

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: Re-locate vehicle access to north boundary.

LOCATION: Rafiki, Ruelle Rabey, St. Martin.

APPLICANT: Mr A Williams

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: 03/02/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 15/07/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Block Plan (30/12/22) & Annotated photo (29/06/22).

Application Ref: FULL/2022/1380

Property Ref: J012670000

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 new 5m wide 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 north boundary.

Reason - To secure the satisfactory appearance of the completed development.

5.Within four weeks of the new 5m wide access being brought into use, the southern vehicular opening shall be in-filled with a new earthbank using materials and a method of construction which match the remainder of the earthbank boundary.

Reason - To secure the satisfactory appearance of the completed development.

Expiry Date: This permission will cease to have effect on 02/02/2026 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/2022/1380
Property Ref: J012670000
Valid date: 15/07/2022
Location: Rafiki Ruelle Rabey St. Martin Guernsey GY4 6DU
Proposal: Re-locate vehicle access to north boundary.

Applicant: Mr A Williams

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).

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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 new 5m wide 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 north boundary.

Reason - To secure the satisfactory appearance of the completed development.

5. Within four weeks of the new 5m wide access being brought into use, the southern vehicular opening shall be in-filled with a new earthbank using materials and a method of construction which match the remainder of the earthbank boundary.

Reason - To secure the satisfactory appearance of the completed development.

OFFICER'S REPORT

Site Description:

The property known as 'Rafiki' is an early 20th century bungalow, which has been extended. The property is set back from and faces northwest looking at the junction of Les Camps du Moulin, which runs past the north boundary and Ruelle Rabey which runs along the southwest boundary. The existing vehicular access is 5m wide off Ruelle Rabey to the southeast of the dwelling. There is a front garden bound by a low earthbank and a rear southeast facing garden bound by a high hedge. 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 was to relocate the existing vehicular access to the south west boundary, closer to the junction, to use the front garden as the parking area. However, the initial assessment showed that the new vehicular opening would be within 20m of the junction, which could not be supported on Highway Safety grounds.

The application was deferred to change the opening to the north boundary, extending a pedestrian opening which already exists. The new opening will be 5m, removing approx. 4m of the low earthbank to allow vehicular access.

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

GP1: Landscape Character and Open Land

GP8: Design
GP13: Householder Development
IP9: Highway Safety, Accessibility and Capacity.

Representations:

None

Consultations:

No reply received from Traffic and Highways Services..

The following text is from Traffic Engineering Guidelines for Guernsey.

'Les Camps du Moulin is a Local Circulation Route: Local Circulation Routes comprise of main roads, which have lower traffic flows than Traffic Priority Routes, often with significant frontage activity. They must accommodate limited through traffic and larger volumes of traffic movements that terminate within the surrounding areas.

Along Local Circulation Routes the control of frontage activities is less important and a more relaxed regime of traffic management is permissible, however Local Circulation Routes are still important in distributing traffic throughout the Island.

For the Design Parameters a Local Circulation Route Design Speed is 25mph.
Distance from the edge of the carriageway to vantage point within the access is 2.4m
The length of visibility splay should be 33m in each direction.

Summary of Issues:

- Impact of the development on highway safety.
- 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 new opening of 5m on the north boundary will be over 20m to the east of the existing junction, it will enable a driver 2.4m from the edge of the road to have more than standard visibility splays in each direction.

Rafiki's northern boundary is a low earthbank and the neighbouring properties to the east also have low walls or hedges, all below 0.9m, which allow good sight lines in each direction.

The new opening will be square onto the road and at 5m the opening will be a sufficient width to enable cars and light vehicles to exit and enter the drive without crossing into the path of vehicles on the opposite side of the carriageway. There will be the ability to turn around on site, so no reversing into the road.

In this new northern location the proposals are considered to comply with policy IP9.

The proposals are not considered to impact on neighbour amenity and will not impact greatly on the character of the area.

The existing opening along the southern boundary will be in filled with an earthbank to match the existing with hedging planted on the top. This can be controlled by condition.

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: 01/02/2023