

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: Alterations to car park layout.

LOCATION: Les Mielles Car Park, Les Mielles Road, Vale.

APPLICANT: The Vale Common Council

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: 26/05/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 12/12/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Jason Hobbs Architectural Services Ltd: 6325/A/2.

Application Ref: FULL/2023/0011

Property Ref: C018680000

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.The sign hereby approved shall not be erected on the site until its precise details (including its size, material, content of display and method of fixing) have been submitted to and agreed in writing by the Authority. The development shall be carried out only in accordance with the agreed details.

Reason - The information provided with the application does not include full details of the proposed feature(s). This condition is imposed to make sure that the signs are of satisfactory design and do not have any adverse impact on the character of the area.

5.Full details of the permeable paving to be used in the development shall be submitted to the Authority. Only those materials agreed in writing by the Authority shall be used in carrying out the development.

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

Expiry Date: This permission will cease to have effect on 25/05/2026 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

1. For the avoidance of any doubt, planning permission is granted for the display of a single sign only as referred to on the approved drawing (full details of which are required to be submitted to and approved in writing by the Authority under Condition 4 of this permission). Should any additional signs be required the Planning Service should be contacted in the first instance to confirm the requirement for any further planning permissions.

2. This permission is given under the Land Planning and Development (Guernsey) Law, 2005. This decision does not override or prejudice any legal rights or constraints which exist in relation to the application site.

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/2023/0011
Property Ref: C018680000
Valid date: 12/12/2022
Location: Les Mielles Car Park Les Mielles Road Vale Guernsey
Proposal: Alterations to car park layout.

Applicant: The Vale Common Council

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. The sign hereby approved shall not be erected on the site until its precise details (including its size, material, content of display and method of fixing) have been submitted to and agreed in writing by the Authority. The development shall be carried out only in accordance with the agreed details.

Reason - The information provided with the application does not include full details of the proposed feature(s). This condition is imposed to make sure that the signs are of satisfactory design and do not have any adverse impact on the character of the area.

5. Full details of the permeable paving to be used in the development shall be submitted to the Authority. Only those materials agreed in writing by the Authority shall be used in carrying out the development.

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

INFORMATIVES

1. For the avoidance of any doubt, planning permission is granted for the display of a single sign only as referred to on the approved drawing (full details of which are required to be submitted to and approved in writing by the Authority under Condition 4 of this permission). Should any additional signs be required the Planning Service should be contacted in the first instance to confirm the requirement for any further planning permissions.

2. This permission is given under the Land Planning and Development (Guernsey) Law, 2005. This decision does not override or prejudice any legal rights or constraints which exist in relation to the application site.

OFFICER'S REPORT

Site Description:

The application site relates to an area of land that is currently laid to gravel and is used for the parking of vehicles. Access is onto the lane to the east between large granite boulders that have been placed along the east boundary of the site to demarcate the site from the road. Granite quoins are installed at intervals along the grass verge forming the boundary to the highway to the south and along the north and west boundaries, to separate the site from the remaining Common land.

The site is situated within an Out of Centre Location, a Site of Special Significance and an Area of Archaeological Importance as designated in the Island Development Plan.

Relevant History:

None relevant

Existing Use(s):

Car parking

Brief Description of Development:

Planning permission is sought for alterations to the existing car parking layout at the site. A total of 29 individual car parking spaces will be formed using a grid force base system, with 40mm Alderney gravel laid on top. A different colour stone is proposed to demarcate the individual spaces.

The proposal also includes the erection of a 10hr disc zone parking sign on a grass verge to the east of the site and the creation of an area of permeable brick paving towards the east boundary of the site. The scheme also proposes the erection of a 10 hour disc parking sign along the east boundary at the entrance point into the site.

