

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 to create additional vehicle access, install railings, electric charging port and signage.

LOCATION: Cour Du Parc, La Charroterie, St. Peter Port.

APPLICANT: Guernsey Housing Association

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: 27/05/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 29/12/2021 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Create Ltd: 960-3-001, 002B & 003B

Application Ref: FULL/2022/0102

Property Ref: A406000000

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 existing tree to the south of the parking bays as indicated on plan 960-3-002B shall be retained and shall not be felled, lopped, topped or uprooted without the previous written agreement of the Authority. If the tree is removed, dies, is severely damaged or becomes seriously diseased the tree shall be replaced with a tree of such size and species as previously agreed in writing by the Authority within one year of the date of any such loss, for a period of five years from the date development begins.

Reason - The tree is an important feature in the area and this condition is imposed to make sure that it is properly protected while building works take place on the site.

Expiry Date: This permission will cease to have effect on 26/05/2025 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

It is recommended by Traffic and Highway Services that the applicant erects a sign stating 'PLEASE REVERSE INTO PARKING AREA' to further mitigate traffic concerns. If the sign is to be installed, details of the siting, materials and size of the sign shall be submitted to and approved in writing by the Authority prior to the installation of the sign.

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/2022/0102
Property Ref: A406000000
Valid date: 29/12/2021
Location: Cour Du Parc La Charroterie St. Peter Port Guernsey GY1 1EG
Proposal: Remove section of wall to create additional vehicle access, install railings, electric charging port and signage.
Applicant: Guernsey Housing Association

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. The existing tree to the south of the parking bays as indicated on plan 960-3-002B shall be retained and shall not be felled, lopped, topped or uprooted without the previous written agreement of the Authority. If the tree is removed, dies, is severely

damaged or becomes seriously diseased the tree shall be replaced with a tree of such size and species as previously agreed in writing by the Authority within one year of the date of any such loss, for a period of five years from the date development begins.

Reason - The tree is an important feature in the area and this condition is imposed to make sure that it is properly protected while building works take place on the site.

INFORMATIVES

It is recommended by Traffic and Highway Services that the applicant erects a sign stating 'PLEASE REVERSE INTO PARKING AREA' to further mitigate traffic concerns. If the sign is to be installed, details of the siting, materials and size of the sign shall be submitted to and approved in writing by the Authority prior to the installation of the sign.

OFFICER'S REPORT

Brief Description of the site:

The site known as 'Cour du Parc' is one of Guernsey's only high rise block of flats, with 10 floors. The building faces northeast and looks toward the junction of Park Street and Rue de Pre. The site is located within the St Peter Port Main Centre and Conservation Area as defined in the Island Development Plan.

Relevant History:

There is no relevant history pertaining to this application.

Existing Use(s):

Residential use class 2: flats.

Assessment: *(Tick as appropriate)*

no representation
accords with policy
within curtilage
design acceptable

X
X
X
X

visual amenity acceptable
no material neighbour impact
traffic not affected

X
X
X

Policies considered most relevant:

MC2: Housing in Main Centre and Main Centre Outer Areas

GP4: Conservation Areas

GP8: Design

GP9: Sustainable Development

IP7: Private and Communal Car Parking

IP9: Highway Safety, Accessibility and Capacity.

Consultations:

Traffic and Highway Services.

25/02/2022

“Under the plans provided, the proposed EV spaces at Cour du Parc would be accessed by removing part of the existing boundary wall which borders the footway at the Park Street, Rue du Pre junction.

THS would object to the proposal on road safety grounds on the basis that once in situ, there are no guarantees or physical mechanisms which would prevent a vehicle from driving into the new access and then reversing onto the carriageway — given the different charging points on Nick. Given that the sightline from the new access of vehicles oncoming from La Charroterie does not meet the recommended sightline standard of 33m for a traffic priority route and the speed of oncoming vehicles, any manoeuvring of vehicles in the road section could present a significant road safety issue. On looking at the plans it would appear that it should be possible to introduce EV spaces within this section of the car park area, without requiring the existing access to be widened or a new access to be created.”

22/03/2022

“Initially my concerns centred on the effect that creating publicly available electrical vehicle charging points would have at this location. Specifically, if drivers chose to use the charging facilities by driving forward into the charging area. In particular, my comments were based on this scenario being largely brought about by the design of various EV cars having charging points at the front of the vehicle. In this scenario, a driver would ‘have to’ drive forward into the space and therefore reverse onto the carriageway to egress. I highlighted this as creating a significant road safety risk, due to the speed of vehicles oncoming from La Charroterie into the top of Rue du Pre, and the prospect that a driver reversing from one of these spaces could choose to reverse into the moving traffic flow to either drive down Rue du Pre, or more concerningly to then drive up La Charroterie. In both scenarios, I would be concerned at the risk of collision with a vehicle oncoming from La Charroterie and considered this a significant road safety risk.

