

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: Creation of car parking space to east (front) of site.

LOCATION: Delmar, Vauvert, St. Peter Port.

APPLICANT: Mr D Vasic

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: 19/02/2025

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 22/08/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Paul Vaudin & Associates Ltd - 24-021-01A.

Application Ref: FULL/2024/1352

Property Ref: A306860000

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.Prior to the laying of any hardsurfacing, the material and pattern of laying of all hard surfacing shall be submitted to and agreed in writing by the Authority. No use of the parking area shall commence until the approved hard surfacing has been laid in accordance with the agreed details.

Reason - The information provided with the application does not include full details of the proposed hard surfacing. This condition is imposed to make sure that the hardsurfacing is of satisfactory design and does not have any adverse impact on the character of the Conservation Area or the special interest of the protected building.

5.Prior to installation of the new gate, details of that gate shall be submitted to and agreed in writing by the Authority. The development shall be carried out only in accordance with the agreed details.

Reason - The information provided with the application does not include full details of the proposed gate. This condition is imposed to make sure that the gate is of satisfactory design and does not have any adverse impact on the character of the Conservation Area or the special interest of the protected building.

6.Within four weeks of the section of wall and railings hereby approved for demolition being removed, the ends of the new opening shall be finished off in materials to match the existing, the new gate pillar shall be constructed and new gate installed, in accordance with the approved plans and the details approved under the above condition.

Reason - To secure the satisfactory appearance of the completed development to ensure the proposals does not have any adverse impact on the character of the Conservation Area or the special interest of the protected building.

Expiry Date: This permission will cease to have effect on 19/02/2028 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

This permission does not confer any consent for replacement of the roadside railings shown to be retained. Should such work be found to be necessary the Authority should be contacted for further advice.

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/2024/1352
Property Ref: A306860000
Valid date: 22/08/2024
Location: Delmar Vauvert St. Peter Port Guernsey GY1 1NJ
Proposal: Creation of car parking space to east (front) of site.

Applicant: Mr D Vasic

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. Prior to the laying of any hardsurfacing, the material and pattern of laying of all hard surfacing shall be submitted to and agreed in writing by the Authority. No use of the parking area shall commence until the approved hard surfacing has been laid in

accordance with the agreed details.

Reason - The information provided with the application does not include full details of the proposed hard surfacing. This condition is imposed to make sure that the hardsurfacing is of satisfactory design and does not have any adverse impact on the character of the Conservation Area or the special interest of the protected building.

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Reason - To secure the satisfactory appearance of the completed development to ensure the proposals does not have any adverse impact on the character of the Conservation Area or the special interest of the protected building.

INFORMATIVES

This permission does not confer any consent for replacement of the roadside railings shown to be retained. Should such work be found to be necessary the Authority should be contacted for further advice.

OFFICER'S REPORT

Site Description:

Delmar forms part of a terrace of pre-1900 buildings located to the west of and facing on to Vauvert/La Couperderie junction, with the latter road running along the east and around the south of the terrace. The site is accessed via a shared drive running along the rear (west) of the terrace from La Couperderie to the south and benefits from parking and a garage/laundry building to the rear of the site.

The site is located within the St Peter Port Conservation Area and Main Centre Inner Area in the Island Development Plan. The whole of the main building is protected. The listing does not extend to include any boundary features.

Relevant History:

None relevant.

Existing Use(s):

Lower ground and attic floors: Residential Use Class 2 (Flat)

Ground, first and second floors: Residential Use Class 6 (Premises in Multiple Occupation)

Brief Description of Development:

Permission was initially sought to remove the whole of the existing railings and central gate pillar to the front (east) boundary of the property and to form a paved parking area in front of the building. The steps and adjacent walls and pillars to the north of the property frontage and the pillar to the south of that frontage would be retained. Planters would be retained/formed along the north and south sides of the parking area. Following deferral, the proposal has been amended to form a 3.9m gateway to the south of the front boundary, retaining an extent of railing, installing a gate and constructing a new pillar, and a ramp has been added to the front of the building.

In support of the application it is noted that the applicant is registered disabled, and a wheelchair user. It is confirmed that the applicant lives in a ground floor flat within the building and the distance from the parking to the rear of the building to the building itself is too great for him to safely navigate. A letter has been provided from the Healthcare Group supporting the application.

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

GP4 Conservation Areas
GP5 Protected Buildings
GP8 Design
GP9 Sustainable Development
GP13 Householder Development
IP7 Private and Communal Car Parking
IP9 Highway Safety, Accessibility and Capacity

Representations:

None received.

