

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: Erect 9 sheds, fencing, gates and relocate pavement to create additional parking spaces to north of site.

LOCATION: Mont Clare Flats, Sohier Road, Vale.

APPLICANT: Shire Ltd

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: 03/07/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 07/05/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: A7 Design Ltd: 24-1553 PD/01A

Application Ref: FULL/2024/0831

Property Ref: C011930000

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 03/07/2027 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/2024/0831
Property Ref: C011930000
Valid date: 07/05/2024
Location: Mont Clare Flats Sohier Road Vale Guernsey GY3 5PT
Proposal: Erect 9 sheds, fencing, gates and relocate pavement to create additional parking spaces to north of site.
Applicant: Shire Ltd

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.

OFFICER'S REPORT

Brief Description of the site:

The site is occupied by three x 3 storey blocks of flats, linked by covered walkways, and with shared gardens and parking area. The site is accessed from Sohier Road and is located within the Main Centre Outer Area as designated in the Island Development Plan.

Relevant History:

N/A

Existing Use(s):

02 Flats

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

Representations:

A neighbour drew attention to the inaccuracy of the submitted plan, which has been revised and failure to indicate parking space sizes (although the plans are drawn to scale). They also raised concern regarding the potential for large vehicles to overhang the new parking area, preventing other neighbours from accessing their parking, disturbance to existing parking arrangements, along with the need to move the existing drains/cesspit access etc.

One other representation has been received which objects to the proposal on the basis that it involves the demolition of housing and erection of industrial buildings.
*Officer Note - This objection has been considered, however the proposal does **not** involve the loss of any housing or the erection of industrial units.*

Conclusion/Brief comment:

The proposal includes the erection of new fencing and gates to delineate the three new private garden areas which appear to serve the ground floor flats, and also a communal garden area for the remaining flats. The proposed fencing is 1.8m high and is positioned to minimise any impact on the windows serving the flats and appear acceptable from the street.

The erection of 6x sheds which measure 2m high and 2.4m by 1.5m is also considered acceptable, positioned centrally within the existing development and along the boundary wall. Three other sheds are located within the private gardens of the three ground floor flats, and they are positioned to avoid any harm to amenity.

The creation of two additional visitor parking spaces is acceptable in terms of the size of the parking spaces and parking standards and allows a wider access than the existing layout. Given the location and size of the spaces proposed, the development is unlikely to result in reduced or obstructed access to the remaining spaces within the car park.

The proposed pavement is considered a suitable width to allow for use by people of all ages and abilities. The scale of development is considered appropriate in terms of design and impact on neighbours, and the proposal accords with all relevant IDP policies.

The requirement to move existing raised water or drain covers/cesspit covers to facilitate the relocation of the pavement is a civil matter and is not a material planning consideration.

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 considered in the assessment of this application.

Recommendation:

Grant with Conditions



Date: 01/07/2024

