

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: Infill vehicular access from Le Varclin and access to be provided via existing vehicular access at ""Moonrakers"", Calais Road. Erect fence along new north boundary with Varclin Orchard and lay area of hardstanding.

LOCATION: Vue Du Vallon & Moonrakers, Le Varclin & Calais Road, St. Martin.

APPLICANT: Mr C A Moore

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: 12/11/2021

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 16/08/2021 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: PF+A Ltd: 7490-01/B2A.

Application Ref: FULL/2021/1854

Property Ref: J01723A000 + J01723B000

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 11/11/2024 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

In the interests of good neighbourliness it is suggested that the fence is erected first, to protect neighbouring residential amenity whilst work is carried out.

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/2021/1854
Property Ref: J01723A000 + J01723B000
Valid date: 16/08/2021
Location: Vue Du Vallon & Moonrakers Le Varclin & Calais Road St.
Martin Guernsey GY4 6AP
Proposal: Infill vehicular access from Le Varclin and access to be provided
via existing vehicular access at ""Moonrakers"", Calais Road.
Erect fence along new north boundary with Varclin Orchard and
lay area of hardstanding.

Applicant: Mr C A Moore

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.

INFORMATIVES

In the interests of good neighbourliness it is suggested that the fence is erected first, to protect neighbouring residential amenity whilst work is carried out.

OFFICER'S REPORT

Site Description:

The property 'Vue de Vallon' is located to the south of Le Varclin, to the east is a neighbouring property ('Varclin Orchard'), which forms the corner of Le Varclin to the north and Calais Road to the east. To the south of both these properties lies 'Moonraker' to the west of Calais Road with vehicular access from Calais Road. The existing boundary between 'Varclin Orchard' and 'Moonraker' is largely enclosed by hedge, shrub and tree planting. There are other neighbouring properties in each direction. The property is located Outside of the Centres as defined in the Island Development Plan.

Relevant History:

There is no relevant history pertaining to this application.

Existing Use(s):

Residential use class 1: dwelling house.

Brief Description of Development:

This application is to infill Vue du Vallon's vehicular access from Le Varclin, extend Vue du Vallon's boundary by approximately 3.6m to allow for a new vehicular access from Calais Road, utilising Moonrakers existing vehicular access from Calais Road. Both properties are in the same ownership, and planning permission is only required for the closure and in-filling of the Le Varclin vehicular access, the proposed boundary fence and that part of the proposed drive which is over 30m from the dwelling.

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

GP8: Design

GP9: Sustainable Development

GP13: Householder Development

Representations:

There has been one letter of representation, regarding the boundary between the existing boundary of Moonraker and Varclin Orchard, which will become the new boundary between Vue du Vallon and Varclin Orchard. The concern is that there would be a lack of privacy along this boundary once work commences, and a fence has been requested.

Consultations:

None

Summary of Issues:

- Design of the development.
- Impact of the development on the character and appearance of the 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.

The existing vehicular access from Vue du Vallon onto Le Varclin is a steep downward slope and joins Le Varclin at a dip in the road, which is not a very safe as it has a high granite retaining wall either side. To in-fill this area, would mean extending the high granite wall across the entrance and back filling with earth to raise the ground level to the height it is either side. These works would not harm the character of the area.

Moonraker has a level access from Calais road and sits in a large plot of land. There is enough room along Moonraker's north boundary to allow a 3.6m (approx.) strip of land to become part of Vue du Vallon to allow for a new vehicular access to the property from Calais Road, using Moonrakers existing entrance. However, this is not a part of the application which requires approval, but does explain the reason why an area of hardstanding (forming the eastern end of the drive) is required over 30m away from the property.

As the majority of the proposed drive does not require planning permission, and taking account of the existing boundary planting along its north side, it would be unreasonable to impose a condition insisting that the proposed fence be erected. However, an informative can be attached to the decision notice suggesting that the fence be erected prior to other works being carried out, in the interests of neighbouring amenity.

Confirmation has been received that the development proposed has been designed to take into account matters of energy efficiency and current Building Regulations in accordance with Policy GP9.

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: 11/11/2021