

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 gates and fence to existing vehicular accesses.

LOCATION: West Point, Les Grandes Rocques, Castel.

APPLICANT: Mr R Plant

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: 16/01/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 04/10/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Block plan (date stamped received 20th December 2022).

Application Ref: FULL/2022/1827

Property Ref: D018080000

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.Notwithstanding the information submitted, full details of the new gates and fence (including a finished sample to show its design, material, detailing and appearance) shall be submitted to and agreed in writing by the Authority.

Reason - The principle of installing 1.2m high gates in the position is acceptable under policy however, the information provided with the application does not include full details of the proposed gates and fence. This condition is imposed to make sure that the gates and fence do not have any adverse impact on the character of the area.

Expiry Date: This permission will cease to have effect on 15/01/2026 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/2022/1827
Property Ref: D018080000
Valid date: 04/10/2022
Location: West Point Les Grandes Rocques Castel Guernsey GY5 7XQ
Proposal: Install gates and fence to existing vehicular accesses.

Applicant: Mr R Plant

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. Notwithstanding the information submitted, full details of the new gates and fence (including a finished sample to show its design, material, detailing and appearance) shall be submitted to and agreed in writing by the Authority.

Reason - The principle of installing 1.2m high gates in the position is acceptable under policy however, the information provided with the application does not include full details of the proposed gates and fence. This condition is imposed to make sure that the gates and fence do not have any adverse impact on the character of the area.

OFFICER'S REPORT

Brief Description of the site:

Detached dwelling located Outside of the Centres as designated in the Island Development Plan. The property is prominently located due to its relationship to the road and Poif Soif Nature Walk.

Planning permission is sought to install gates to the existing vehicular accesses serving the property.

Concerns were raised in respect of the height of the gates (1.8m) and their effect on the character and appearance of the surrounding area as well as the position of the gates in close proximity to the road which could cause a highway safety issue.

The application has been amended, the gates to the west of the property are shown to be set back from the road by 4.5m and to retain the gates to the east access as per the original proposal in the roadside boundary. The submission sets out that these eastern gates would rarely be used, are not to be automatic nor sliding, but hinged. Both gates are shown to be reduced in height to 1.2m high following the concerns raised. An infill fence is also proposed between the setback gate and road. The materials for the fence and gates is indicated to be a composite material with a weathered timber grain effect in a neutral tone.

Relevant History:

None germane to this application.

Existing Use(s):

Residential

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
GP9 Sustainable Development
GP13 Householder Development
IP9 Highway Safety, Accessibility and Capacity

Conclusion/Brief comment:

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.

Gates to the west of the site:

In light of the amendments secured, there will be no effect on highway safety or traffic management as the gates would be set back from the road by approximately 4.5m.

Installing 1.2m high gates with associated fence in the positions proposed would not cause harm to the character or appearance of the area, subject to appropriate materials and finish.

Gates to the east of the site:

Whilst it is acknowledged that the gates will be rarely used, there would be no control over their use and therefore this aspect of the proposal does represent a highway safety issue. The potential impact on highway safety would be limited when taking into account the automation and setback position of the western access gates as these measures indicate this to be the principal access and the amended scheme would not therefore warrant refusal on the basis of the position of the eastern gates.

Installing 1.2m high gates with associated fence in the positions proposed would not cause harm to the character or appearance of the area, subject to appropriate materials and finish.

It is recommended that a condition is included for further details of the gates to be submitted to and approved in writing by the Planning Service.

Sufficient information has been submitted that has taken into account the criteria of Policy GP9 (Sustainable Development).

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.

Recommendation:
Grant with Conditions



Date: 16/01/23