

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: Infill existing pedestrian access, remove hedge, demolish and lower section of wall to create vehicle access to south (roadside) wall (revised scheme).

LOCATION: Westwood, Sohier Road, Vale.

APPLICANT: Mr & Mrs Crowson

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: 16/12/2021

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 10/08/2021 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: PF+A Ltd - 5084-07 B1 Rev A & B2 Rev A.

Application Ref: FULL/2021/1786

Property Ref: C01173A000

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.All disturbed works to the roadside wall, including the pedestrian opening to be infilled, shall be made good in materials to match as closely as possible to the existing wall and shall be completed within 2 months of the new access being formed.

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

5.Following the creation of the new access hereby permitted, new hedging shall be planted along the north boundary of the property within the first planting season to ensure the existing vehicular access is no longer in use.

Reason - to ensure the property is served by one vehicular access and to secure the satisfactory appearance of the completed development.

Expiry Date: This permission will cease to have effect on 15/12/2024 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

Your attention is drawn to the Animal Welfare (Guernsey) Ordinance, 2012 and the need to comply with its provisions. The hedge may be used by nesting birds or other wildlife. You are requested to remove the hedge outside of the main bird breeding season (March-July inclusive). If removal of the hedge during the breeding season is considered essential, it is recommended that you contact La Societe Guernesiaise so that the site can be inspected prior to removal to ensure that any protected species present are not impacted by the works. La Société can be contacted on 07781 166924 or email societe@cwgsy.net.

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/2021/1786
Property Ref: C01173A000
Valid date: 10/08/2021
Location: Westwood Sohier Road Vale Guernsey GY3 5PW
Proposal: Infill existing pedestrian access, remove hedge, demolish and lower section of wall to create vehicle access to south (roadside) wall (revised scheme).

Applicant: Mr & Mrs Crowson

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. All disturbed works to the roadside wall, including the pedestrian opening to be infilled, shall be made good in materials to match as closely as possible to the existing wall and shall be completed within 2 months of the new access being formed.

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

5. Following the creation of the new access hereby permitted, new hedging shall be planted along the north boundary of the property within the first planting season to ensure the existing vehicular access is no longer in use.

Reason - to ensure the property is served by one vehicular access and to secure the satisfactory appearance of the completed development.

INFORMATIVES

Your attention is drawn to the Animal Welfare (Guernsey) Ordinance, 2012 and the need to comply with its provisions. The hedge may be used by nesting birds or other wildlife. You are requested to remove the hedge outside of the main bird breeding season (March-July inclusive). If removal of the hedge during the breeding season is considered essential, it is recommended that you contact La Societe Guernesiaise so that the site can be inspected prior to removal to ensure that any protected species present are not impacted by the works. La Société can be contacted on 07781 166924 or email societe@cwgsy.net.

OFFICER'S REPORT

Site Description:

The application site, known as Westwood, comprises a traditional detached dwelling-house located on a corner plot on the junction of Les Mares Pellees and Sohier Road, Vale. The property is enclosed by a granite wall of varying heights, approximately between 900mm and 2200mm, which extends along the roadside boundaries. The property is adjacent to a new housing development scheme to the north and west of the dwelling.

The property is located within a Main Centre Outer Area as defined in the Island Development Plan. The property is not protected, nor is it situated within a Conservation Area.

Relevant History:

FULL/2020/2398	Infill existing pedestrian access. Remove section of hedge and wall to create vehicular access to south (roadside) boundary.	Granted
FULL/2018/1021	Variations to plans previously approved for Residential development to retain existing dwelling and erect 7 new dwellings and alterations to vehicular access - Raise ridge height of units 1,2 and 3 by 600mm, and alterations to fenestration.	Granted
FULL/2017/0906	Residential development - Retain existing dwelling and erect 7 new dwellings and alterations to vehicular access.	Granted
PAP/014/2014	Appeal Decision Notice in respect of application FULL/2013/2942	Allowed
FULL/2013/2942	Create vehicular access and parking area; remove hedge and alter roadside boundary wall (Revised)	Refused
FULL/2013/2193	Create vehicular access and parking area; remove hedge and alter roadside boundary wall.	Refused
FULL/2010/2756	Widen existing road entrance and install gate to field	Granted
PAPP/2008/2574	Widen vehicular access	Granted
PAPP/2007/4153	Create entrance and parking area	Refused