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

Island Development Plan Policies:

- GP1: Landscape Character and Open Land;
- GP2: Sites of Special Significance;
- GP8: Design; and
- IP7: Private and Communal Parking;
- IP9: Highway Safety, Accessibility and Capacity

Representations:

In total 8 letters of representation were received objecting to the proposal. The grounds for objection are summarised as follows:

Impact on neighbouring properties

- Residents have been informed that the 5 resident spaces will be locked spaces and will be charged for with a pole to gain access, is it just those 5 spaces or will the rest of the car park be free to the public as if so it would be discriminatory;
- There are no issues with the current car parks and these changes will negatively affect the reasonable enjoyment of neighbouring properties;
 - o Neighbouring properties can park for a night or two without the risk of a ticket;
- The amount of cars that can park during busy times is more than the car parking shown on the plans, the proposal would therefore decrease the maximum car parking spaces and inhabitants would not be able to find spaces;

Impact on the character of the area;

- If permission is granted it will result in the ghastly and unnecessary signage that will be required as was installed at the Vale Church car park;

- The public generally use common sense and park neatly and in a considerate manner there is no need for the signs and markings in these areas;
- The application letter states that the applicant intends to 'tidy up this area' the proposal is out of keeping with the Common itself which is by its very nature one of the last areas on the island that is wild and unspoiled;
- Common land should be clear of all signage and should be kept as natural and rural as possible;

Other matters

- The Ordinance only allows for the Council to regulate and council members need to be habitants of the Vale. The applicant is no longer a member of the Council and does not have the authority to make the application;
- The application will prevent someone who owns a van from parking there which is a contravention of section 4;
- There is Section 46 legislation coming into force giving extra power for abandoned vehicles the application is therefore not needed;
- If passed all habitants believe that this model of charging for parking over 10 hours will be rolled out to all other car parks on common land;
- The decision could lead to cases being brought under section 19 of the Vale Commons Ordinance 1932, parking restrictions would give right to inhabitants being issued with parking tickets and the rights to appeal to the Royal Courts due to financial injury;
- The proposal would therefore turn away people from using the Common in contravention of section 4 of the Ordinance 1932;
- The proposal is a waste of tax payers funds and will benefit the apartments opposite.
- Other car parks in the parish need urgent attention;
- The site notice has the incorrect address on and relates to a car park at Les Amarreurs and not this site.

Consultations:

None

Summary of Issues:

- Whether the principle of the proposal is considered to be acceptable;
- Whether the proposal would impact on the character or appearance of the surrounding area and Site of Special Significance;
- Whether the proposal would impact negatively on neighbour amenity;
- Whether the proposal would negatively impact on highway safety.

Assessment against:

1 - Purposes of the law.

The objectives set out in Section 1(2) of The Land Planning and Development (Guernsey) Law, 2005, 'the Law', have been considered and this report forms part of the assessment, with policy issues set out in Section 2 below.

2 - Relevant policies of any Plan, Subject Plan or Local Planning Brief.

Whether the principle of the proposal is considered to be acceptable;

Although following a review of the planning history for the site, planning permission has never been formally granted for car parking, aerial imagery shows that the area of hardstanding appears on the 1979 image. The extent of the car parking shown on that image was laid to gravel as it appears today and the granite quoins also appear present along the north, west and south boundaries. The image shows four vehicles parked on the land.

A review of the aerial imagery between 1990 and 2022 show that the use of the site has remained largely unchanged. The use of site for car parking is therefore well established and was introduced prior to the introduction of Planning Laws and Use Classes and is authorised in planning terms. The proposal intends only to improve the current car parking layout within the current site boundaries and would not involve a change of use of the land or an extension to the area currently used for parking. The principle of the development is therefore considered to be acceptable in planning terms.

Whether the proposal would impact on the character or appearance of the surrounding area, and Site of Special Significance

Policy GP8 of the Island Development Plan states a number of criteria that new development will be expected to adhere to in order to achieve a high standard of design which respects and where appropriate enhances the character of the environment.

Policy GP1 supports proposals for development that would not result in the unnecessary loss of open and undeveloped land which would have an unacceptable impact on the open landscape character of an area.

Paragraph 19.3.5 of the IDP (which forms the preceding text to policy GP2 and forms part of the policy) states that *"The principal aim of this policy is to, wherever possible ensure development will not damage the special interest of an SSS. However, many of these areas have within them existing commercial and recreational uses and it is recognised that these uses need to be afforded a reasonable ability to maintain their current levels of activity and to expand, where it is consistent with other relevant policies of the IDP."*

The existing site is laid to gravel with access onto the lane to the east between large granite boulders that have been placed along the east boundary of the site to demarcate the site from the road. A small grass verge and granite quoins separate

the car parking area from Les Mielles Road to the south and granite quoins are situated along the west and north boundaries to separate the site from the surrounding Common land. Under this application all these features are to remain undisturbed.

