

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: Demolish section of existing outbuilding, extend and alter existing wall and access to south boundary, remove section of earthbank to create vehicle access to west boundary.

LOCATION: La Croute De Haut, Rue Des Pointes, St. Andrew.

APPLICANT: Mr J Thompson

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: 06/09/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 23/12/2021 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Chateaux Architectural Design: 21/045/01'A'

Application Ref: FULL/2022/0070

Property Ref: K002590000

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 four weeks of the demolition of part of the workshop and new southern access being brought into use, the wall hereby approved to the southern site boundary shall be constructed in accordance with the approved plans with the end of the opening shall be finished off using materials and a method of construction which match the remainder of the wall.

Reason - In the interests of visual amenity.

5.Within four weeks of the new west boundary access being brought into use, the ends of the new opening shall be finished off using materials and a method of construction which match the remainder of the earthbank and thereafter no obstruction to vision exceeding 0.9m in height shall be placed within the splay area of the new earthbank.

Reason - In the interests of visual amenity and to provide satisfactory visibility onto the highway.

6.No development shall begin on site until details of the replacement west elevation of the workshop have 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 west elevation. This condition is imposed to make sure that the building once altered does not have any adverse impact on the character of the area.

Expiry Date: This permission will cease to have effect on 05/09/2025 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/2022/0070
Property Ref: K002590000
Valid date: 23/12/2021
Location: La Croute De Haut Rue Des Pointes St. Andrew Guernsey GY6 8UJ
Proposal: Demolish section of existing outbuilding, extend and alter existing wall and access to south boundary, remove section of earthbank to create vehicle access to west boundary.
Applicant: Mr J Thompson

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.

4. Within four weeks of the demolition of part of the workshop and new southern access being brought into use, the wall hereby approved to the southern site boundary shall be constructed in accordance with the approved plans with the end of the opening shall be finished off using materials and a method of construction which match the remainder of the wall.

Reason - In the interests of visual amenity.

5. Within four weeks of the new west boundary access being brought into use, the ends of the new opening shall be finished off using materials and a method of construction which match the remainder of the earthbank and thereafter no obstruction to vision exceeding 0.9m in height shall be placed within the splay area of the new earthbank.

Reason - In the interests of visual amenity and to provide satisfactory visibility onto the highway.

6. No development shall begin on site until details of the replacement west elevation of the workshop have 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 west elevation. This condition is imposed to make sure that the building once altered does not have any adverse impact on the character of the area.

OFFICER'S REPORT

Brief Description of the site:

The property known as 'La Croute de Haut' is a new build dwelling which is set back from and faces west onto Rue des Pointes. The dwelling has a pedestrian access from the road and directly south is a private road leading to a commercial building to the east, the dwelling has vehicular access off this lane to the rear of the property. There are neighbouring properties to the north and west and south across the road. The property is located Outside of the Centres as defined in the Island Development Plan.

Relevant History:

FULL/2021/1865 - Demolish section of roadside earth bank (west boundary) to create 5m wide vehicular access, erect fence/wall (south boundary) and partially demolish existing garage/workshop to provide new vehicular access (south boundary) – Withdrawn October 2021.

FULL/2018/3074 - Demolish existing dwelling and part of workshop and erect new dwelling – Approved April 2019.

Existing Use(s):

Residential use class 1: dwelling house.

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:

GP8: Design

GP13: Householder Development

IP9: Highway Safety, Accessibility and Capacity.

Consultations:

Traffic and Highway Services:

“THS would object to the creation of an access directly onto the carriageway to replace the existing access which adjoins the private access to the premises behind the site. The objection is based on the increased frontage activity by way of another access onto the carriageway when it appears that the shared access serves the property adequately. It is difficult to determine from the plans supplied how parking arrangements would work if this application were approved. Therefore, I would also have some concerns over the ability of a vehicle to turn at the front of the property and egress in a forwards direction.

Although the road section is one-way with vehicles oncoming towards the site, the road section is only in the order of 3.6m wide at the site. In carrying out the assessment of the site without having conducted a site visit, I believe that the sightline standard of 20m for a neighbourhood road would be met, but would be dependent on the bank that borders the carriageway being >900mm.

Therefore, although THS would consider that there are no traffic management issues in relation to the application, the creation of an access does raise some road safety concerns under current THS policies.”

Conclusion/Brief comment:

This application is to demolish a section of the existing outbuilding/workshop to create a vehicular access, extend and alter the existing south boundary wall, infill the pedestrian gate to the west and to remove a section of earthbank to create a 4m wide vehicular access to the west boundary. The elevation drawings as submitted were incorrectly labelled with west and south elevation labels transposed.

Currently the dwelling has vehicular access off the access road that runs along the south boundary. The current roadside boundary is an established earthbank with a central pedestrian access and some hedging.

The area is suburban, with a string of residential dwellings to the west of the road and a mix of dwellings, businesses, and open fields to the east of the road. Roadside boundaries are an important part of the street scene.

The property has had vehicular access off the access road for approximately 17 years. This application has generated concerns about opening up a second access point due to highway safety. However, the road is a one way road and the Traffic and Highways Services officer is satisfied that adequate sightlines could be achieved as long as the height of the bank that borders the new entrance is a maximum of 900mm high, which is shown to be the case in the application drawings and this can be conditioned.

Initially the new opening was 5m, which was considered too wide and out of keeping in the area and so it has been reduced to a 4m opening which is now acceptable in terms of the character and appearance of the locality. The amended drawing also shows a turning area on site which alleviates another concern raised by Traffic and Highway Services regarding vehicles being able to leave the site in a forward gear.

There are no issues with the demolition of a section of the outbuilding or the alterations to the south boundary access subject to appropriate planning conditions.

Due to the nature and type of development, it is not considered necessary for the applicant to demonstrate that the proposal has been designed to take into account the criteria of Policy GP9 (Sustainable Development).

The proposals are considered to conform to the above policies of the Island Development Plan and grant of permission is recommended, subject to conditions.

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.

Recommendation:

Grant with Conditions



Date: 06/09/2022