Existing Use(s):

Residential

Brief Description of Development:

Planning permission was recently refused to infill an existing vehicular access to the north of the dwelling and remove a section of hedge and wall to create a vehicular access to the south (roadside) boundary. The reason for refusal was based on the fact that the proposal would give rise to road safety and traffic management concerns by virtue of a combination of factors including, restricted sightlines, and the close proximity to the junction between Les Mares Pellees and Sohier Road.

The agent has resubmitted the application and amended the proposal by lowering the height of a 6m section of the roadside wall to 900mm, in attempt to address the concerns raised. The proposed vehicular access will remain at 3800mm wide and features a turning point.

The agent has noted that the recent housing development to the rear of the property has created some confusion, particularly for deliveries, given that the frontage of the property and pedestrian gate face onto Les Mares Pellees Road.

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

GP8	Design
GP13	Householder Development
IP9	Highway Safety, Accessibility and Capacity

Representations:

The Authority has received two letters of representation from two parties objecting to the proposal. Grounds for objection principally relate to the following issues:-

- Highway safety concerns due to the close proximity to the junction and limited visibility splays.
- The property is already served by a safe and adequate vehicular access to the rear without damaging the built environment. Unnecessary development.
- Refusal for similar applications elsewhere.
- Loss of the trees/hedging.
- Impact on privacy.

Consultations:

Traffic and Highway Service (THS) were consulted as part of the revised submission. Whilst no formal response has been received by THS, it is not considered reasonable to defer the determination of the application indefinitely.

It is therefore useful to use THS's previous comments as part of this application to assist in the consideration process against the revised submission.

Traffic and Highway Service's comments (as part of FULL/2020/2398):

"A site visit has been carried out by the Traffic and Highways Services Officer, and the following observations made.

The site is situated on the Northern side of la Mare Pellees Road and on the Eastern side of Sohier Road, Vale. The property makes the corner at this junction. The proposed entrance being along La Mare Pellees Road which is classified as a Neighbourhood road as defined in the Traffic Hierarchy. This road has a 25mph speed limit past the site. Therefore, a recommended sightline of 20m would apply.

Using a datum of 2m from the carriage way, the 3.8m access enables sightlines of 4.8m in the direction of oncoming traffic (Roseland Lane) and 6.25m in the direction of approaching traffic (Sohier Road). The drawings submitted detail a granite boundary wall with no height specified extending from the proposed driveway towards Sohier Road. The existing wall has a height of 0.9m. The other side of the gateway is proposed to start at a height of 900mm before scalloping up to a height of about 2.2m.

There is provision for parking for 2 cars. There is sufficient room in the designated parking area for vehicles to turn around.

THS note that the existing driveway for 2 vehicles has an exit on to Clos des Pommiers, Sohier Road, Vale. THS note that the application for planning permission states "PROPOSED ALTERATION OF DRIVEWAY".

The proposed driveway is only 13m from a junction that being Sohier Road with La Mares Pellees Road. The location of the proposed access does not meet the 20m minimum distance from a junction recommendation under the Guernsey Engineering Guidelines.

On the basis of the above, THS would object to this application on both road safety and traffic management grounds. In summary, the site currently utilises a parking area with turning point, and an egress which enables good sightlines and that does not conflict with other vehicle movements through the junction. THS cannot support the application which would detrimentally affect both road safety and traffic management when compared with the existing access".

Comments from La Societe Guernesiaise:

"In respect of this application, we would like to highlight that all types of hedges support nesting birds and other wildlife.

