ONLINE VERSION

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: Demolish roadside boundary wall and erect replacement wall relocated to widen road (Protected Buildings).

LOCATION: The Manor and La Vrangue Lodge, La Vrangue, St. Peter Port.

APPLICANT: Balmoral Properties Limited

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: 04/08/2016

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 18/04/2016 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: A7 Design Limited - 13-557-VW/03 & /04

Application Ref: FULL/2016/0957

Property Ref: A101430000&A101440000

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. The granite used within the existing walls and the associated gates shall be retained and reused in the construction of the new walls hereby permitted.

Reason - To secure the satisfactory appearance of the completed development.

5. The new walls hereby permitted shall be constructed to match as closely as possible the laying, mortar, method of bonding and pointing of the existing walls. A sample panel of the proposed construction shall be prepared for the consideration and written approval of the Authority in the first instance and prior to further works proceeding on the site; the walls shall thereafter be constructed to match the approved details.

Reason - To secure the satisfactory appearance of the completed development.

6. The gate pillars hereby permitted shall be constructed to match as closely as possible the existing pillars.

Reason - To secure the satisfactory appearance of the completed development.

Expiry Date: This permission will cease to have effect on 04/08/2019 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

States of Guernsey
Planning Service

PLANNING APPLICATION REPORT

Application No:	FULL/2016/0957
Property Ref:	A101430000&A101440000
Valid date:	18/04/2016
Location:	The Manor and La Vrangue Lodge La Vrangue St. Peter Port Guernsey GY1 2EZ
Proposal:	Demolish roadside boundary wall and erect replacement wall relocated to widen road (Protected Buildings).
Applicant:	Balmoral Properties Limited

RECOMMENDATION - Grant: Planning Permission with Conditions:

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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.

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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. The granite used within the existing walls and the associated gates shall be retained and reused in the construction of the new walls hereby permitted.

Reason - To secure the satisfactory appearance of the completed development.

5. The new walls hereby permitted shall be constructed to match as closely as possible the laying, mortar, method of bonding and pointing of the existing walls. A sample panel of the proposed construction shall be prepared for the consideration and written approval of the Authority in the first instance and prior to further works proceeding on the site; the walls shall thereafter be constructed to match the approved details.

Reason - To secure the satisfactory appearance of the completed development.

6. The gate pillars hereby permitted shall be constructed to match as closely as possible the existing pillars.

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OFFICER'S REPORT

Site Description:

La Vrangue is a Traffic Priority Route connecting the Admiral Park and Grand Bouet areas on the eastern seaboard to La Ramee to the west. The road is c7-7.5m wide, inclusive of the pavement, at the western end but narrows to the west of the application site to c5.5-6m wide, inclusive of the pavement. The section of road which forms the subject of this application is bounded by the Rue Thomas junction at the eastern end and the Guelles Road junction at the western end. The intervening section of road is bounded to the south by a low granite wall and rising land, with a residential property set back from and above the road. To the north ground levels fall away towards La Vrangue Manor and La Vrangue Lodge.

La Vrangue Manor and La Vrangue Lodge are residential properties and, together with the associated barns, are protected buildings. The roadside wall forward of La Vrangue Manor comprises a low random coursed granite wall, with that forward of the Lodge increasing to c2m above road level and then reducing towards the Rue Thomas junction. The roadside wall does not form part of the listing of the buildings.

La Vrangue Manor and access are located within the Vrangue Housing Target Area, whilst La Vrangue Lodge, the road itself and the land to the south is located within a Settlement Area in the Urban Area Plan.

Relevant History:

FULL/2016/1232 Pending application to demolish three existing dwellings and garages, erect 20 new dwellings and create access road to the west of the site.

13/01/16 PREA/2015/3148 Pre-application advice regarding proposal to relocate existing roadside boundary wall to allow La Vrangue Road to be widened.

16/09/13 FULL/2013/2187 Refusal to erect entrance access boundary wall (retrospective).

24/08/04 PRCN/2004/2622 Permission in principle to widen gateway (reconsideration).

Existing Use(s):

Public highway and domestic land.

Brief Description of Development:

Permission is sought to widen the existing road 1.2m to the north extending from the junction with Rue Thomas c94m to the west. The proposal is to remove the existing roadside walls and adjacent pavement, to extend the width of the road, replace the pavement and re-construct the walls within the adjacent site.

The walls are to be re-constructed as follows:

- Section forward of La Vrangue Manor (Section A-A) to be re-constructed on a like-for-like basis, in random coursed granite construction to match the height of the existing wall, reusing the existing granite. The existing gates to be retained, refurbished and reinstated and the posts to be recreated to match the existing.
- The section of wall extending from the roadside back to the gable of La Vrangue Lodge to be rebuilt in location with the same method of construction and build method as existing. All existing openings to be recreated.
- The high section of wall between La Vrangue Manor and extending towards Rue Thomas junction (Sections B-B & C-C) is to be rebuilt "like-for-like", although omitting the raised section at the eastern end, noted to have been added to the wall to allow for construction of former outbuilding, and including a concrete structural wall behind.
- Low section of wall adjacent to Rue Thomas junction to be reconstructed in random granite coursing utilising existing granite.
- Gate pillars at Rue Thomas access to be relocated to extend width of access to 7.4m.

