

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 cycle rack to wall to south of site (Protected Building).

LOCATION: St Martin's Church, La Bellieuse, St. Martin.

APPLICANT: The Rector & Churchwardens of St Martins

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: 05/12/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 31/10/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Block plan and annotated photo (both dated 31/10/24).

Application Ref: FULL/2024/1751

Property Ref: J003260000

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.

Expiry Date: This permission will cease to have effect on 05/12/2027 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/2024/1751
Property Ref: J003260000
Valid date: 31/10/2024
Location: St Martin's Church La Bellieuse St. Martin Guernsey GY4 6RP
Proposal: Install cycle rack to wall to south of site (Protected Building).

Applicant: The Rector & Churchwardens of St Martins

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.

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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.

OFFICER'S REPORT

Site Description:

The site of St Martin's Church is located within the St Martin's Local Centre, with Rue de L'Eglise to the northeast and La Bellieuse to the east and round to the south boundary, to the north and west are two detached protected buildings and several protected buildings across the road to the south.

Relevant History:

A pre-application earlier in the year.

Existing Use(s):

Public amenity use class 19: non-residential establishment

Brief Description of Development:

This application is to install a stainless steel bike rack for four bikes on the retaining wall just inside the entrance gate to the church. The rack will be bolted to the wall 150mm up from ground level.

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

MC3: Social and Community Facilities in Main Centres and Main Centre Outer Areas
GP4: Conservation Areas
GP5: Protected Buildings
GP8: Design

Representations:

There has been one letter of representation and the issues are;

- The church is a protected building. I have attended St Martins Church for very many years and always cycle. I leave my bike propped up against the wall in the little used path leading to the rear gate. I recently attended a large funeral at the church where a lot of bikes were left against this wall and there was plenty room for them and for pedestrian users of the path. In my opinion, there is no need for a cycle rack.
- The cycle rack is ugly.
- I wonder if there would be room for people to use the left hand swing gate to the Churchyard if a rack is in place. Bikes in a rack at right angles to the wall would protrude into the footpath path whereas bikes just left against the wall do not.

Consultations:

None

Summary of Issues:

- Impact of the development on the setting of a Protected Building.
- Impact of the development on the character and appearance of the conservation area.
- Impact of the development on neighbouring properties.

Assessment against:

1 - Purposes of the law.

The objectives of the Law, as set out in Section 1(2), have been considered and this forms part of the assessment of policy issues as set out in 2 below.

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

Although the boundary walls and retaining walls are protected, the fixing of the small bike rack to the wall is considered straight forward and would not cause any detrimental damage to the wall. In this instance the applicants aspirations to be able to store and lock bikes outweighs the potential harm to the special interest of the wall.

The bike rack will be attached at a low level which will lessen the impact on visual amenity. Therefore the proposals are not considered to have any adverse effects on the character and appearance of the surrounding conservation area.

Not all churchgoers will know of the rear entrance where some bikes are left during a service, and not all churchgoers will be happy leaving their bike unlocked. To have the bike rack near the main entrance gives churchgoers a choice without compromising the setting of the protected building, the character of the surrounding conservation area or visual 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.

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

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. Where relevant the issues are considered in section 2 above.

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

The proposal would have no impact on Protected Buildings, Trees or Monuments or on SSS's.

Date: 04/12/2024