

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 wall to widen existing vehicle access to Elland Place (part retrospective) and create vehicle access to Yorkshire Cottage.

LOCATION: Elland Place and Yorkshire Cottage, Vale Road, St. Sampson.

APPLICANT: Mr A Barrell

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: 07/07/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 14/03/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: The Drawing Room: 359 C2, C3, C4, C5 & C6

Application Ref: FULL/2023/0464

Property Ref: B00631A000+B006310000

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 2 months of the date of this Decision Notice, the remaining sections of existing vehicle access, where disturbed in connection with the widening of the access already undertaken, shall be made good in materials to match the existing.

Reason - In the interests of visual amenity and to ensure the works are carried out in a timely manner.

5.Within 2 months of the new vehicle access being formed, the remaining sections of the wall where disturbed, shall be made good in materials to match the existing.

Reason - In the interests of visual amenity and to ensure the works are carried out in a timely manner.

6.The boundary hedge and tree planting shown on the approved Ground Floor Plan shall be planted in the first planting season following the formation of the new vehicle access to demarcate between both Elland Place and Yorkshire Cottage. 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 sufficient boundary treatment between both Elland Place and Yorkshire Cottage and in the interests of visual amenity.

Expiry Date: This permission will cease to have effect on 06/07/2026 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/2023/0464
Property Ref: B00631A000+B006310000
Valid date: 14/03/2023
Location: Elland Place and Yorkshire Cottage Vale Road St. Sampson
Guernsey GY2 4DN
Proposal: Remove section of wall to widen existing vehicle access to
Elland Place (part retrospective) and create vehicle access to
Yorkshire Cottage.
Applicant: Mr A Barrell

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. Within 2 months of the date of this Decision Notice, the remaining sections of existing vehicle access, where disturbed in connection with the widening of the access already undertaken, shall be made good in materials to match the existing.

Reason - In the interests of visual amenity and to ensure the works are carried out in a timely manner.

5. Within 2 months of the new vehicle access being formed, the remaining sections of the wall where disturbed, shall be made good in materials to match the existing.

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6. The boundary hedge and tree planting shown on the approved Ground Floor Plan shall be planted in the first planting season following the formation of the new vehicle access to demarcate between both Elland Place and Yorkshire Cottage. 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 sufficient boundary treatment between both Elland Place and Yorkshire Cottage and in the interests of visual amenity.

OFFICER'S REPORT

Brief Description of the site:

The application site relates to two independent dwelling-houses known as Elland Place and Yorkshire Cottage which are under the same ownership and accessed by a shared driveway.

Retrospective permission is sought to demolish a section of the boundary wall to widen the existing vehicle access serving Elland Place. Permission is also sought to demolish a section of the boundary wall to form a separate access to serve Yorkshire Cottage.

The existing vehicle access is to be widened to 4.5m, and the new vehicle access is to be 4m in width.

The proposal features a new hedgerow to demarcate between both properties, together with tree planting to the front.

Relevant History:

B006340000 – Daytona	FULL/2021/0208- Remove hedge and section of wall to create vehicular access.	Granted
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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
- IP7 Private and communal parking
- 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 properties are not protected, nor are they sited within a Conservation Area.

The agent has demonstrated that the new vehicle access will achieve sufficient sightlines in both oncoming traffic and approaching traffic and will be similar to that attainable from the existing access.

It is noted that the road is regarded as a Traffic Priority Route and therefore the creation of the separate access without a turning point will to some extent have a negative effect on highway safety and traffic management. However, in this case where other properties along this stretch of road have been granted planning permission for similar proposals under the Island Development Plan, it would be unreasonable to refuse planning permission on highway safety and traffic management grounds alone.

Whilst the loss of the section of the boundary wall is regrettable, the extent of demolition involved coupled with the fact that the proposal seeks to provide a separate access for Yorkshire Cottage, is considered to be a reasonable aspiration of the property owner (Policy GP13) and will not have an unacceptable impact on the character and appearance of the locality.

Overall, there are some concerns with regards to the effect on highway safety and traffic management although these do not outweigh the reasonable aspiration of the property owner in this particular case given the context of the wider area. It is however reasonable to condition that the boundary wall where disturbed be made good and to ensure that the planting scheme is implemented within a reasonable timeframe in the interests of visual amenity and to demarcate between both properties.

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, accords with the purpose of the Law, and the requirements of the material considerations; it is therefore recommended that planning permission be granted, subject to conditions

Recommendation:

Grant with Conditions



Date: 29/06/23

