

THE LAND PLANNING AND DEVELOPMENT (GUERNSEY) LAW, 2005

AND SECTION 19 OF THE LAND PLANNING AND DEVELOPMENT (GENERAL PROVISIONS) ORDINANCE, 2007

NOTIFICATION OF REFUSAL OF PLANNING PERMISSION

PROPOSALS: Remove section of roadside wall to create vehicle access.

LOCATION: Roseland, Landes Du Marche, Vale.

APPLICANT: Mr & Mrs M & J De La Haye

I refer to the application referred to below received as valid on 04/04/2022 regarding the above proposals as described more fully in the application and drawings referred to below.

Date of refusal of permission: 15/08/2022

Application Ref: FULL/2022/0835

Property Ref: C019650000

The Development & Planning Authority has decided to refuse your application under the provisions of section 16 of the Land Planning and Development (Guernsey) Law, 2005 for the following reasons:-

1. Demolition of a section of the roadside granite wall to create a vehicular access and parking area to the front of the property would result in road safety and traffic management concerns. These concerns are based on a combination of factors including; the design and layout of the proposed parking area, restricted sightlines, the lack of a turning point, and the close proximity to a filter-in-turn junction on a Traffic Priority Route. The proposal would therefore conflict with Policies GP8 (Design) and IP9 (Highway Safety, Accessibility and Capacity) of the adopted Island Development Plan.

OTHER REMARKS:-

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, against a decision to refuse an application for planning permission or outline planning permission to the Planning Tribunal on the merits. 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.

Copy of representations made

In reaching this decision the Development & Planning 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 to the Authority under section 11 will be included with this decision in accordance with section 19 of the Ordinance.

A J ROWLES

Director of Planning
Planning Service



PLANNING APPLICATION REPORT

Application No: FULL/2022/0835
Property Ref: C019650000
Valid date: 04/04/2022
Location: Roseland Landes Du Marche Vale Guernsey GY6 8BR
Proposal: Remove section of roadside wall to create vehicle access.
Applicant: Mr & Mrs M & J De La Haye

RECOMMENDATION - Refusal with Reasons:

REASONS FOR REFUSAL

1. Demolition of a section of the roadside granite wall to create a vehicular access and parking area to the front of the property would result in road safety and traffic management concerns. These concerns are based on a combination of factors including; the design and layout of the proposed parking area, restricted sightlines, the lack of a turning point, and the close proximity to a filter-in-turn junction on a Traffic Priority Route. The proposal would therefore conflict with Policies GP8 (Design) and IP9 (Highway Safety, Accessibility and Capacity) of the adopted Island Development Plan.

OFFICER'S REPORT

Site Description:

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

The application site, known as Roseland, comprises a traditional mid-terrace property located to the west of Landes Du Marche. The property is bounded by a granite wall along the front boundary, which contains a pedestrian access.

The surrounding area predominantly includes residential development, with a Church sited on the opposite side of the road. The property is near a filter-in-turn junction to the south-west, and a yellow-line junction to the north-east.

Landes Du Marche is recognised as a Traffic Priority Route.

Relevant History:

FULL/2021/2302	Demolish section of wall to create vehicle access and rebuild north-east boundary wall.	Withdrawn
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FULL/2011/2449	Demolish part of granite roadside wall to create vehicular access and parking area	Refused
PAPP/2003/4127	Widen existing access to create vehicular access and parking area.	Refused
PAPP/2002/2303	Widen existing access and create parking area.	Refused

Existing Use(s):

Residential.

Brief Description of Development:

Planning permission is sought to demolish a section of the roadside boundary wall and to create a 4.9m wide vehicular access incorporating the existing pedestrian access, to create parking provision for two cars to the front of the property.

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

GP1 Landscape Character and Open Land
 GP8 Design
 GP13 Householder Development
 IP7 Private and communal parking
 IP9 Highway Safety, Accessibility and Capacity

Representations:

None received.

Consultations:

None generated for this application. However, the Traffic Services Unit advice received in relation to FULL/2011/2449 remains relevant:

“The sightline of oncoming traffic from the proposed access would be 5 metres, with visibility being obscured by a granite pillar that forms the western side of the existing pedestrian access, and is 105cm in height.

In the direction of traffic approaching from the east (Verte Rue), the sightline was calculated from the supplied plans and from observations at the time of the site visit. As a result the sightline in this direction would be approximately 12.5 metres with visibility being obscured by the existing roadside wall that measures 1000mm in height.

Given that Landes du Marche is a Traffic Priority Route, it is considered important that any new vehicular access along this road meets the minimum distances with regard to sightlines. As a result, the sightlines observed from the proposed access point would be significantly sub-standard and raise serious Road Safety concerns.

