

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: Infill existing vehicle access and relocate gated vehicle access to south-east boundary.

LOCATION: Mouilliere, Le Mont Durand, St. Martin.

APPLICANT: Mr & Mrs J Cheesman

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: 06/03/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 25/10/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Mark Frampton & Co: 2022 / 637 / 02

Application Ref: FULL/2022/2082

Property Ref: J015460000

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 28 days of the new vehicle access being created, the existing vehicle access to the front (east) of the site shall be blocked up in accordance with the details shown on drawing no. 2022/637/02.

Reason - To ensure the property is served by a single access in the interests of visual amenity and landscape character.

5.The new earthbank constructed to infill the existing vehicle access as shown on drawing no. 2022/637/02 shall be built in accordance with the 'construction' details set out in the Conservation Advice Note 3 (Earthbanks in Guernsey).

Reason - To ensure that the new earthbank reflects the construction method, size, form and appearance of similar earthbanks located within this rural setting.

6.Prior to creating the new vehicle access to the property, full details of the landscaping scheme (as shown on drawing no. 2022/637/02) including the species, height and spacing of plants, shall be submitted to and agreed in writing by the Authority.

Reason - To avoid any ambiguity and to ensure the species, spacing and height of the landscaping scheme is acceptable in the interests of visual amenity.

7.The landscaping scheme shall be fully completed, in accordance with the details agreed under the terms of the above condition, in the first planting season following the new earthbank being erected in accordance with drawing no. 2022/637/02. Any plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by plants of a size and species similar to those originally required to be planted.

Reason - To ensure the landscaping scheme is acceptable in the interests of visual amenity.

Expiry Date: This permission will cease to have effect on 05/03/2026 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/2022/2082
Property Ref: J015460000
Valid date: 25/10/2022
Location: Mouilliere Le Mont Durand St. Martin Guernsey GY4 6DJ
Proposal: Infill existing vehicle access and relocate gated vehicle access to south-east boundary.

Applicant: Mr & Mrs J Cheesman

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.

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Reason - To ensure the property is served by a single access in the interests of visual amenity and landscape character.

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Reason - To avoid any ambiguity and to ensure the species, spacing and height of the landscaping scheme is acceptable in the interests of visual amenity.

7. The landscaping scheme shall be fully completed, in accordance with the details agreed under the terms of the above condition, in the first planting season following the new earthbank being erected in accordance with drawing no. 2022/637/02. Any plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by plants of a size and species similar to those originally required to be planted.

Reason - To ensure the landscaping scheme is acceptable in the interests of visual amenity.

OFFICER'S REPORT

Brief Description of the site:

The application site comprises a detached dwelling-house located to the west of Le Mont Durand. The site is located Outside of the Centres as designated in the Island Development Plan.

Planning permission is sought to infill an existing vehicle access and install a gated vehicle access to south-east boundary. The width of the access is 5m. The timber gate will be approx. 1.7m high at the centre, dropping down to approx. 1.3m high. The gate will be of a 'solid' design at the bottom, and more 'open' towards the top, allowing views through the gate.

The existing access will be infilled with an earthbank with hedging above, with a row of trees on the inside of the earthbank.

Relevant History:

FULL/2022/2329	Partially demolish conservatory, erect single storey extension to west (rear) elevation and east (front) elevation and erect carport to south (side) elevation, alterations to fenestration.	Granted
PAPP/2005/4083	Alteration to roadside earthbank	Granted
PAPP/2003/0588	Alterations to access and parking area	Granted

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:

GP1 Landscape Character and Open Land
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.

The principle to infill an existing vehicle access and to create a new access is supported under Policy GP13 where there is no harm to highway safety or undue harm to the landscape character or visual amenity.

The width of the vehicle access is considered reasonable and would not lead to any undue harm of the landscape character of the area. The proposed gates adopt a high standard of design given their materials, height, and appearance.

The position of the new access will not have a detrimental effect on highway safety or traffic management given that Le Mont Durand experiences low traffic speeds and volumes as it is recognised as a Neighbourhood Road. The agent has indicated a clear line of visibility towards oncoming traffic as shown on the drawing submitted.

Sufficient information has been submitted that has taken into account the criteria of Policy GP9 (Sustainable Development) given that the proposed parking area will be comprised of SUDS paving.

Provided that appropriate conditions are attached to the decision to ensure that the existing access is blocked up within a reasonable timeframe, and that full details of landscaping is provided, the application is considered compliant with the relevant Island Development Plan policies. It is therefore recommended that planning permission be granted, subject to conditions.

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: 06/03/23

