

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: Demolish section of wall to create vehicle access.

LOCATION: La Colombelle (Formerly Rosecroft), Rue Des Varendes, St. Andrew.

APPLICANT: Mr & Mrs Whysall

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: 11/10/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 10/07/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Site location plan, block layout plan, sketch drawing of proposed driveway (all date stamped received 3rd October 2023).

Application Ref: FULL/2023/1258

Property Ref: K000280000

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.Notwithstanding the information submitted, within 2 months of the vehicular access being widened, the roadside wall shall be made good to match as closely as possible to the boundary treatment, in accordance with the approved details.

Reason - in the interests of visual amenity.

Expiry Date: This permission will cease to have effect on 10/10/2026 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

It is recommended that the low level planting is incorporated to the front of the approved access point, as indicated on the drawings submitted, otherwise this could inhibit sightlines towards oncoming traffic and therefore could pose a rise to highway safety.

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/2023/1258
Property Ref: K000280000
Valid date: 10/07/2023
Location: La Colombelle (Formerly Rosecroft) Rue Des Varendes St.
Andrew Guernsey GY6 8TF
Proposal: Demolish section of wall to create vehicle access.

Applicant: Mr & Mrs Whysall

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. Notwithstanding the information submitted, within 2 months of the vehicular access being widened, the roadside wall shall be made good to match as closely as possible to the boundary treatment, in accordance with the approved details.

Reason - in the interests of visual amenity.

INFORMATIVES

It is recommended that the low level planting is incorporated to the front of the approved access point, as indicated on the drawings submitted, otherwise this could inhibit sightlines towards oncoming traffic and therefore could pose a rise to highway safety.

OFFICER'S REPORT

Brief Description of the site:

The application site is located outside of the Centres as designated in the Island Development Plan. The property currently has no onsite parking provision.

Planning permission is sought to demolish a section of the roadside wall to create a 7.5m wide vehicle access and parking area.

The application was deferred as concerns were raised over the width of the access and the resultant effect on the character and appearance of the area. The applicant has reduced the width of the access to 4.5m in attempt to overcome the concerns raised.

The proposed hard-surfacing will be comprised of new block paving or tarmac, with surface water runoff being dealt with by a new ACO drainage system near the front of the house.

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.

The majority of the surrounding area features provision for onsite car parking therefore the loss of a 4.5m section of the roadside wall is considered reasonable and would not undermine the character of the area or visual amenity in doing so. It is however necessary to attach a condition to the decision to ensure that the ends of the walls are made good within a reasonable timeframe.

By virtue of the low boundary walls, the proposed access is considered to achieve sufficient sightlines towards oncoming and approaching traffic, despite the gradient of the driveway.

The design of the driveway would not easily lend itself to enable a car to turn onsite (as indicated by the drawings submitted) therefore the proposal is likely to result in a vehicle reversing out onto the road, and therefore would raise some highway safety concerns. However, when taking into account the design of the proposal as a whole, coupled with the similar relationship with other properties alone Rue Des Varendes, the proposal would not lead to any significant highway safety or traffic management issues to reasonably warrant refusal.

The revised drawings indicate new plants and shrubs on either side of the driveway which is welcomed to help improve visual amenity, although it is reasonable to attach an informative to advise the applicant to plant low level shrubs and plants otherwise this could reduce sightlines towards traffic.

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: 09/10/23

