

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: Remove earthbank to create a vehicle access to west (roadside) boundary and remove hedge and erect fence to north boundary.

LOCATION: Le Rouget, Rue Du Tertre, St. Andrew.

APPLICANT: Mr & Mrs J Le Huray

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: 01/07/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 07/03/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Block plan, North elevation (04/03/22), Plan (28/01/22) & West elevation (23/06/22).

Application Ref: FULL/2022/0284

Property Ref: K00223D000

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 30/06/2025 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/2022/0284
Property Ref: K00223D000
Valid date: 07/03/2022
Location: Le Rouget Rue Du Tertre St. Andrew Guernsey GY6 8SF
Proposal: Remove earthbank to create a vehicle access to west (roadside) boundary and remove hedge and erect fence to north boundary.

Applicant: Mr & Mrs J Le Huray

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.

OFFICER'S REPORT

Brief Description of the site:

The property known as 'Le Rouget' is a semi-detached mid-20th century one and a half storey dwelling which is set back from and faces west onto Rue du Tertre. The other semi is to the north and there are other detached neighbours to the south and east. Over the road to the west is open agricultural land. The property is located Outside of the Centres and within the Agriculture Priority Area 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.

Assessment: *(Tick as appropriate)*

no representation	☒	visual amenity acceptable	☒
accords with policy	☒	no material neighbour impact	☒
within curtilage	☒	traffic not affected	☒
design acceptable	☒		

Policies considered most relevant:

GP1: Landscape Character and Open Land
GP8: Design
GP13: Householder Development
IP9: Highway Safety, Accessibility and Capacity.

Consultations:

Traffic and Highway Services.

"In a nutshell, the lane is 4m wide outside the property, the boundary bank is approx. 1.3m and assuming a 4m access, the sightlines are significantly below standard (6m oncoming and 10m approaching). This is more to do with the height of the bank than anything else.

The solution to enable the appropriate / acceptable sightline is to 'chamfer' the top of the bank either side of the access by about 2m. In effect, by sloping the bank from the edge of the access at 900mm above the road, and then shaping it up to the existing height over 2m, the sightlines would increase substantially."

Conclusion/Brief comment:

This application is to remove a section of earthbank to create a vehicular access on the west roadside boundary. Remove the hedge between the two semi-detached properties and replace it with a fence.

Traffic and Highway Services raised concerns with the application as originally submitted due to substandard sightlines but advised that with some minor alterations the scheme could be acceptable.

At present the height of the earthbank is approx. 1.3m high, once the 4m section has been removed for the access, the visibility from the access would be low with below standard sightlines in each direction, which would be unacceptable.

In order to alleviate these concerns it was suggested by Traffic and Highway Services, to chamfer either side of the earthbank from a height of 0.9m up to 1.3m over a 2m section and reducing the roadside fence panel to 0.9m. This would then give the desired sightlines and mitigate the concerns. The application was deferred and revised plans have subsequently been received which have amended the drawings accordingly. The road is classified as a neighbourhood road, which means it typically has low traffic flows, and as result the revised proposal is unlikely to cause any significant road safety or traffic management concerns.

The majority of the other houses on the road has a front vehicular access which breaks through the earthbank and the loss of one more small section of bank and the retention of the majority of the front roadside boundary would have no significant adverse effects on the character of the area. The proposals would have no adverse effects on neighbour 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.

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: 01/07/2022