The proposal intends to alter the existing car parking arrangement at the site by forming a total of 29 individual car parking spaces. Of these spaces six spaces will be reserved for parking associated with the residential apartments to the south (on the opposite side of Les Mielles Road) and the remaining spaces will be available for the general public to park when visiting the Common. Two accessible car parking spaces will be provided and reserved for disabled parking. To provide a suitable access point to the accessible parking, permeable brick paving is proposed to provide a small access track from the main entrance. No details of the type of paving have been provided and to ensure that an appropriate material is used and that this does not harm the character of the area, it is recommended that a condition is imposed on any permission for full details to be approved in writing by the Authority.

The car parking spaces will be formed using a grid force base system with 40mm Alderney gravel laid on top. As part of the initial application it was not clear how the spaces were going to be demarcated. Further information has been provided by the applicant's agent to confirm that white blocks will be installed within the grid force based system to demarcate the individual spaces. This approach has been used at other car parks and was used at the Vale Church Car Park where it was considered not to harm the character of the Conservation Area or the setting the nearby protected building.

Comments from representors relating to the resultant negative impact on the character of the area resulting from these alterations are noted. However, in the case of the application site, the alteration to the car parking surface as proposed is relatively minor and would not have a significant impact on the openness, the landscape character, or the general visual appearance of the surrounding area. Being mindful of the advice within paragraph 19.3.5 and given that the scheme involves the reconfiguration of an existing car park (with no change of use or extension involved) the proposal would also not harm the SSS.

In addition to the parking, the scheme also includes the erection of a 10 hour disc zone site located along the east boundary towards the entrance point into the site. No details of the sign have been provided, however it is recommended that should planning permission be granted a condition is included for full details of the sign to be submitted to and approved in writing by the Authority. It is also recommended that an informative is included on any permission to notify the applicant that should any additional signs be required, the Planning Service should be contacted in the first instance for confirmation on the requirement for planning permission.

Comments from representors relating to the resultant negative impact on the character of the area from these signs are noted, however, only a single sign is proposed and subject to the recommended condition and informative any harm

would be limited and not so substantial to warrant to the refusal of planning permission. The scheme therefore complies with policies GP1 and GP8 in this respect.

Whether the proposal would impact negatively on neighbour amenity

The alterations to the car parking area as proposed would not cause harm to residential amenities with regard to overshadowing, light loss, or loss of privacy. Comments from objectors are noted. However, the scheme would not harm existing facilities provided for at the site (such as the electric substation) and parking will still be available for the general public. Furthermore, there is currently no control over parking on this site and the proposal would improve this situation by ensuring that spaces are demarcated, and vehicles are appropriately parked to prevent harm.

The proposal would not increase the need or frequency of traffic to and from the site and would therefore not cause any further disturbance to any neighbouring properties above that already present.

Whether the proposal would negatively impact on highway safety.

The existing access points will remain unaltered and the demarcation of car parking spaces as proposed will ensure that vehicles are appropriately parked in this area. The proposal would also not harm existing parking provision for the immediate residential properties that have been allocated their own spaces. The drawings show that all cars will be able to park, manoeuvre within the site and access and leave the site forward facing.

The proposal would not harm highway safety and complies with the relevant policies of the IDP.

3 - General material considerations set out in the General Provisions Ordinance.

In addition to the consideration of policy issues, Section 13 of the Land Planning and Development (General Provisions) Ordinance, 2007 identifies other material planning considerations which could be relevant. These include; the appropriateness of the development in relation to its surroundings in terms of design, layout, scale, siting and materials; the likely effect on the character and amenity of the locality; any possible fall-back position by way of extant planning permissions or exempt development; the likely effect on the reasonable enjoyment of neighbouring properties. These issues where relevant are considered above.

With regards to comments raised from representors regarding non-compliance with section 19 of the Vale Commons Ordinance 1932, that restricted parking will prevent locals from using the Common, that the residential properties will benefit at the expense of the public, and issues relating to parking fines and a locked access, these are private matters and are not material planning considerations that can be assessed in the determination of this application.

During the course of consideration it was noted that the site notice that was displayed at the site was for works to a car park at a different address. A new site notice was issued to the applicants agent and was displayed at the site for a further 21 days.

4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).

The proposal would have no adverse impact on protected trees, buildings or sites.

Date: 26/05/2023