In discussing the application with Phil Roussel and Andre Quevatre, I now understand in more detail the basis of the application and can therefore comment more fully, as

although my concerns as outlined to you were correct, they do not apply in quite the same manner as I had outlined for the following reasons:

1. Although the spaces would be used by electric vehicles, the spaces would not be available for members of the public to charge their own electric vehicles.
2. The vehicles used within these spaces would be supplied, maintained and managed by EVIE, which is a commercial company offering electric vehicles for hire from given locations. In respect of Cour du Parc, the intention of GHA would be for the two 'EVIE' spaces to host two vehicles, which would then be available to both residents of Cour du Parc and members of the public who wished to hire / use the vehicles from that location. This is fundamentally different to the scenario of the two spaces being available for any electric vehicle owner to pull into the space and utilise the charging facilities —the charging units would not be available to vehicles outside of the EVIE fleet.
3. As pointed out by GHA, the EVIE vehicles being considered by the company for this site would be BMW vehicles which have charging points at the rear of the vehicle. Ergo, in order for vehicles to be returned and charged after a period of hire, the vehicles would have to be reversed into the parking spaces. From reviewing the EVIE website, the company does operate a number of vehicle types, some of which have charging points at the front of the vehicle, and therefore the road safety risk associated with drivers reversing into the carriageway can be mitigated if permission was given, by making a condition of the permission that the vehicles used at the site must be of a design whereby the vehicles' charging points are at the rear of the vehicle.
4. Having discussed the subject with Phil Ogler, I would accept that my main concern can be mitigated in the manner described above. In relation to the concerns outlined relating to vehicles reversing into the main traffic flows, we are satisfied that such manoeuvring could be completed mitigated by THS moving signage that dictates where the one-way section of Park Street commences if there was evidence that the use of these spaces created such a scenario.

Therefore, on the basis of the information now available, I would support the application in its current form, but on the proviso that it is conditioned to ensure that only EVIE vehicles which enable rear-end charging were able to be used at this location. I apologise for these comments being contrary to those initially made, which were made on my understanding at that point, that the spaces would be fully publicly available electrical vehicle charging points."

19/05/22

"Given that any permission for this parking arrangement cannot be conditioned, I have discussed with Phil, and visited the site again to determine if there are actions that THS can take to mitigate the risk from drivers reversing back onto the carriageway, etc.

Phil and I agreed on the following as a reasonable and proportionate approach in order to facilitate the application's progress.

1. It would obviously be our preference for vehicles to be reversed into the parking / charging area.
2. It is appreciated that it is not possible to condition such an arrangement, therefore, we would seek on a 'voluntary basis' that the applicant assists in this respect by erecting signs stating "PLEASE REVERSE INTO PARKING AREA" or similar – Either Phil or I would be happy to agree wording with GHA representatives directly.
3. If permission is granted, either Phil and I will review the road geometry once works were completed. If it is deemed necessary at that point, THS will then make changes to the road signs and line markings to ensure a safe operation of the vehicles entering and egressing the parking / charging area.

On the basis of the above, THS will no longer object to the application in its current form."

Conclusion/Brief comment:

This application is to remove a section of roadside boundary wall to create additional vehicle access, install railings, electric charging points and signage.

Although the site is within a Conservation Area, a modern apartment block dominates the site and the proposed works are to a boundary which is not historic. The removal of part of the wall is not considered to have an adverse impact on the special quality and appearance of the surrounding Conservation Area.

The proposal is to create two off street parking bays in which electric cars will reside and be available for members of the public to hire. The parking bays will not be fully publicly available electrical vehicle charging points.

THS initially raised concerns about the impact on road safety due to the potential for vehicles to reverse into the highway. Following further discussions with the applicant, including clarification about the limited use of the car parking bays by electric vehicles for hire as opposed to fully publicly available electrical vehicle charging points, THS no longer object to the application. Whilst THS would recommend for vehicles to be reversed into the parking bays, it is accepted that such a condition would be unenforceable. As an alternative THS recommend that a sign is installed to encourage vehicles to be reversed into the bays and THS will further review the road geometry, road signs and line markings if permission is granted to ensure a safe operation of vehicles emerging and egressing the parking bays. As a result, the proposal is unlikely to result in significant road safety or traffic management concerns and the proposal accords with Policy IP9.

Confirmation has been received that the development proposed has been designed to take into account matters of energy efficiency and current Building Regulations in accordance with Policy GP9.

All 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.

Recommendation:

Grant with Conditions



Date: 25/05/2022