If the application is approved, we would request that the removal of the hedge be undertaken outside of the main bird breeding season (March-July inclusive). If removal during the bird breeding season is considered essential, then we would recommend that it is inspected for current or recent use by birds (and other wildlife) by a suitably qualified person prior to removal. This would reduce the risk of disturbing or destroying animals which are protected under the Animal Welfare Ordinance 2012.

We would request that an informative note be added to the Information Sheet as follows -

'Your attention is drawn to the Animal Welfare (Guernsey) Ordinance, 2012 and the need to comply with its provisions. The hedge may be used by nesting birds or other wildlife. You are requested to remove the hedge outside of the main bird breeding season (March-July inclusive). If removal of the hedge during the breeding season is considered essential, it is recommended that you contact La Societe Guernesiaise so that the site can be inspected prior to removal to ensure that any protected species present are not impacted by the works. La Société can be contacted on 07781 166924 or email_societe@cwgsy.net".

Summary of Issues:

Impact on highway safety and traffic management.
Impact on the character of the area and visual amenity.

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).**

Despite the lack of response from THS with regards to the revised submission, the agent has satisfactorily demonstrated that the proposed access would achieve improved sightlines when compared to the previous refusal by virtue of reducing the height of the boundary wall to the west of the access. It is noted that the visibility splay achieved is likely to be approx. 30m in both directions, and would enable a sightline of approx. 13m towards an oncoming vehicle as shown on the drawing submitted. In addition, the proposal would incorporate a turning point, the parking area created would be square to the road, and the road affected is regarded a 'neighbourhood road' as defined in the Traffic Hierarchy.

The distance between the access point and the proximity to the junction between Les Mares Pellees Road and Sohier Road remains below the recommended 20m distance and therefore raises some concern. However, it is noted that a vehicular access point on the opposite side of the road (Les Mares Pellees Road) serving a neighbouring property is also below the recommended distance and therefore would not be uncommon in the locality.

With regards to the impact on the built environment, Policy IP9 states that "*the Authority will balance any impact on the character of the locality concerned with affording a significant degree of flexibility so that reasonable development aspirations can be met*".

As stated in the previous report, the creation of a 3.8m access will have a negative effect on the character and appearance of the area, although the resultant effect is likely to be limited and would not warrant grounds to refuse the application when taking into account the wider context of vehicular access points in the area and the significant degree of flexibility afforded to householder development to ensure that reasonable development aspirations are met (Policy IP9 and GP13). In addition, the application site does not comprise a protected building, nor is it located within a sensitive location, such as a Conservation Area.

It is considered that reducing the height of the roadside wall to the west of the access point will adversely affect the character and appearance of the area, although the degree of harm caused is not considered to be significant to outweigh the

reasonable aspirations of the property owner. The loss of the hedge is regrettable, although is supported under the provisions for householder development (Policy GP8 and GP13).

Despite some doubts being raised over the justification submitted especially where the existing access has 'good sightlines', relocating the access point of a property is considered a reasonable aspiration of the property owner provided that there is no unacceptable harm to the character or appearance of the locality, and would not result in a significant highway safety or traffic management issue.

The proposed development will not adversely affect the amenities of neighbouring residents, including the removal of landscaping to the front of the property.

Overall, whilst some concerns exist regarding sightlines and the proximity to a junction, the concerns that still remain are not so substantial to reasonably justify refusal against the general support in favour of householder development (Policy GP13).

Consideration has been afforded to the representations received and where appropriate have been addressed above. The demarcation of a yellow line to the front (south) of the application site would be a judgement for THS and is not a planning matter. The loss of the tree could be carried out by the applicant without requiring planning permission. In respect of other decisions taken by the Authority, each application is assessed on a case-by-case approach in light of the merits of such application.

All relevant 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.

Based on the above, the application is considered compliant with the relevant Island Development Plan policies; it is therefore recommended that planning permission be granted, subject to conditions.

Date: 13/12/21