

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: Temporary change of use of land to parking for vehicles (retrospective).

LOCATION: Land at, Lowlands Road, Vale.

APPLICANT: Mr P Hopkins

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: 16/11/2021

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 09/08/2021 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Block Layout Plan

Application Ref: FULL/2021/1780

Property Ref: C00815A000

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.Notwithstanding the details submitted, this permission is given for a limited period, expiring on 20th March 2022, by which time all vehicles and other associated items shall be removed.

Reason - The retention of the development for a further period would be likely to prejudice or inhibit the comprehensive development of the Saltpans Housing Allocation.

3.The land shall be used only for the parking/storage of vehicles for the applicants own personal/household use. There shall be no parking/storage of vehicles on a commercial basis and no buildings, sheds or other structures shall be erected, installed or placed on the land.

Reason - To protect the character and amenity of the locality and neighbour amenity.

Expiry Date: This permission will cease to have effect on 21/03/2022.

ADVICE AND OTHER REMARKS:-

Due to the adoption of the Development Framework and the prospect that housing development could be implemented in the near future, it is uncertain whether any further temporary permissions will be granted beyond March 2022, with any further permissions likely to be dependent upon the phasing of the development.

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/2021/1780
Property Ref: C00815A000
Valid date: 09/08/2021
Location: Land at Lowlands Road Vale Guernsey
Proposal: Temporary change of use of land to parking for vehicles (retrospective).

Applicant: Mr P Hopkins

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. Notwithstanding the details submitted, this permission is given for a limited period, expiring on 20th March 2022, by which time all vehicles and other associated items shall be removed.

Reason - The retention of the development for a further period would be likely to prejudice or inhibit the comprehensive development of the Saltpans Housing Allocation.

3. The land shall be used only for the parking/storage of vehicles for the applicants own personal/household use. There shall be no parking/storage of vehicles on a commercial basis and no buildings, sheds or other structures shall be erected, installed or placed on the land.

Reason - To protect the character and amenity of the locality and neighbour amenity.

INFORMATIVES

Due to the adoption of the Development Framework and the prospect that housing development could be implemented in the near future, it is uncertain whether any further temporary permissions will be granted beyond March 2022, with any further permissions likely to be dependent upon the phasing of the development.

OFFICER'S REPORT

Brief Description of the site:

Retrospective planning permission is requested for the parking of vehicles on a parcel of land for a temporary period.

The site is accessed off Lowlands Road which is to the east and is situated behind dwellings fronting onto the highway. The applicant is also the owner of one of the dwellings that bounds this parcel of the land to the east, Sai-Yan. The parcel of land previously formed part of a horticultural site to the west which was cleared between 1979 and 1990.

The site is in a Main Centre Outer Area and the Saltpans Housing Allocation as defined by the Island Development Plan.

Relevant History:

None

Existing Use(s):

Agricultural use class 28

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:

Policy MC2: Housing in Main Centres and Main Centre Outer Areas

Policy MC5(B): Industry, Storage and Distribution Uses in Main Centres and Main Centre Outer Areas – outside of the Key Industrial Areas and Key Industrial Expansion Areas

Policy GP1: Landscape Character and Open Land

Policy GP8: Design

Policy IP9: Highway Safety, Accessibility and Capacity

Conclusion/Brief comment:

The proposed use to park/store vehicles on the land falls to be considered principally under Policies MC2 and MC5(B). The area in question forms part of the Saltpans Housing Allocation. This area is, therefore, expected to be developed for housing primarily and to contribute towards meeting the Island's housing requirements.

However, Policy MC2 states: *"development that is unlikely to inhibit the implementation of future development, or inhibit the implementation of a Development Framework or prejudice the comprehensive development of allocated housing sites, may be supported where it is in accordance with all other relevant policies of the Island Development Plan"*.

