflect traditional Guernsey architecture. The settlements tend to be clustered around a church, a spring or a lavoir (public washing area) and are sometimes connected by a network of narrow green lanes which wind around the field boundaries. In places, former green lanes have been upgraded to roads, but even the main roads are often no more than 14 ft wide. A number of pastures have

been replaced by glasshouses and residential development but the landscape fabric of hedges, banks and tree-lined lanes generally keeps views short, except in the more open west.

The gates and fencing to be erected in various locations to the front of the school building and 6th form grammar school are all some distance from either Rue des Varendes to the south or Footes Lane to the east, and situated behind road frontage buildings, would have limited impact on the character or appearance of the surrounding area.

The concerns raised from representors with regards to the fencing proposed to separate the two areas of playing fields to the rear of the school buildings are noted. The area is currently open with the only form of boundary separating the two areas of playing fields being an earthbank. Although the separation of the two areas with fencing as proposed is unfortunate and will to a degree effect the openness of the surrounding area, the height of the fencing has been kept to a minimum and is similar to other fencing at the premises and within the surrounding area and is far less visually intrusive than the high fencing along the west boundary of the site. The fencing will be positioned so as not to harm the existing earthbanks, is well designed and of a high quality enabling views through it, and its black colouration will help it to blend in and reduce any harm on the surrounding area.

Situated to the rear of the premises and largely screened from the surrounding area by the school buildings to the south, residential properties to the southwest, Friquet garden centre to the northwest and the 6th form building to the east, the fencing will also be largely screened from public view. Although the fencing will be visible from the neighbouring playing fields to the east and north, these fields are not owned by the States and are private owned. Views of the fencing from public vantage points would therefore be at a distance from viewpoints along Footes Lane and from this viewpoint the fencing would be seen in context with other much larger fencing situated along the west boundary of the site. It is also worth noting that similar fencing exists at other sites in the locality such as at the Footes Lane complex and the Elizabeth College Sports complex. Any impact on the character of the area would therefore not be so substantial to warrant the refusal of permission and a refusal on such grounds would be both unreasonable and unjustifiable.

For the above reasons it is considered that the proposal would not have an unacceptable impact on the open landscape character of the area and accords with the provisions of Policy GP1.

The comments received from the representors relating to the impact on wildlife have also been noted. During the determination of this application, discussions have been held with States ACLMS, with regard to the impact of the fencing on wildlife. ACLMS recommended that to avoid disturbance and to allow wildlife to freely pass between the two playing fields between the sites, the base of this fencing be raised from ground level by 150mm (15cm, or 6 inches), a request that can be controlled by planning condition. The applicant has agreed to this, however given that the field is

used for sporting activities, they have requested that an additional pedestrian gate be allowed to be installed in the northeast corner of the site. This will enable people using the field to quickly retrieve any balls between the fence and the earthbanks. The request is acceptable in planning terms and it is recommended that a condition is included for the exact position of the gates to be confirmed prior to their construction. Subject to the recommended conditions and in the absence from any objection from States ACLMS, the proposal would not cause harm to wildlife and would comply with the Strategy for Nature Supplementary Planning Guidance 2020.

With regard to Policy GP9 (Sustainable Development) the proposal is so minor that it is not considered necessary or practical for the applicant to demonstrate that the proposal has been designed to take into account the use of energy and resources and any adverse impact on the environment.

Impact on neighbours

Policy GP8 requires *inter alia* that proposals for new development will be expected to consider the health and well-being of the occupiers and neighbours of the development by means of providing adequate daylight, sunlight and private/communal open space.

The type of fencing proposed and its position situated sufficient distance from any neighbouring properties will ensure that no undue harm is caused to their amenity.

Impact on highway safety

The proposed vehicle access and pedestrian gates are all positioned within the site and would not front onto the highway or impact on the existing access arrangements for the site. The proposal will simply improve the existing situation on site and would not increase the amount of vehicles entering or exiting the site, or the need for any additional parking. The proposal would therefore not negatively impact highway safety.

3 - General material considerations set out in the General Provisions Ordinance.

In addition to the consideration of policy issues, Section 13 of the Land Planning and Development (General Provisions) Ordinance, 2007 identifies other material planning considerations which could be relevant. These include; the appropriateness of the development in relation to its surroundings in terms of design, layout, scale, siting and materials; the likely effect on the character and amenity of the locality; the effect of the proposed which the site could be put without further planning permission; the likely effect on the reasonable enjoyment of neighbouring properties. These issues where relevant are considered above.

4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).

The proposal would not impact on any Protected Buildings, trees or monuments, or on any SSS.

For the reasons set out within this report the proposal complies with the relevant provisions of the Island Development Plan and satisfies the other relevant material planning considerations; it is therefore recommended that planning permission be granted with conditions.

Date: 06/11/2024

