

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: Create additional vehicle access to south-east boundary

LOCATION: 2 Le Clos Meilleur, Baubigny Road, St. Sampson.

APPLICANT: Mr & Mrs M Hicks

I refer to the application referred to below received as valid on 20/06/2022 regarding the above proposals as described more fully in the application and drawings referred to below.

Date of refusal of permission: 30/12/2022

Drawing Nos: CP.01, CP.02, CP.03 & CP.04

Application Ref: FULL/2022/0980

Property Ref: B009330002

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. The demolition of a section of the roadside wall to create a vehicular access and parking area would result in road safety and traffic management concerns as a result of the combination of the design of the access and specifically the lack of a turning point and the site's proximity to the junction. The proposal would therefore conflict with the terms of Policies GP8 (Design) and IP9 (Highway Safety, Accessibility and Capacity) in the 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/2022/0980
Property Ref: B009330002
Valid date: 20/06/2022
Location: 2 Le Clos Meilleur Baubigny Road St. Sampson Guernsey GY2 4YG
Proposal: Create additional vehicle access to south-east boundary
Applicant: Mr & Mrs M Hicks

RECOMMENDATION - Refusal with Reasons:

REASONS FOR REFUSAL

1. The demolition of a section of the roadside wall to create a vehicular access and parking area would result in road safety and traffic management concerns as a result of the combination of the design of the access and specifically the lack of a turning point and the site's proximity to the junction. The proposal would therefore conflict with the terms of Policies GP8 (Design) and IP9 (Highway Safety, Accessibility and Capacity) in the Island Development Plan.

OFFICER'S REPORT

Site Description:

The property known as '2 Le Clos Meilleur' is a one and a half storey semi-detached dwelling which is set back from and faces northeast onto Baubigny Road (a Local Circulation Route). The Clos (a Neighbourhood Road) is accessed via the south boundary, the property sits immediately to the north of this access occupying a corner plot. The property is located Outside of the Centres as defined in the Island Development Plan.

Relevant History:

There is no relevant history pertaining to this application.

Existing Use(s):

Residential use class 1: dwelling house.

Brief Description of Development:

The application is to create additional vehicular access to the southeast boundary, by enlarging the existing pedestrian entrance to the east end of the southeast boundary, which is sited on the bend of the access into the Clos.

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

GP8: Design

GP13: Householder Development

IP9: Highway Safety, Accessibility and Capacity.

Representations:

None

Consultations:

No response received from Traffic & Highway Services; however the following text is from the Traffic Engineering Guidelines for Guernsey:-

‘Baubigny Road is a Local Circulation Route: Local Circulation Routes comprise main roads, which have lower traffic flows than Traffic Priority Routes, often with significant frontage activity. They must accommodate limited through traffic and traffic movements terminating within the surrounding areas.

Property owners have a duty of care to ensure that the means of access and egress to or from their properties are safe in accordance with prevailing traffic movements and road conditions.

Access is limited to being able to get to an individual property. Vehicles accessing properties, increase frontage activity, which in turn contributes to the interruption of traffic flow and tends to reduce mobility for all road users including pedestrians.

Local Circulation Routes must be able to accommodate high levels of frontage activity but also significant traffic flows.

Any access should have sufficient width to enable the design vehicle to exit and enter the drive without crossing into the path of on-coming traffic or to tuck into an access.

The proposed access should not prejudice the safety of access to adjacent properties by limiting their existing visibility.

The access should be square to the carriageway and be sited at a distance not less than 20m from a junction.’

For the Design Parameters a Local Circulation Route’s Design Speed is 25mph.
Distance from the edge of the carriageway to vantage point within the access is 2m

The length of visibility splay should be 33m in each direction.

Summary of Issues:

- Impact of the development on highway safety.
- Impact of the development on the character and appearance of the area.
- Impact of the development on neighbouring properties.

Assessment against:

1 - Purposes of the law.

The objectives of the Law, as set out in Section 1(2), have been considered and this forms part of the assessment of policy issues as set out in 2 below.

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

The turning from Baubigny Road into the Clos is a junction, therefore any new entrances should be at least 20m away.

The visibility splay within the Clos Road is approximately 2m due to the height of the existing boundary wall and as such when entering out onto the main road, the visibility is impaired and there would not be sufficient visibility splays, especially along the Clos Road. In addition, the proposed new access is on the bend of the access into the Clos, a junction, which is not square to the carriageway and is considered to pose significant highway safety issues. The visibility splays around the clos road could potentially be reduced due to the nature of neighbourhood roads, however the main concerns regarding the proximity to the junction and the lack of manoeuvrability on site would remain.

It is noted that the proposed parking area shown on the plans is insufficient to allow a vehicle to turn and therefore a driver entering the access would need to drive in and reverse out or reverse in and drive out, and both manoeuvres would pose a significant traffic management concern as this would mean a car reversing into a junction or stopping in the junction to reverse into the access, thus potentially impacting traffic flows along Baubigny Road, a local circulation road.

The proposals are not considered to cause any impacts on neighbour amenity, but an enlarged break in the curved boundary wall, close to a junction, would impact on the visual amenity of the character of the area where the low roadside boundary wall envelopes the property along the entrance to the Clos Road and the main Baubigny Road.

The property already has two car parking spaces within the clos, one onsite on the west boundary with the clos road and another to the south on the other side of the clos road. Two car parking spaces is within the recommended guidelines for a property of this size, which outweighs the support of GP13; therefore the impacts on road safety/traffic management outweigh this degree of flexibility.

For the reasons given above the recommendation is for refusal.

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

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. Where relevant the issues are considered in section 2 above.

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

The proposal would have no impact on Protected Buildings, Trees or Monuments or on SSS's.

Date: 30/12/2022