

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 create vehicle access and parking to north (front) of property.

LOCATION: The Lobster Pot, 15 Les Villa Dorey, Round Chimney, St. Sampson.

APPLICANT: Mr M Mercier

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: 07/11/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 04/09/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Site plan (04/09/23), Block plan (01/11/23) & Hand drawn sketch (01/08/23).

Application Ref: FULL/2023/1373

Property Ref: B004030015

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 four weeks of the new access being brought into use, the ends of the new opening shall be finished off using materials and a method of construction which match the remainder of the wall.

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

Expiry Date: This permission will cease to have effect on 06/11/2026 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/2023/1373
Property Ref: B004030015
Valid date: 04/09/2023
Location: The Lobster Pot 15 Les Villa Dorey Round Chimney St.
Sampson Guernsey GY2 4NY
Proposal: Remove section of wall to create vehicle access and parking to
north (front) of property.
Applicant: Mr M Mercier

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.

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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.

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

OFFICER'S REPORT

Site Description:

The property known as 'The Lobster Pot' is the middle two storey dwelling in a terrace of five, built in the 1980's. The property is set back from and faces north onto Les Villas Dorey, the attached neighbours are to the east and west and all of the terrace have front and rear gardens. Across the road to the north is an open area for parking with garages owned by the properties further north. The property is located in the St Sampson Main Centre 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.

Brief Description of Development:

This application is to remove a section of the front boundary wall to create a 4.3m wide vehicular entrance for car parking within the front garden.

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

GP8: Design

GP13: Householder Development

IP7: Private and Communal Car Parking

IP9: Highway Safety, Accessibility and Capacity

Representations:

There have been three letters of representation from two neighbours and the issues are:

- The Lobster Pot (the 'Property') has a garage for parking and enough space outside their garage for one parked car.

- The residents at the Property park outside their house, and it is extremely rare that any other residents at Les Villas Doreys (the 'Clos') park outside of the Property, despite being entitled to do so as one-seventeenth shareholders in the Clos Road.
- The Clos is already an extremely busy Clos, with only more cars set to park here later in life as it is a very family orientated Clos with lots of children.
- If the residents in the Property have this granted, they will effectively have four spaces: -
 - 1) The garage
 - 2) Outside the garage
 - 3) The proposed space in their front garden
 - 4) Outside their house (as they will assume it is acceptable to park there because they will only be blocking themselves in).
- It is likely two current car parking spaces will be removed outside the Property to enable the residents access to their space in their front garden.
- If this is granted, this would set precedent which would entitle the houses either side of the Property to apply for similar permissions, leaving all the parking on the right-hand side (in front of those residential houses) unable to be parked on by visitors.
- Should the application be granted it would adversely affect all residents as well as visitors.

Consultations:

None

Summary of Issues:

- Design of the development.
- Impact of the development on the character and appearance of the area.
- Impact of the development on neighbouring properties.

Assessment against:

1 - Purposes of the law.

The objectives of the Law, as set out in Section 1(2), have been considered and this forms part of the assessment of policy issues as set out in 2 below.

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

The removal of a 3.3m section of the front boundary wall in connection with the formation of off-road parking will not result in harm to the character and appearance of the locality with regard to Policies GP8 or GP13 of the Island Development Plan.

The removal of the wall will not result in harm to the amenities of surrounding residential occupiers. The comments raised through the letters of representation have been noted, however the removal of informal on-street parking in connection with the provision of private parking would not conflict with the aims of Policies GP8 or GP13 of the Island Development Plan.

Policies IP7 and IP9 relate to private car parking and highway safety, accessibility and capacity respectively.

The comments received regarding the impact of the development on on-street parking have been noted, however there are no defined or allocated parking spaces immediately outside the application site. The informal parking cannot prevent the grant of planning permission in connection with the formation of private parking to serve a dwelling within the clos.

Any changes to title deeds would be a private civil matter between the parties concerned and not material planning considerations which would influence a decision on this planning application.

The provision of off-road parking to serve The Lobster Pot would accord with the requirements of Policy IP7 of the Island Development Plan and the access is not concluded to result in unacceptable harm to highway safety in the clos where vehicle speeds will be low. The scheme therefore accords with the aims of Policy IP9 of the Island Development Plan.

In view of the above it is recommended that planning permission is granted for the development proposed.

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

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. Where relevant the issues are considered in section 2 above.

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

The proposal would have no impact on Protected Buildings, Trees or Monuments or on SSS's.

Date: 07/11/2023