

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: Remove section of roadside wall to widen vehicle access.

LOCATION: St Magloire, Collings Road, St. Peter Port.

APPLICANT: Mrs C Rea

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: 17/04/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 07/02/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: A7 Design Limited: 22-1378-P2/PD-01.

Application Ref: FULL/2023/0315

Property Ref: A208110000

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 two months of the existing access being widened, the ends of the remaining boundary wall shall be finished, and the pillar constructed, in materials to match the existing, in accordance with the approved details on drawing ref: PD-01.

Reason - in the interests of visual amenity and to ensure that the works are completed in a timely manner.

5.The new hedge shown on the approved drawing (ref: PD-01) shall be planted in the first planting season following the removal of the existing hedge hereby permitted. 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 - in the interests of visual amenity and to ensure that the works are completed in a timely manner.

Expiry Date: This permission will cease to have effect on 16/04/2026 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/2023/0315
Property Ref: A208110000
Valid date: 07/02/2023
Location: St Magloire Collings Road St. Peter Port Guernsey GY1 1NU
Proposal: Remove section of roadside wall to widen vehicle access.

Applicant: Mrs C Rea

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 - in the interests of visual amenity and to ensure that the works are completed in a timely manner.

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Reason - in the interests of visual amenity and to ensure that the works are completed in a timely manner.

OFFICER'S REPORT

Brief Description of the site:

The site is situated in a Main Centre Outer Area as defined in the Island Development Plan. The site is not protected, nor is it sited within a Conservation Area.

Planning permission is sought to widen the vehicular access to the front of the property in order to increase parking provision to the front of the house and improve access. The proposed access width will be 4800mm. A section of the existing boundary wall and the pedestrian access will remain. The proposal also includes planting a new Laurel hedge and installing a planter.

The surrounding area comprises a mix of driveway widths and boundary lengths to the front of adjacent properties. It would appear that some accesses have been created or widened without planning permission given that no boundary treatment remains to the front of some neighbouring properties, or in some cases, at least a large proportion of the roadside wall has been removed.

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:

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.

Policy GP13 (Householder Development) stipulates that proposals for the alteration and/or extension of residential properties within the residential curtilage, will be supported where there are no significant adverse effects on the amenities of neighbouring properties; the design, scale, mass and form would not detract from the open character of open locations; and they do not affect the special interest of Conservation Area, Area of Biodiversity Importance, protected building or protected monument.

While the development will result in the partial loss of a boundary feature, the extent of removal is limited and justified when viewed in context with the length of the retained roadside wall and the surrounding area.

Consequently, the proposed access width is similar to other vehicular access widths in the immediate locality, and, taking into account the length of boundary wall and size of access, is not disproportionate and the extent of harm would not be sufficient to reasonably justify refusal, or seek amendments to the scheme through deferral.

It is however reasonable to attach planning conditions to ensure that the disturbed works to the roadside wall and pillar are made good within a reasonable timeframe and the new hedge is planted within the first planting season following the partial removal of the boundary wall and internal hedge.

The proposal will not considerably alter visibility splays for vehicles egressing from the access, or neighbouring properties, provided the replacement hedge is maintained at a low height which is in the interest of the applicant. On this basis the proposal would not considerably affect highway safety or traffic management.

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

Overall, the partial loss of the wall in relation to Policy GP1 (Landscape Character and Open Land) has been balanced against, and is outweighed by the general support in favour of householder development as set out in Policy GP13. The application is 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: 12/04/23