In support of the application the following points are made:

- La Vrangue is a Traffic Priority Route;
- The road is technically substandard in terms of normally required minimum widths for traffic flow, particularly at the eastern end;
- This application is to improve the existing situation prior to any future development of the Housing Target Area;

- The widening of the adjacent section of road to the west forms part of a separate application for development on the adjoining land;
- The proposal would improve safety for pedestrians and vehicles, removing a bottleneck and avoiding the need for vehicles to mount the pavement;
- Widening the road on the opposite side is not feasible due to:
    - Land availability – private and States ownership
    - Uneconomical in terms of construction costs and land purchase
    - Logistics of retaining the adjacent bungalow and driveway
    - Impact on the junction with Guelles Road, due to the gradient of that road;
    - Loss of established foliage and banks
    - Impact on street furniture
    - Location of stream/watercourse
    - Length of time that would be required to undertake the works, impacting on the surrounding road network
- The current proposal is put forward due to:
    - Land availability – within ownership of developer
    - Although expensive, this option is more economical and practical
    - Construction would be within open areas of land within the grounds of properties under the developer's ownership
    - No adverse impact on junction with Guelles Road
    - No loss of established foliage or earthbanks
    - Length of time for works on public highway would be reduced
    - Enhanced safety and visibility for the existing access drive at the junction with Rue Thomas
- The walls will be reconstructed using the existing granite and brick and the same method of construction;
- Glass capping will not be replaced for public safety;

The agent cites comments from Traffic Service in support of the application and notes that 3 traffic incidents were reported to Guernsey Police along the subject section of road during 2014.

An Observation Report is also submitted, prepared by Babbe McCathie Consulting Engineers.

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

Urban Area Plan policies:

GEN4	The built environment
GEN5	Design
GEN6	Character and amenity
GEN7	Roads and infrastructure
GEN12	Effect on adjoining properties
DBE1	Design
DBE8	Buildings of special interest
DBE9	Demolition of buildings and features

Representations:

One letter of representation received raising the following points:

- Widening the road would increase danger for pedestrians crossing, increasing the speed of traffic.
- The road forms part of the route to Amherst School and school children have to cross.
- There should be a light-controlled crossing or a pavement on the same side as the Millbrook Estate.
- Widening on the opposite side of the road would not destroy the environment as the trees have already been removed.

Consultations:

Traffic Services Unit comments as follows:

I can confirm that the final paragraph on page 2 of A7 Design's letter dated 14th April 2016, enclosed with the application accurately reflects Traffic & Highway Service's position regarding the proposal.

In the interests of clarity the advice given (prior to the change to Government Departments) was as follows:-

The Traffic Services Unit considers the proposal to extend the road widening scheme so as to include the section from the western boundary of La Vrangue Manor, down as far as the public road junction of Rue Thomas with La Vrangue, as having considerable road safety benefit particularly in regard to the safety of pedestrians. It has been recognized that the road width in this section is substandard, even more so than the section from Balmoral Estate to La Vrangue Manor, with the resultant 'pinch point' forcing drivers to mount the pavement in this area so as to allow oncoming vehicles past. This is clearly a less than satisfactory situation and measures that can be taken to improve road safety, particularly that of vulnerable road users, are to be welcomed. In addition, vehicles exiting from Guelles Road and intending to turn right (eastwards) would see a significant improvement in regards to the turning manoeuvre required, over that which currently exits. As a consequence, the TSU would support the proposal to continue the road widening scheme as far as the public road junction mentioned above.

In addition to the above, Traffic & Highway's Road Engineer has subsequently indicated that there would also be benefit in the radius on the western side of the Rue Thomas & La Vrangue junction being increased to 6.5m as part of the works, whilst still maintaining a minimum of 1.2m width footpath. This is supported as it would reduce some of the overrunning of the footpath by commercial vehicles but still maintain an adequate footpath at this point. It has further been noted that the widened access at this point would enable cars to left turn into the concrete driveway which is currently not the case. The lowering of a short section of the

roadside wall and removal of vegetation from behind the wall as part of the works would also assist in improving the sightline in the direction of oncoming traffic for drivers exiting the concrete driveway to the extent that it would exceed the minimum recommended 33m standard.

In light of all of the above, and in recognition of the proximity of the road to a very significant Housing Target Area, there are good road safety and traffic management grounds to support the proposals.

The Traffic Services Unit provided additional confirmation relating to the points raised in the letter of representation as follows:

It is likely that the road widening will lead to an increase in traffic speed in that section of the road but the benefits in terms of pedestrian safety of having a footpath which is mounted by traffic much less often far outweighs the speed issue. It is also relevant that a speeding issue, if one develops, is controllable through enforcement effort, whereas it is the current physical constraints of the road that mean drivers are often forced to mount the footpath.

In terms of the crossing issues, Traffic Services will be investigating the requirement for any additional provisions separately.

Summary of Issues:

Impact on the setting of the protected buildings;
Impact on the character and amenity of the 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).