The development is to retain the existing unauthorised use of the land for the parking of vehicles for an unspecified temporary period. Policy MC5(B) states that *"Proposals for new industrial or storage and distribution uses outside of the Key Industrial Areas and the Key Industrial Expansion Areas will be supported where:*

- a. the new use would not have an unacceptable adverse impact on the amenities of surrounding uses; and,*
- b. in the case of new industrial uses in Main Centre Outer Areas and new storage and distribution uses in Main Centres and Main Centre Outer Areas, it is achieved through the conversion of redundant buildings in accordance with Policies GP16(A) and GP16(B) of the Island Development Plan; and,*
- c. in the case of new industrial uses the type of industry proposed can be located within the Main Centres and Main Centre Outer Areas without adverse impacts on the amenities of the surrounding uses; and,*
- d. the type of industry would support the vitality and viability of the Main Centre"*.

The use of the land for the parking of vehicles for the applicants own personal/household use, as opposed to parking on a commercial basis, would amount to a relatively low key use and is unlikely to result in any significant adverse impact on the amenities of neighbouring residents. Situated to the rear of dwellings which front onto the highway, the majority of the parcel of land is not visible from a public place. The parking of vehicles on this land for a temporary period would have no significant adverse effects on the character and amenity of the area, particularly when viewed in context with the adjoining land to the west which already has a temporary permission for the parking of vehicles and storage of equipment associated with an events hire business. Therefore, it is considered the proposal complies with Policy MC5(B).

Provided that the parking of vehicles is for the applicants own personal/household use, the proposal is unlikely to result in a significant increase in the intensity of use of the access track and the use is unlikely to result in any significant road safety or traffic management concerns.

Planning permission was granted in September 2021 (FULL/2021/1561) for the adjoining site to extend its temporary permission for the parking and turning of

vehicles and the storage of equipment associated with an events hire business until 20th March 2022. Temporary permissions have been granted on an annual or bi-annual basis for the adjoining site for a number of years. The most recent temporary permission on the adjoining site was granted on the basis that the continuation of the existing development on that site over a limited period would not prejudice the future comprehensive development of the allocated housing site and as such was considered to be in accordance with Policy MC2 and all other relevant policies of the Island Development Plan, including MC5(B).

A Development Framework has been adopted as Supplementary Planning Guidance for the Saltpans Housing Allocation site. As a result, an application for full planning permission could be submitted at any time, although no such application has been submitted to date. Given the likely timescales involved with the subsequent Planning and Building Control applications, when assessing the adjoining site (FULL/2021/1561), it was considered that extending the temporary planning permission for a further 6 months would not inhibit the implementation of the Development Framework or future housing development.

In this case, the parcel of land is situated on the eastern edge of the Saltpans Housing Allocation site and is bounded on two sides by land which has a temporary permission for the parking and turning of vehicles and the storage of equipment associated with an events hire business under application FULL/2021/1561. Due to the small size of the parcel of land in question and its relationship with the land approved under application FULL/2021/1561, it is highly likely that should this parcel of land be developed as part of the Saltpans Housing Allocation, it would be developed in conjunction with the adjoining land the subject of application FULL/2021/1561. As a result, it would be reasonable to grant a similar temporary permission for the parking of vehicles in this case with the expiry of the permission to correspond with the expiry of the previously approved temporary permission for the adjoining events hire business under application FULL/2021/1561, i.e. until 20th March 2022.

However, due to the adoption of the Development Framework and the prospect that housing development could be implemented in the near future, it is uncertain whether any further temporary permissions will be granted, with any further permissions likely to be dependent upon the phasing of the development.

In light of the above, it is considered that the parking of vehicles for the applicants own personal/household use on the site over a limited period would not prejudice the future comprehensive development of the allocated housing site, and the proposal is in accordance with all other relevant policies of the Island Development Plan. As such it is recommended that a temporary permission is granted, expiring on 20th March 2022.

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.

It is recommended that the application is approved.

Recommendation:

Grant with Conditions



Date: 16/11/2021