Consultations:

Traffic and Highway Services comment as follows:

Although the site is not ideal in terms of proximity to the junction, the one-way routing of traffic from The Grange towards Vauvert and La Couperderie, and the routing of vehicles from La Couperderie into Vauvert to the south of Delmar, doesn't result in the road safety concerns that we would normally associate with an application in proximity to the junction.

Our concerns (and where I have sought advice and looked at similar sites) were initially related to the proposed access then resulting in vehicles having to manoeuvre and specifically egress directly over the pedestrian crossing. Although instances of this scenario are rare, there are other examples such as La Gibauderie, where the access is located immediately facing a zebra crossing, and there is nothing in our policies that specifically forbids it, albeit that understandably we would wish to ensure that a new access such as proposed at Delmar would not lead to a specific pedestrian risk associated with the crossing's proximity.

From attending the site and measuring the sightline in the direction of approaching traffic (the one-way traffic from the signal junction at The Grange), from the plans supplied, I am satisfied that both the sightlines of approaching vehicles from the access would be close to or meet our recommended minimum standards, and a driver entering or egressing the site would have clear visibility of pedestrians in the vicinity or using the crossing when manoeuvring. This is obviously based on a driver egressing in a forward direction from the access.

From the plans supplied, it is clear that there is insufficient room to turn within the site, and THS understand that it would not be possible to condition the same within any permission for the application, if the application had no further reasons for refusal. Therefore, although the lack of turning space in combination with other factors would normally be grounds for THS to object to the application on road safety grounds, in the circumstances whereby the application is based on provision of parking on medical grounds, I would not object to the application on road safety or traffic grounds, but I would however request that the strong recommendation of THS, that (if approved) the access is used by drivers reversing in, and egressing forwards is passed on, to the applicant or their representative, etc.

Summary of Issues:

Impact on the setting of the protected building;
Impact on the character of the Conservation Area;
Impact on road safety.

Assessment against:

- 1 - Purposes of the law.**
- 2 - Relevant policies of any Plan, Subject Plan or Local Planning Brief.**
- 3 - General material considerations set out in the General Provisions Ordinance.**
- 4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).**

The application site is located within a Conservation Area and the building itself, together with those adjoining to the north and south, is protected. The extent of protection does not however extend to the roadside wall, steps and railings.

This part of the Conservation Area is characterised by buildings of classical Georgian proportions. Smooth rendered roadside walls, often with moulded render copings and ornamental metal railings, separate small front gardens from the highway. Taller stone walls are also prominent and form the roadside boundaries to the sides and rear of buildings. All give a sense of enclosure to the street.

The roadside wall of Delmar is a low, rendered structure with four rendered gate pillars, each surmounted by a shallow pyramidal rendered cap. The wall is surmounted by decorative metal railings. The wall, pillars and railings, whilst not protected, combine to form a feature that contributes to both the setting of the protected building and the character, architectural and historic interest and appearance of the Conservation Area.

The wholesale removal of the roadside wall and railings as initially proposed, resulting in an open paved parking area, would not make an equal contribution to the character of the Conservation Area and would adversely impact the special interest of the protected building.

The amended proposal, to create a 3.9m gateway, and to retain/partially reconstruct the remainder of the boundary treatment, would maintain the character of the Conservation Area. The proposal would continue to have an impact on the setting of the protected building, however that impact would be less significant and would be outweighed by the reasonable aspiration of creating an accessible parking space for the occupant of the building. The surfacing proposed must however be carefully considered to ensure no adverse impacts. Whilst the covering letter states this will be laid to match the neighbour, no details have been provided and this matter can be controlled by condition.

Traffic and Highway Services commented in respect of the proposal as initially submitted and found, on balance, that the proposal would be acceptable in road safety terms. The revised plans retain the access to the south of the boundary, away from the pedestrian crossing, and would not, in that respect, raise any additional road safety concerns. The proposal would introduce a pillar and railings within the visibility splay from the access however it is considered that sightlines would remain adequate in the context of this site.

There is parking provision for up to 5 vehicles to the rear of the property, however, taking into account the accommodation provided within the building, the provision of an additional space would remain within the maximum standards set out in the Parking Standards guidance.

The proposals would have no adverse impact on the amenity of adjoining properties.

It is not clear whether the proposed surfacing would be permeable, however the plans clearly state how run off would be managed.

On balance, taking into account the above, it is considered that the proposal would meet the purpose of the Law, material considerations and relevant planning policies and approval is recommended.

Date: 18/02/2025

