

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: Install hard-surfacing (Retrospective).

LOCATION: Montville Drive, Les Vardes, St. Peter Port.

APPLICANT: Mrs S Barnard

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: 21/12/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 19/08/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Evans Architecture 2210 01.01.

Application Ref: FULL/2022/1532

Property Ref: A40783B000

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 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 20/12/2025 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/2022/1532
Property Ref: A40783B000
Valid date: 19/08/2022
Location: Montville Drive Les Vardes St. Peter Port Guernsey GY1 1BH
Proposal: Install hard-surfacing (Retrospective).

Applicant: Mrs S Barnard

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 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

Site Description:

The application site comprises a detached dwelling-house known as Montville de Bas. The site is located in a Main Centre Outer Area as designated in the Island Development Plan. Part of the site, including the section of driveway which forms

the subject of this application, lies within an area of Important Open Land, a Conservation Area and an Area of Biodiversity Importance.

The property is accessed off Montville Drive. Montville Drive comprises a mix of surface materials.

Relevant History:

None germane to this application.

Existing Use(s):

Dwelling-house – Montville de Bas.

Agriculture – Montville Drive.

Brief Description of Development:

Retrospective permission is sought to lay hard surfacing and install a reinforced plastic grid along a section of Montville Drive. It is understood that the former surface was in poor condition as stated in the agent's letter.

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

GP1 Landscape Character and Open Land
GP3 Areas of Biodiversity Importance
GP4 Conservation Areas
GP8 Design
IP9 Highway Safety, Accessibility and Capacity
MC1 Important Open Land in Main Centres and Main Centre Outer Areas

Representations:

The Authority has received a letter of representation from one party objecting to the proposal. Grounds for objection principally relate to the following issues:-

- Impact on amenity, unsightly development, scrunchy to walk on, and is incongruent with the original surface.
- Urbanisation of the semi-rural setting.

Consultations:

None.

Summary of Issues:

- Whether the design and materials of the proposed development is harmful to the character and appearance of the area.

- The effect of the development on the character and appearance of the Conservation 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).**

Under Section 38 of The Land Planning and Development (Guernsey) Law, 2005 the Authority has a duty to pay *“special attention to the desirability of preserving and enhancing the character and appearance”* of Conservation Areas. This duty is encapsulated in Policy GP4 (Conservation Areas) which states that *“proposals for development within a Conservation Area will be supported where the development conserves and, where possible, enhances the special character, architectural or historic interest and appearance of the particular Conservation Area.”*

Whilst the application extends outside of the ownership of the applicant's site, and forms part of a public footpath, the agent has made a legal declaration that they have written consent of the owner(s) of any part of the land to make this application. The proposed works would not impede access to the footpath.

The proposed hard surfacing material, natural granite chippings, adopts a high standard of design for the purposes of Policy GP8 as it is respectful to the Conservation Area by virtue of its natural materiality. Although, the incorporation of a Gridforce system does somewhat detract from the Conservation Area, it is a reasonable aspiration to incorporate a reinforced plastic grid system to hold the granite chippings in place. Ideally an edging would have been provided to prevent further encroachment of the chippings, however it is noted that the surface will bed in over time and will be less noticeable than at present. On this basis, the proposal is considered to have a neutral effect on the character and appearance of the Conservation Area and visual amenity. Furthermore, the surfacing is reversible and would not have long term impacts on the character of the area.

Whilst it would have been more appropriate and respectful to incorporate a surface material that was coherent and holistic to other surfaces along Montville Drive, it would be unreasonable to refuse planning permission on this basis given that the proposed surface material adopts a high standard of design for the purpose of Policy GP8 and would not cause undue harm by virtue of the combination of different surface materials to justify refusal.

It is also noted that similar proposals have been approved in public car parking areas across the island.

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.

Based on the above, the application is considered compliant with the relevant Island Development Plan policies; it is therefore recommended that planning permission be granted, subject to conditions.

Date: 15/12/22