

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: Extend footpath and erect bus shelter.

LOCATION: Church Road, St. Sampson.

APPLICANT: Traffic & Highway Services

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: 16/05/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 01/03/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: States of Guernsey - TS127/01G, 02, 03 & 11

Application Ref: FULL/2022/0530

Property Ref: B019900000

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 15/05/2025 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/2022/0530
Property Ref: B019900000
Valid date: 01/03/2022
Location: Church Road St. Sampson Guernsey
Proposal: Extend footpath and erect bus shelter.

Applicant: Traffic & Highway Services

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.

OFFICER'S REPORT

Site Description:

The application site is located on the junction between Church Road, New Road and Les Grandes Maisons Road. The area is largely built-up in nature and features a footpath to the north of Regency Bedding, and a footpath to the north of Les Grandes Maisons Road. A 'give way' sign, bus stop and an extension of the footpath is painted on the road at the junction between Church Road and Les Grandes Maisons Road. On street parking is sited to the north of Church Road.

The site is located in a Main Centre Inner Area and Conservation Area as defined in the Island Development Plan.

Relevant History:

None germane to this application.

Existing Use(s):

Bus stop, built up area on the outskirts of the Bridge.

Brief Description of Development:

Planning permission is sought to extend the footpath and erect a bus shelter. The proposal also includes a pedestrian crossing from the proposed extension of the footpath to the north side of Les Grandes Maisons Road. The application is submitted by Traffic and Highway Services.

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

GP4: Conservation Areas

GP8: Design

IP6: Transport Infrastructure and support facilities

IP8: Public Car Parking

IP9: Highway Safety, Accessibility and Capacity

Representations:

The Authority has received 2 representations. Grounds for objection principally relate to the following issues:-

- It is not clear why the footpath needs to be extended as there are already markings on the road. More cost effective to erect the bus shelter only.
- Increase in traffic in the area based on a number of factors.

- The proposal is detrimental to the quality of the level of health, safety and security of people in that environment for the following reasons:
 1. *“The crossing suggests to pedestrians a level of authority to cross the road, when in fact there is none.*
 2. *The narrowing of the road by the introduction of the extended pavement outside of Church Schools will make collisions between N-S and S-N traffic much more likely.*
 3. *The introduction of the pavement around the bus shelter will ‘push’ vehicles exiting Church Road away from the nearside of that road, where they are much more likely to come face to face with traffic taking the corner into New Road wide in order to miss the parked cars down New Road but also because of their (illegally) high speed”.*
- The bus shelter will provide some protection from the elements and is welcomed, although on balance, it will reduce the quality of the level of health, safety and security of people in that environment.
- Install a raised platform across the road where the application is suggesting.
- Other traffic calming measures could be considered.

Consultations:

None

Summary of Issues:

The key issues in this case relate to the principle of the proposed development, its potential impact on the character and appearance of the locality, and on road safety/traffic management.

Assessment against:

1 - Purposes of the law.

The objectives set out in Section 1(2) of The Land Planning and Development (Guernsey) Law, 2005, ‘the Law’, have been considered and this report forms part of the assessment, with policy issues set out in Section 2 below.

2 - Relevant policies of any Plan, Subject Plan or Local Planning Brief.

Policy GP4 (Conservation Areas) states that proposals for development within a Conservation Area will be supported where the development conserves and, where possible, enhances the special character, architectural or historic interest and appearance of the particular Conservation Area.

Policy GP8: Design indicates that new development will be supported where it is demonstrated that it has been designed to a good standard of architectural design, taking into account energy uses and will not have an unacceptable impact on neighbouring amenity or designated areas.

The scale, form, mass, materials and overall design of the proposed bus shelter is standard across the Island and is considered a 'good' standard of design for the purposes of Policy GP8, and is not considered to have a detrimental effect on the character or appearance of the Conservation Area (Policy GP4), character of the area, or visual amenity when viewed against the surrounding built environment and street furniture in the wider area. Neighbour amenity will not be affected.

Policy IP6: Transport Infrastructure and support facilities sets out that there is support for public infrastructure that would assist in providing greater transport choice where these accord with other relevant policies of the Island Development Plan. The provision of a bus shelter would accord with the aims of Policy IP6 in terms of supporting the provision of greater transport choice. Although the representations received suggest there is no justification for the proposed bus shelter this cannot prevent the grant of planning permission as there is policy provision for such development. It is for Traffic and Highway Services to determine the locations where such facilities should be provided which is likely to be based on bus use data and any highway safety and or traffic management considerations, in order to influence these decisions.

Furthermore, there is likely to be a benefit in providing a bus shelter to encourage more people to use the network. People already using the existing bus stop will be exposed to the elements, and this could possibly be discouraging more passengers from using this mode of transport. The addition of a raised footpath would also safely separate pedestrians from road level.

Policy IP9 relates to highway safety, accessibility and capacity and the concerns raised regarding the impact of the development on pedestrian safety by vehicles travelling at speed are acknowledged. The extension of the footpath into the road to enable all types of users, including wheelchair users and prams, is an important consideration as part of the proposed bus shelter on accessibility grounds. The projecting footpath into the road, together with the removal of on street parking may help to reduce traffic speeds by virtue of its design.

The loss of on-street car parking provision has been acknowledged, although due to; its location within a Main Centre Inner Area, the use of other means of public transport (as highlighted as part of this application), and the extent of the yellow line proposed, all indicate that the loss of on-street car parking to this degree is acceptable and supported under the Island Development Plan which seeks to reduce car dependency where appropriate.

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.

3 - General material considerations set out in the General Provisions Ordinance.

In addition to the consideration of policy issues, Section 13 of the Land Planning and Development (General Provisions) Ordinance, 2007 identifies other material planning considerations which could be relevant. These include; the appropriateness of the development in relation to its surroundings in terms of design, layout, scale, siting and materials; the likely effect on the character and amenity of the locality; any possible fall-back position by way of extant planning permissions or exempt development; the likely effect on the reasonable enjoyment of neighbouring properties. These issues where relevant are considered above.

Representations submitted during the public consultation process include suggestions for other traffic calming measures however the Planning Service must consider the proposals presented to them. Only where significant concerns exist regarding a proposed development and its compliance with the adopted policies in the Island Development Plan is it reasonable and appropriate for the Planning Service to request revisions to a scheme which may include siting and design. In this case, as set out above, the proposals accord with all relevant policies in the Island Development Plan and therefore it would be unreasonable for the Planning Service to seek revisions to the scheme.

The creation of a pedestrian crossing in the manner proposed complies with the Land Planning and Development (Exemptions) Ordinance, 2007 and therefore does not form part of this assessment.

In response to other points raised in the letters of representation relating to the use of States finances, this is not a material planning considerations as defined in The Land Planning and Development (General Provisions) Ordinance, 2007).

4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).

The proposal would have no adverse impact on protected trees and buildings or SSS's.

Date: 12/05/22

