

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 roadside (south) wall to create vehicle access.

LOCATION: Cliffalan Cottage, Les Camps Du Moulin, St. Martin.

APPLICANT: Mr M Peet

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: 28/09/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 24/02/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: SOUP 428_100 (P2)

Application Ref: FULL/2022/0484

Property Ref: J01241A000

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.Within two months of works commencing on site, the roadside wall, where disturbed, shall be made good in materials to match the existing wall.

Reason - To secure the satisfactory appearance of the completed development within an appropriate time period.

5.The overall width of the access point hereby approved shall not exceed 3.8 metres.

Reason - For the avoidance of doubt and to secure the satisfactory appearance of the completed development.

Expiry Date: This permission will cease to have effect on 27/09/2025 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



PLANNING APPLICATION REPORT

Application No: FULL/2022/0484
Property Ref: J01241A000
Valid date: 24/02/2022
Location: Cliffalan Cottage Les Camps Du Moulin St. Martin Guernsey GY4 6DZ
Proposal: Remove section of roadside (south) wall to create vehicle access.
Applicant: Mr M Peet

RECOMMENDATION - Grant: Planning Permission with Conditions:

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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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4. Within two months of works commencing on site, the roadside wall, where disturbed, shall be made good in materials to match the existing wall.

Reason - To secure the satisfactory appearance of the completed development within an appropriate time period.

5. The overall width of the access point hereby approved shall not exceed 3.8 metres.

Reason - For the avoidance of doubt and to secure the satisfactory appearance of the completed development.

OFFICER'S REPORT

Site Description:

"Cliffalan Cottage" consists of a traditional 1½ storey Guernsey style cottage located on the north-west side of Les Camps du Moulin.

The properties on both the northern and southern side of the road retain many of their traditional features to the front including roadside granite walls and gate pillars.

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

Two planning applications have recently been granted permission to create a shared vehicle access and car parking provision on both the northern and southern side of Les Camps du Moulin (FULL/2017/1435 and FULL/2019/1521).

Relevant History:

Cliffalan Cottage- FULL/2021/2083	Demolish section of wall to south-east (roadside) to create vehicle access.	Withdrawn
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Surrounding properties

FULL/2019/1521 Ashton Cottage Trezise Cottage	Demolish section of roadside wall to create vehicular access	Granted
FULL/2017/1435 Deldor & Pefkari	Remove section of roadside boundary wall to create new vehicular access and parking area.	Granted

Existing Use(s):

Residential

Brief Description of Development:

Planning permission is sought to remove a 3.8m section of roadside wall to create a vehicle access to the front of the property.

The application was deferred as concerns were raised with regards to the removal of the entire roadside boundary wall and its resultant impact on the character and appearance of the locality. It was also advised that the applicant consider incorporating a shared vehicle access point similar to other properties in the locality as a means of limiting the impact on the character and appearance of the area and on highway safety and traffic management.

In response, the application drawings have been amended and correspondence from neighbouring properties have been received, including Ellingham Cottages and Mooltan (No.5), which both note an absence of agreement in creating a shared access.

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

GP1	Landscape Character and Open Land
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 (THS) original comments:

"I can now comment as follows;

As stated during our conversation, my concerns on this application in its current form, are as to what the effect on the current on-street parking provision would be. The current THS policies allow us to remove parking provision on a one for one basis when a new off-road parking provision is made. In cases such as this, the dilemma facing THS is that if the access is enabled, that in order to achieve a sightline which meets the recommended standard, that THS would need to remove more than two spaces. Although the current owners of the property, may not consider that there would be a need to remove spaces beyond those immediately in front of the access, THS are duty bound to ensure that remaining on-street parking provision does not interfere with the visibility splay of a vehicle egressing the access. Therefore, if

permission is given, and at any point in the future the owners of the property state that they want an assessment done to ensure visibility splays are not impacted by on-street parking, that on assessment, THS will then likely be required to remove further parking.

Therefore, if this application is to be considered further in its current form, I would request that plans are submitted that show the visibility splay and sightline when a datum point of 2m (from the carriageway and at the centre of the access) is applied, and what the effect on the sightline is. My measurements on site, are that the removal of two spaces adjacent to the access would still result in a sightline that was substantially below the recommend standard, and that a plan showing the impact on the sightlines dependant on the number of spaces that would need to be removed would illustrate what is feasible.

In a nutshell, I believe that from the information that I have seen thus far, that there are traffic management grounds to oppose the application in its current form, as the amount of on-street parking that would need to be removed, would exceed the amount of off-street parking achieved under this application.

Further to the above, I also have concerns in relation to the size of the site (parking area), inasmuch that there would not be the space to turn a vehicle within the parking area. In turn, this could then result in drivers choosing to drive into the parking area, and then reverse onto the carriageway. Coupled with the commentary on sightlines above, this represents road safety grounds to oppose the application.

