

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: Alter and extend hardstanding to create additional parking area. Erect fencing and shed.

LOCATION: Block H, Sir John Leale Avenue, Victoria Avenue, St. Sampson.

APPLICANT: Guernsey Housing Association

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: 08/03/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 19/01/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Lovell Ozanne & Partners: T30-10533-S1-06C.
Jacksons Fine Fencing: 06/J7/01042 and photograph
Shed details and photograph

Application Ref: FULL/2024/0078

Property Ref: B01241F016

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.

Expiry Date: This permission will cease to have effect on 08/03/2027 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/2024/0078
Property Ref: B01241F016
Valid date: 19/01/2024
Location: Block H Sir John Leale Avenue Victoria Avenue St. Sampson
Guernsey GY2 4BA
Proposal: Alter and extend hardstanding to create additional parking
area. Erect fencing and shed.

Applicant: Guernsey Housing Association

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.

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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.

OFFICER'S REPORT

Brief Description of the site:

Sir John Leale Avenue is a close of single-storey and one and a half-storey dwellings set back from the roadway and with parking provided to serve the development to the front of the properties.

Following the grant of permission for the change of use of the existing meeting hall of Sir John Leale Avenue to a dwelling this application relates to alterations to hardstanding within the estate road to accommodate accessible parking spaces and also to erect higher fencing and a shed associated with the amenity space for the approved dwelling. An Ash tree is also shown to be removed however, this is not protected and the work does not require planning permission.

The existing dwelling to the back of the former meeting room has its garden area enclosed by a c. 1.8m high wall which runs alongside a footpath that also runs around the outer perimeter of the application site.

The application was deferred to seek clarification regarding the two ground floor windows in the flank elevation of the neighbouring property, 13 Sir John Leale Avenue and it has been confirmed that one window serves a bathroom and the other is a secondary kitchen window.

The site is located Outside of the Centres as designated in the Island Development Plan.

Relevant History:

FULL/2021/2174 - Erect single storey extension (Meeting Room) to west elevation (Block F) – granted

FULL/2021/2179 - Convert meeting room (Block H) into a three bedroom residential unit, install dormer windows to south elevation, rooflights to north elevation and alterations to the existing fenestration – granted

Existing Use(s):

Meeting hall with planning permission in place to be converted to a dwellinghouse.

Assessment: *(Tick as appropriate)*

no representation
accords with policy
within curtilage
design acceptable

x
x
x
x

visual amenity acceptable
no material neighbour impact
traffic not affected

x
x
x

Policies considered most relevant:

Island Development Plan policies:

OC1: Housing Outside of the Centres
GP8: Design
GP9: Sustainable Development
IP7: Private and Communal Parking

Parking Standards and Traffic Impact Assessment SPG (2016)

Conclusion/Brief comment:

The proposal relates to the construction of a 1.5m high fence and gate adjacent to the proposed accessible parking bays with a 1.8m high fence to the side and rear, adjacent to the adjoining pathway to the south and wall to the east. The proposed 1.8m high fence will provide a greater degree of privacy for the occupiers of the approved dwelling offering enhanced external amenity space for the benefit of occupiers. The 1.5m/1.8m high fencing and shed represent a good standard of design and will not appear unduly obtrusive in the streetscene.

Although it is noted that the high fence, adjacent to the neighbouring property and another high wall would generate a sense of enclosure along the footpath it is noted that there are similar such arrangements elsewhere in this Avenue. The path is not readily identifiable as a through route at present and on balance although the scheme would generate further enclosure it is not considered so significant to warrant the refusal of permission.

Following the additional information provided the 1.8m high fencing will not result in undue harm to the amenities of the occupiers of no. 13 which is situated approximately 3m from the proposed 1.8m high fencing. The proposed shed is situated away from residential neighbours and will not result in harm to the amenities of adjoining occupiers.

The proposed hardstanding to provide two accessible parking bays in this Outside of Centres location complies with the aims of Policy IP7 and the associated Supplementary Planning Guidance and ensures that the Avenue remains accessible for all.

With regard to the removal of a tree it is of limited value to the wider area and there would be little opportunity within the application site for a replacement to be provided. Furthermore, as private amenity space its layout/planting would generally be left to personal choice and it would be unreasonable in this case to insist that a replacement is provided on site. Although other parts of the Avenue provide space/opportunity to provide for replacement tree planting this has not been offered as part of this application proposal and there would be no justification to withhold permission due to a lack of replacement planting.

All material considerations as set out in the Land Planning and Development (Guernsey) Law, 2005 and the Land Planning and Development (General Provisions) Ordinance, 2007 have been taken into account in the assessment of this application.

In view of the above it is recommended permission is granted for the proposals.

Recommendation:

Grant with Conditions



Date: 06/03/2024

