

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: Erect sculpture to north of kiosk.

LOCATION: La Vallette Kiosk, La Vallette, St. Peter Port.

APPLICANT: Vive La Vallette

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: 24/03/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 01/02/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: DLM Architects: 1109_6, 7, 8, 9, 10, 11, 12, 13, 14 & 15

Application Ref: FULL/2022/0301

Property Ref: A41111A000

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 23/03/2025 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/2022/0301
Property Ref: A41111A000
Valid date: 01/02/2022
Location: La Vallette Kiosk La Vallette St. Peter Port Guernsey GY1 1AX
Proposal: Erect sculpture to north of kiosk.
Applicant: Vive La Vallette

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

Description:

The application relates to land to the north of the changing rooms/kiosk building which is situated to the west of two existing bathing pools. The approved redevelopment of the changing rooms/kiosk building is nearing completion.

Relevant History:

FULL/2020/0531 - Extend and alter existing changing rooms/kiosk building to provide community changing rooms (lower ground floor), kiosk and seating areas (upper ground floor) and community/events pavilion (first floor) along with associated external works – Granted 17/06/2020

FULL/2021/2169 - Variations to plans previously approved to extend and alter existing changing rooms/kiosk building to provide community changing rooms, along with associated external works - relocate bike park and erect bin store - Granted 04/11/2021

Existing Use(s):

Public amenity land to north of redeveloped changing rooms/kiosk building.

Brief Description of Development:

Erect sculpture to north of kiosk. The proposal is described in the application as a wind powered, interactive kinetic sculpture, consisting of a 3m diameter rotating sectional ring, coloured red and white, mounted on a 6m high stainless steel pillar.

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

Island Development Plan (2016) Policies:

MC10: Harbour Action Areas

GP1: Landscape Character and Open Land

GP3: Areas of Biodiversity Importance

GP4: Conservation Areas

GP8: Design

GP9: Sustainable Development

GP18: Public Realm and Public Art

Representations:

One letter of representation has been received, objecting to the application on grounds that the proposed development is totally out of keeping with the area and has no relationship with the historic, unique bathing pools; the development will detract from the beautiful views from La Vallette and spoil the ambience, peace and quiet of the area. It is suggested that a weathervane showing wind direction would be a useful alternative of benefit to swimmers.

Consultations:

None

Summary of Issues:

Design and visual impact

Effect on the surrounding environment and the Harbour Action Area

Assessment against:

- 1 - Purposes of the law.**
- 2 - Relevant policies of any Plan, Subject Plan or Local Planning Brief.**
- 3 - General material considerations set out in the General Provisions Ordinance.**
- 4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).**

Although one representation objecting to the development has been received, the proposal is acceptable in terms of its design, visual impact and effect on the surrounding environment.

The design is well-considered and achieves a particularly high standard which would conserve the special interest of the Conservation Area and Area of Biodiversity Importance within which the site is located without resulting in any adverse impacts in terms of those designations. The proposed materials are of high quality and suited to the marine environment. The proposal is supported by Policy GP18: Public Realm and Public Art.

As there is no approved Local Planning Brief (LPB) for the Harbour Action Area, proposals will be supported under Policy MC10 providing that the development would not prejudice the outcomes of the LPB process or would not inhibit the implementation of an approved LPB, and provided the proposal accords with all the relevant policies of the IDP. In this case, the nature, scale and location of the proposed development would not prejudice the outcomes of the LPB process or be likely to inhibit the implementation of an approved LPB for the Harbour Action Area.

It is recommended that planning permission be granted.

Date: 24/03/2022