From carrying out the site visit, I would encourage the investigation of whether it is possible to utilise the access adjacent to the front of the property. If this were possible, the on-street parking impact is mitigated and the further road safety concerns detailed above are then dispelled given that any reversing from the parking area would be off the carriageway, which would then enable a vehicle to drive forwards onto the road."

Traffic and Highway Services (THS) additional comments:

"Given our discussion of this site and the further information received in respect of this application, and the applicant's detail of how a joint access to the Ellingham access is not an option, I have reviewed the information in the application and also sought confirmation from a colleague in relation to the THS policies relating to the loss of on-street parking when a new access is created.

From this discussion, I am of the view that the creation of an access and parking area at the front of the property may still result in a road safety issue, but that this road safety concern will be more attributable to factors such as whether the user of the access drives in and reverses out onto the carriageway, as opposed to the sightline available to them when egressing forward. Given that the adjacent cottages have parking arrangements which would be similar to the applicant's (in relation to the presence of vehicles parked on the carriageway outside), I suspect that the

requirement of drivers parking on the road outside to not obstruct an access will in itself determine the road safety outcome of such an application.

As the parking outside the cottages is not “approved” parking, i.e. a disk zone, although I would apply the same approach from a policy perspective in relation to the removal of on-street parking, in this application, I believe that if the application is approved, that the on-street parking provision will reduce by one vehicle, and that any further reduction would need to be made to THS, at which point a member of my team would carry out an assessment. I would view this as akin to stating that given the overall situation / design and geometries involved, it would not be appropriate for THS to continue to object to this application on traffic management grounds, and that if the application is granted, that my team will monitor use of the area once an access has been created to determine whether there is a appreciable road safety risk, which can be mitigated.”

Summary of Issues:

- Whether the design of the proposed vehicle access is acceptable and the effect on the character and amenity of the area.
- Whether the impact on highway safety and traffic management is acceptable.
- Whether the development may lead to the loss of public car parking.

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).**

Design of the proposed vehicle access and effect on the character and amenity of the area:

With regard to Policy GP1 (Landscape Character and Open Land), it is recognised that roadside walls and pedestrian gate pillars along this part of Les Camps du Moulin are important features in the landscape as they give a sense of visual continuity and cohesion to the public domain, as well as providing both physical and visual means of enclosure in the street scene and therefore do contribute to the character and amenity of the area.

Policy IP9 (Highway Safety, Accessibility and Capacity) 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”.

Consequently, the removal of a section of the roadside wall together with the provision of car parking to the front of the property would unavoidably impact on

the street scene as the visual and physical continuity would be affected. Although unlike other properties in the locality, the proposal seeks to create a single access point serving one property.

The application has been supported through letters from neighbouring properties bordering the application site which note that there would be no agreement to consider a joint access similar to that approved as part of applications FULL/2017/1435 and FULL/2019/1521.

The application must therefore be decided on the individual merits and context of this particular case and its effect on wider area. There are currently three houses left in this small group of buildings on either side of Les Camps Du Moulin without car parking provision. If current trends continue to create dual vehicle access points, this would lead to a situation where one house would remain without car parking provision, and the occupiers may submit an application for its own access.

In this particular context, creating a single access point as proposed would not prejudice the remaining properties from applying for a dual access in the future which, as stated above, would limit the potential impact on the character and appearance of the area and highway safety and traffic management.

Also, the correspondence submitted from the neighbouring property to the west of the application site (Mooltan, No.5) has indicated that consideration would be given to creating a dual access with Healtheries (No.4) in time.

In light of the amendments secured, the design of the access has been improved by retaining a section of the roadside wall to the front of the site and is a similar width to other approved accesses in the locality. The resultant effect on the character and appearance of the area would not be so substantial to justify refusal in this particular case when carefully considering the chronological events that has led up to this application and the additional information submitted by the agent in support of the application. Overall, the impact on the character and amenity is not considered unacceptable.

Whether the impact on highway safety and traffic management is acceptable:

Due to the design, geometries and lack of a turning point, the proposal is likely to result in some road safety concerns although, due to the reasons referred to in THS' additional comments, the proposal would not amount to significant concerns that would warrant the refusal of the application. In addition, these concerns would be similar to other properties in the immediate vicinity and would not justify grounds for refusal in this context.

In light of THS' additional comments, THS' original concerns regarding traffic management have been rescinded and the application is considered satisfactory in this respect.

Whether the development may lead to the loss of public car parking:

It is noted in THS' additional comments that the proposal, if approved, would lead to the loss of one on-street car parking space, and any additional loss of parking provision would need to be made to THS by the applicant at which time an assessment would be made by THS.

It is considered that the loss of one parking space, or even two as noted in THS's original comments, is likely to be offset by the parking provision created which would facilitate two parking spaces.

In addition, the on street parking is not a 'disk-zone' and the remaining vehicles parked on the road are likely to serve the Healtheries and Mooltan which do not currently benefit from off-street parking, although are likely to have the capacity to do so in the future.

Sufficient information has been submitted that has taken into account the criteria of Policy GP9 (Sustainable Development).

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: 22/09/22