

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 and hedge to create vehicle access, parking area and infill existing pedestrian access to north (front) of property (Retrospective).

LOCATION: Magny Cours, Les Grandes Mielles Lane, Vale.

APPLICANT: Mr S Davey

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: 18/03/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 02/02/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Martel Design Ltd 23-1087 01B

Application Ref: FULL/2024/0095

Property Ref: C02292B000

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 two months of the date of this permission, the stone boulder wall along the west boundary of the front amenity space shall be completed in in accordance with the approved drawing (ref: 23-1087 01 B).

Reason - To ensure the existing vehicular access is closed off within a reasonable timeframe.

5.Within two months of the vehicular access being created, the boulder wall along the north boundary, where disturbed, shall be made good in accordance with the approved drawing (ref: 23-1087 01 B).

Reason - To ensure the works are carried out within a reasonable timeframe in the interests of visual amenity, and to define the boundary treatment.

6.Prior to the undertaking of the planting shown on the approved plan, full details of that planting, noting the species, sizes, numbers and densities of plants, shall be submitted to and agreed in writing by the Development & Planning Authority.

Reason - To ensure that full details of the planting scheme are submitted and agreed within a suitable timeframe.

7.The landscaping scheme shall be fully completed, in accordance with the details agreed under the terms of the above condition, in the first planting season following the formation of the new vehicular access. 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, species and density similar to those originally required to be planted.

Reason - To ensure that the planting scheme is carried out in a suitable timeframe in the interests of visual amenity.

8.The overall width of the access point hereby approved shall not exceed 4.5 metres.

Reason - For the avoidance of doubt and in the interests of visual amenity.

Expiry Date: This permission will cease to have effect on 18/03/2027 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/2024/0095
Property Ref: C02292B000
Valid date: 02/02/2024
Location: Magny Cours Les Grandes Mielles Lane Vale Guernsey
GY6 8ES
Proposal: Remove section of wall and hedge to create vehicle access,
parking area and infill existing pedestrian access to north
(front) of property (Retrospective).
Applicant: Mr S Davey

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 two months of the date of this permission, the stone boulder wall along the west boundary of the front amenity space shall be completed in accordance with the approved drawing (ref: 23-1087 01 B).

Reason - To ensure the existing vehicular access is closed off within a reasonable timeframe.

5. Within two months of the vehicular access being created, the boulder wall along the north boundary, where disturbed, shall be made good in accordance with the approved drawing (ref: 23-1087 01 B).

Reason - To ensure the works are carried out within a reasonable timeframe in the interests of visual amenity, and to define the boundary treatment.

6. Prior to the undertaking of the planting shown on the approved plan, full details of that planting, noting the species, sizes, numbers and densities of plants, shall be submitted to and agreed in writing by the Development & Planning Authority.

Reason - To ensure that full details of the planting scheme are submitted and agreed within a suitable timeframe.

7. The landscaping scheme shall be fully completed, in accordance with the details agreed under the terms of the above condition, in the first planting season following the formation of the new vehicular access. 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, species and density similar to those originally required to be planted.

Reason - To ensure that the planting scheme is carried out in a suitable timeframe in the interests of visual amenity.

8. The overall width of the access point hereby approved shall not exceed 4.5 metres.

Reason - For the avoidance of doubt and in the interests of visual amenity.

OFFICER'S REPORT

Brief Description of the site:

The application site, known as Magny Cours, consists of a detached bungalow located to the south of Les Grandes Mielles Lane. The property is located Outside of the Centres as designated in the Island Development Plan.

The property is currently served by off-street parking provision to the rear of the application property through an informal agreement.

The agent's letter notes that there is no current provision for parking within the application site, neither at the front or the rear of the property. The current occupiers park on land owned by the neighbouring property (Petit Menage), and there is no legal right-of-way over the area of hard surfacing that is positioned between both properties (Magny Cours and Petit Menage).

Planning permission is sought to remove a section of the roadside wall and hedge to create vehicle access, parking area as well as infilling an existing pedestrian access to the north of the dwelling. The proposed access will be 4500mm wide.

Following a site visit, the hedge forming the west boundary to the front of the house has been removed and the applicant is currently parking to the front of the property. Consequently, the application is retrospective.

Relevant History:

PREA/2015/0082	Extend and alter dwelling (revised scheme).	Granted
PREA/2014/1425	Extend property.	Granted
PAPP/2001/2130	Demolish shed and erect a dwelling.	Granted

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 car parking provision to the front of neighbouring properties. The agent has noted that no provision is currently allocated for car parking on the application site. Whilst it would be beneficial to utilise the existing driveway (which runs down the centre of both Magny Cour and Petit Menage) in order to provide parking provision, rather than to puncture a new vehicular access along the north boundary of the site; it would be unreasonable to request this via deferral given that the applicant does not own the existing driveway, nor has a right of way over it. On this basis, it is reasonable to allow the principle of creating a new vehicular access to the front of the site.

The drawings submitted shows the creation of a 4.5m wide vehicular access which is positioned towards the centre of the site. This will ensure that a reasonable amount of the boundary wall and hedge will remain to the front of the site which positively contributes to the landscape character and appearance of the area, which is generally defined by low walls and hedges.

The geometry of the front garden is such that a sufficient parking depth will be achievable to enable two cars to park to the front of the site. Whilst no turning point has been integrated as part of the design which would improve highway safety, the resultant impact on highway safety is not considered to be so substantial that it would justify refusing the application. The height of the boundary treatment to the front of the site is such that the proposal would not give rise to any significant traffic management issue, particularly as the road is recognised as a Neighbourhood Road which is characterised by low traffic speeds and volumes.

Overall, the proposal 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 works are carried out within a reasonable timeframe and that full details of the landscaping scheme are agreed and thereafter implemented in the interests of amenity.

Neighbour amenity will not be adversely affected.

Appropriate conditions should be attached to the decision to ensure that the character and appearance of the area are not undermined as a result of the development and are carried out in a timely manner.

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, and accords with the purpose of the Law and the Material Planning Considerations. It is therefore recommended that planning permission be granted, subject to conditions.

Recommendation:

Grant with Conditions



Date: 15/03/24

