

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 hedge and relocate vehicle access.

LOCATION: Amalfi, Avenue Vivier, Ville Au Roi, St. Peter Port.

APPLICANT: Mr T Andrew

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: 03/08/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 10/05/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: PF+A Ltd - 7740-01 B1A & B2A.

Application Ref: FULL/2023/0899

Property Ref: A404970000

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.No development, including site works, shall begin on site until each tree shown to be retained on the approved plan has been protected, in a manner previously agreed in writing by the Authority. Each tree shall be protected in the agreed manner for the duration of building operations on the application site. Any excavations within the root protection area of the trees shall be excavated and back-filled by hand and any tree roots encountered with a diameter of 5cm or more shall be left unsevered.

Reason - The trees are important features in the area and this condition is imposed to make sure that they are properly protected while building works take place on the site.

5.Details of the new hedge noting the species, numbers, densities and size of plants at the time of planting shall be submitted to and agreed in writing by the Authority prior to the existing hedge being removed.

Reason - To make sure that the development is carried out in a way which is in character with its surroundings.

6.The hedge and grass verge shall be fully completed, in accordance with the details in the submitted information and as approved under condition 5, by the end of the first planting season following the removal of the existing hedge. 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 make sure that the development is carried out in a way which is in character with its surroundings.

Expiry Date: This permission will cease to have effect on 02/08/2026 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/2023/0899
Property Ref: A404970000
Valid date: 10/05/2023
Location: Amalfi Avenue Vivier Ville Au Roi St. Peter Port Guernsey
GY1 2PG
Proposal: Remove hedge and relocate vehicle access.
Applicant: Mr T Andrew

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. No development, including site works, shall begin on site until each tree shown to be retained on the approved plan has been protected, in a manner previously agreed in writing by the Authority. Each tree shall be protected in the agreed manner for the

duration of building operations on the application site. Any excavations within the root protection area of the trees shall be excavated and back-filled by hand and any tree roots encountered with a diameter of 5cm or more shall be left unsevered.

Reason - The trees are important features in the area and this condition is imposed to make sure that they are properly protected while building works take place on the site.

5. Details of the new hedge noting the species, numbers, densities and size of plants at the time of planting shall be submitted to and agreed in writing by the Authority prior to the existing hedge being removed.

Reason - To make sure that the development is carried out in a way which is in character with its surroundings.

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Reason - To make sure that the development is carried out in a way which is in character with its surroundings.

OFFICER'S REPORT

Brief Description of the site:

The property known as 'Amalfi' is a mid-20th century detached two storey dwelling which is set back from and faces east onto Avenue Vivier. There are other residential dwellings in each direction, all part of the Ville au Roi estate. The property is located in the St Peter Port Main Centre Outer Area as defined in the Island Development Plan.

Relevant History:

There is no relevant history pertaining to this application.

Existing Use(s):

Residential use class 1: dwelling house.

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
IP7: Private and Communal Car Parking
IP9: Highway Safety, Accessibility and Capacity.

Conclusion/Brief comment:

This application is to remove part of a hedge and relocate the vehicular entrance to a more central part of the eastern boundary.

At present the vehicular entrance is at the southern end of the east boundary which limits the parking of cars on site, relocating the entrance would allow cars to park either side of the entrance simplifying entering and exiting the site.

Avenue Vivier, Avenue Germain, Avenue Beauvais and Avenue du Manoir are all part of the Ville au Roi estate, they are wide tree lined roads, where cars tend to drive slower than on the main roads.

The new location would be between two of the trees, which line either side of the road. Due to the fact there is a pavement and then a line of trees before the road means there are good sight lines in each direction, and along with the fact the roads are classed as neighbourhood roads where there is little through traffic, means that the proposals comply with IP7 and IP9.

The proposals note that all works in and around the tree root areas will be carried out in accordance with BS 5837:2012 and with the guidance of a qualified arborist.

The applicants are going to put in a new hedge in front of the existing entrance, which will compensate for the section of hedge to be removed.

Confirmation has been received that the development proposed has been designed to take into account matters of energy efficiency and current Building Regulations in accordance with Policy GP9.

The proposals are considered to conform to the above policies of the Island Development Plan and grant of permission is recommended, subject to conditions.

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.

Recommendation:

Grant with Conditions



Date: 02/08/2023