Policy DBE9 sets out the following criteria against which proposals to demolish existing buildings and features must be considered:

> *a) The contribution of the building or feature to the character and appearance of the area (absence of such a contribution will not necessarily be a reason for demolition);*
> *b) the contribution that the proposed replacement, other development or vacant site, would make to the character or appearance of the area;*
> *c) the condition of the building, the cost of repair and maintenance and the economic value of the building if reused; and*

d) the importance of the new development and whether it will produce substantial benefits for the community that would outweigh the loss resulting from demolition.

In this case, the walls also form part of the setting of a group of protected buildings, although they are not listed in their own right. The proposal must therefore also accord with the provisions of Policy DBE8, which seeks to protect buildings of special interest and their settings from development that would detract from their special qualities, and Sections 34 and 35 of the Law, which set out a strong presumption against development that adversely affects a protected building and require special attention to be paid to preserving the special character and setting of protected buildings.

The building group has been surveyed as part of the review of the Protected Buildings list, and a Summary of Significance has been compiled for the site. The Summary identifies that La Vrangue Manor is of outstanding historic and architectural special interest, and would be of high value, ie of importance to Guernsey/the Channel Islands. The roadside walls are an intrinsic part of the special interest of the building and form an important part of the group setting. The low wall forward of La Vrangue Manor, and its relationship to that building, are of particular importance, allowing the building to be appreciated with gardens in the foreground from La Vrangue. The walls are not however in themselves unique or rare to Guernsey and would be of medium value in terms of the significance of the group.

The application involves the complete demolition of the roadside boundary walls. The magnitude of impact of the works would therefore be 'major', resulting in the complete loss/destruction of an element of the building that is intrinsic to its special interest. The walls are however set away from the protected buildings and the relocation of the walls 1.2m closer to the buildings would not have a significant impact on the buildings themselves. As the value of the walls is medium, and the impact on the buildings themselves would be slight, the overall impact of the proposals is assessed from an overall conservation viewpoint as 'large'.

The proposed replacement walls are stated to be re-constructed on a like-for-like basis, with the exception of a slight lowering of the highest section of wall and the reconstruction of the lower section of wall towards Rue Thomas. The submitted plans and sections detail that the existing granite and method of laying are to be used to re-construct the walls, the existing gates are to be reinstated forward of the Manor and the gate posts are to be recreated to match the existing. The detailed sections detail a concrete retaining structure behind part of the wall, however this would not impact on the character or appearance of the walls. The walls will therefore be of similar appearance to the existing and would make a similar contribution to the character of the surrounding area. For the avoidance of doubt, any alteration to the structure of the walls may however impact on the appearance of the walls and their contribution to the protected building group. The Structural Engineer's design should therefore avoid any alteration to the approved method of

construction if possible and, if not possible, any alteration would need to be subject to further consideration by the Authority.

No information is submitted to address part c) of Policy DBE9, however the condition of the wall is not critical to the consideration of this application. Presumably, had there been any significant issue with the condition of the wall it would have been put forward in support of the application and, in the absence of any alternative evidence, the wall is assumed to be sound.

In addition to the requirements of part d) of Policy DBE9, to comply with the provisions of the Law, any proposal which would have a large impact on the special interest of a protected building must be clearly justified. The application is not supported by any information that attempts to assess the special interest of the walls or the impact of the development on those walls, however that has been addressed above.

As stated in the letter of application, the proposal is driven by a desire to improve the safety of La Vrangue Road for pedestrians and vehicle users, particularly taking into account the designation of the adjacent land as a Housing Target Area. The Traffic Services Unit considers the proposal to have considerable road safety benefit, particularly in regard to the safety of pedestrians, and cite good road safety and traffic management grounds to support the proposals.

The letter of application demonstrates that alternative methods of achieving the same benefit have been considered, but that those options are not feasible.

The comments made in the letter of representation relating to road crossings are noted and have been forwarded to the Traffic Services Unit. The Unit notes that the safety improvements to the existing pavement outweigh the potential for increased speed in terms of the consideration of this application, but note that the installation of crossings will be considered separately by TSU.

The proposal also involves the widening of the existing access on to the Vrangue/Rue Thomas junction. The Traffic Services Unit observes that the widening of the access would result in road safety benefits and also supports this element of the proposal. Whilst the proposed access would be wider than normally permitted for domestic accesses, even serving more than one dwelling, the current situation is particularly poor in road safety terms. The section of wall to the south of the access is actually unauthorised, having initially been removed under a Permission in Principle in 2004 and an application for its reconstruction subsequently refused in 2013 on road safety grounds. The proposal would therefore effectively rectify the unauthorised work. The removal of the small section of wall to the north of the access would not have a significant impact on the character of the area in light of the road safety benefits accrued.

Taking into account the above, the substantial community benefits arising from the application in terms of road safety on a Traffic Priority Route would outweigh the

negative impact of the development on the setting of the protected buildings and the proposal is considered to comply with the relevant policies and of the Plan as set out above and the requirements of the Law.

Consequently it is recommended that the application be approved.

Date: 02/08/2016