There would appear however to be opportunities to improve upon the sightlines currently observed, by the following means –

- 1) Lowering the granite pillar that forms the western side of the pedestrian access to a maximum height of 900mm would provide a sightline of 15 metres. The only further improvement that could be achieved would be by way of removing vegetation that fell within the visibility splay of a driver exiting the access, from the garden of the neighbouring property – Santa Maria, in addition to the lowering of a 1 metre section of the boundary wall between the two properties, to a height not exceeding 900mm. In this instance, the maximum sightline that could be observed would be 20 metres – as far as the Filter in Turn junction with Rue Charruee.*
- 2) Lowering the roadside wall to the east of the proposed access to the 900mm recommended height and the removal of the existing bushes within the property – Roseland, that border the roadside wall. In this instance a sightline in the direction of traffic approaching from the east would be approximately 18 metres.*

The presence of an existing wall mounted Post Box on the roadside wall of the property Sea Holly, would significantly obscure any further improvements which could be achieved to the sightline in this direction, however, its removal or relocation to a position outside of the visibility splay, would potentially result in a sightline of 30 metres.

It is noted from the supplied plan that the proposed width of the access would be 3 metres, which slightly exceeds the recommended 2.8 metre minimum. However, the supplied plan shows no bell mouth radius on the western side of the access which could make entry to the property difficult from that direction; and as result this raises slight Traffic Management concerns as it could possibly lead to delays for other traffic as a vehicle negotiates the access.

The supplied plans indicate a tapered entry to the parking space which would aid egress in the direction of Verte Rue, and this measure is welcomed by the TSU.

It is evident from the supplied plan and from the letter in support of the application, that the intention is to park a single vehicle within the space to the front of the property, however the submitted design has no turning point incorporated which would result in either a vehicle having to reverse into the parking space which would ultimately lead to delays on the main road, or a vehicle reversing out into the path of other traffic. This latter manoeuvre is against the advice of the Highway Code and given the proximity to the nearby Filter in Turn junction and the numerous traffic movements along this road, would raise some Road Safety concerns. There would appear to be insufficient area to the front of the property to create a parking space whilst incorporating a turning point.

In view of the above observations, the Traffic Services Unit considers that there are strong Road Safety grounds and some Traffic Management reasons on which to oppose the application. Even with the suggested improvements to the sightlines

there would remain Road Safety and some Traffic Management grounds to oppose the creation of a vehicular access at this site."

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).

Since the previous refusal in 2011 (FULL/2011/2449), there has been a material change in circumstances with regards to Development Plans, due to the adoption of the Island Development Plan in 2016. Consequently, the relevant Island Development Plan policies as set out above will be taken into account as part of this assessment.

In light of the above comments of the Traffic Services Unit (currently referred to as Traffic and Highway Services) in 2011 as part of FULL/2011/2449, the similarity of the policies from the adopted development plan at that time regarding highway safety, and that Traffic's concerns regarding the inadequate design of the access together with the resultant effect on highway safety and traffic management, all remain valid considerations today and thus represent grounds for refusal.

Overall, due to the combination of restricted sightlines and the lack of a turning point, it is considered that this would result in a substandard level of design and layout of the parking area and would cumulatively give rise to highway safety and traffic management concerns. This is because a vehicle would have to reverse into either parking space, or reverse out into the path of other traffic which would ultimately lead to delays on the traffic priority route and thereby create a traffic management issue. In addition, this type of manoeuvre would be against the advice of Highway Safety Code and is also within the 20m recommended minimum distance to a junction, in this case a filter-in-turn, therefore raising road safety concerns.

Consequently, the application fails to satisfy the provisions of Policy GP8 in respect of the design of the proposed access, and the resultant effect on highway safety and traffic management (Policy IP9). Due to the significance of the concerns raised, it is not considered beneficial to defer the application in attempt to overcome the issues associated with the application without a clear and obvious alternative.

With regards to the loss of the roadside boundary, the granite wall to the front of the property makes a positive contribution to the character and appearance of the area, although the application site is not located within a Conservation Area nor does it affect a protected building. As set out in Policy IP9, it is noted that the Authority will balance any impact on the character of the locality with affording a significant degree of

flexibility so that reasonable development aspirations can be met. To ensure that proportionate management of development is achieved, the Authority will seek the retention of landscape character or distinctive natural or built features that contribute positively to the character of an area, although this is to be assessed in context with the wider area rather than on an individual site basis.

Given that the proposal seeks to remove a 4050mm wide section of the wall (with the total width being 4900mm), the resultant effect of the physical alterations to the boundary are not considered to have a significant detrimental effect on the character and appearance of the area. This conclusion has been reached when taking into account the wider context of the area, particularly to the north of the application site, together with the significant degree of flexibility afforded to householder development as set out in Policy IP9 and GP13 as a 450mm wide section of wall would remain on either side of the proposed entrance. It is therefore not considered that refusal on these grounds is warranted.

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.

Overall, the application is recommended for refusal on highway safety and traffic management grounds as well as in relation to the substandard design.

Date: 15 August 2022

