

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 erect pillars to south boundary to create parking area and erect wall to east boundary.

LOCATION: 2 Bel Air Clos, Victoria Avenue, St. Sampson.

APPLICANT: Mr S Sholl

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: 06/03/2025

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 31/01/2025 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: MAT Limited: 24-354-02.

Application Ref: FULL/2025/0117

Property Ref: B013090002

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 05/03/2028 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

This permission is given under the Land Planning and Development (Guernsey) Law, 2005. This decision does not override or prejudice any legal rights or constraints which exist in relation to the application site.

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/2025/0117
Property Ref: B013090002
Valid date: 31/01/2025
Location: 2 Bel Air Clos Victoria Avenue St. Sampson Guernsey GY2 4AX
Proposal: Remove section of wall and erect pillars to south boundary to create parking area and erect wall to east boundary.

Applicant: Mr S Sholl

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.

INFORMATIVES

This permission is given under the Land Planning and Development (Guernsey) Law, 2005. This decision does not override or prejudice any legal rights or constraints which exist in relation to the application site.

OFFICER'S REPORT

Brief Description of the site:

Rivendell, 2 Bel Air Clos is a mid-terrace property with a pitched, slate roof with rooflights in the front and rear roofslopes. The front boundary is marked by a rendered wall. The attached neighbour to the west has an open frontage area whilst that to the east is enclosed by a wire fencing to the south boundary and a 1.2m high fence with the shared boundary with Rivendell. Parking exists to the north of no. 6, southwest of the application site and in the open area to the west of the terrace of properties. Garages also exist in Bel Air Clos, along the access roadway. At the time of the officer site visit a car was parked in the single width roadway immediately outside the application site.

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

Relevant History:

None recent and relevant.

Existing Use(s):

01 dwellinghouse

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

IP9: Highway Safety, Accessibility and Capacity

Representation:

One letter of representation has been submitted objecting to the application and raising the following points:

Highway safety and the free flow of traffic

- The applicant already benefits from a safe access to their property via the central clos road which offers superior visibility to that proposed and which complies with planning policy regarding preserving existing safe access arrangements
- There are safety concerns regarding the access due to inadequate visibility splays and walls/buildings also creating a blind spot
- Victoria Avenue is already congested with parked cars and has high traffic volumes
- The proposal would impact and endanger pedestrians, cyclists and oncoming vehicles
- Vehicles using the access would encroach on the opposite lane, increasing collision risks and would undermine the efficiency of the Clos disrupting traffic flow

Impact on local character

- Bel-Air Clos retains uniformity in design with shared access via the central road ensuring equitable parking and aesthetic cohesion but the proposal would deviate from the established norms generating an incongruous feature in the street

Other matters

- The proposal will result in the loss of a critical recycling area with associated safety and community impacts
- The removal of the south wall directly affects a 1m strip of land along Victoria Avenue which is a public right of way
- The right of way is indispensable and is a parish authorised recycling area (all 12 Clos properties can use the area for recycling collection) and this arrangement prevents obstruction of the Clos main access and avoids placing bins on the busy pavement, altering the strip would violate the public right of way and disrupt this legally sanctioned waste management system thereby forcing residents into non-compliant or unsafe alternatives
- The proposal would set a precedent for further alterations that erode the character of the Clos
- The proposal would disregard the community agreement that residents have in relation to shared infrastructure to balance convenience and safety

Conclusion/Brief comment:

The proposed parking space measures c. 2.5m wide x 5.4m long and will be parallel to the road.

In this close location manoeuvring in and out of the space will not result in harm to the free flow of traffic on the local highway network. The alterations to the roadside boundary wall will not result in unacceptable harm to the character and appearance of the locality given that some properties currently benefit from areas of hardstanding, open frontage areas for parking. The demolition of the walls as proposed would not have a negative impact on the amenities of adjoining residential neighbours.

The comments and concerns raised through the public consultation have been considered, with regard to the refuse storage arrangements the grant of planning permission would not override land ownership or other legal rights such as in relation to the parish authorised recycling area.

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 subject to a condition regarding the erection of the pillars as indicated.

Recommendation:

Grant with Conditions



Date: 28/02/2025

