

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 new vehicle access and widen existing access to east (roadside) boundary.

LOCATION: La Villette House, La Villette Road, St. Martin.

APPLICANT: Mr & Mrs Evans

I refer to the application referred to below received as valid on 31/01/2024 regarding the above proposals as described more fully in the application and drawings referred to below.

Date of refusal of permission: 24/04/2024

Drawing Nos: Site & block plans and hand drawn sketch (All dated 31/01/24).

Application Ref: FULL/2024/0195

Property Ref: J009650000

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. When assessing applications for new vehicular openings consideration needs to be given to Traffic and Highways Services (THS) 'Traffic Engineering Guidelines'. The guidelines designate road classifications and prescribe the design standards to achieve traffic management and road safety objectives.

The guidelines include the criterion that an access should be located at a distance not less than 20m from a junction. The reasoning for this is due to risk of vehicular conflict because of the proximity of the access to the junction, i.e. the need for drivers or riders negotiating the junction to potentially focus attention on multiple directions with a risk of missing a movement from the domestic access. A similar risk applies to someone trying to emerge from the private access. In addition, a user of the off-road access signalling to turn in and those following mistake that they are turning at the junction.

In this case, the proposed new access is within 20m of the existing junction of La Villette Road and Rue Cotelte. The proposal therefore does not comply with the Traffic and Highway Services Guidelines and is consequently considered likely to give rise to conditions detrimental to road safety by virtue of the proximity of the proposed access to the junction.

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/2024/0195
Property Ref: J009650000
Valid date: 31/01/2024
Location: La Villette House La Villette Road St. Martin Guernsey GY4 6QQ
Proposal: Create new vehicle access and widen existing access to east (roadside) boundary.
Applicant: Mr & Mrs Evans

RECOMMENDATION - Refusal with Reasons:

REASONS FOR REFUSAL

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OFFICER'S REPORT

Site Description:

The property known as 'La Villette House' is a detached pre-1900 two and a half storey dwelling which is set back from and faces east onto La Villette Road. There are neighbouring detached properties to the north, west and south and La Villette Hotel is across the road to the east. The property is located Outside of the Centres as defined in the Island Development Plan. There is a Protected Monument to the south of the existing vehicular entrance.

Relevant History:

There is no relevant history pertaining to this application.

Existing Use(s):

Residential use class 1: dwelling house.

Brief Description of Development:

This application is to create a second vehicular access onto the property to the north end of the east boundary as well as enlarging the existing access at the south end of the east roadside boundary. The new access is proposed to be 3.5m wide, whilst the existing access would extend from 3.2m to 4m in width.

A justification statement has been submitted by the applicant stating that:-

'the existing access is narrow and has poor visibility for vehicles exiting the site. There are frequently vehicles parked on street to the south of the site and users of the bus stop congregating close to the access both of which further reduces visibility for safe access/egress from the site. Visibility is also poor to the north where Rue De La Villette curves. The existing access is also situated opposite the access for La Villette Hotel which can generate conflict between the use of these access points.

The second access proposed would have better visibility along Rue De La Villette but is sufficient distance from the junction for highway safety. There would not be a conflict between the driveway access and La Villette Hotel.'

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

GP6: Protected Monument

GP8: Design

GP13: Householder Development

IP9: Highway Safety, Accessibility and Capacity.

Representations:

None

Consultations:

None

Summary of Issues:

- Design of the development.
- 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.

When assessing applications for new vehicular openings consideration needs to be given to Traffic and Highways Services (THS) 'Traffic Engineering Guidelines'. The guidelines designate road classifications and prescribe the design standards to achieve traffic management and road safety objectives.

The design parameters should be applied to the design of an access (or the junction of a private road) onto the public highway. La Villette Road is classed as a Local Circulation Route and Rue Cotelte (the road just north of the site and the proposed new access) is a Neighbourhood Road, with speed limits of 25mph and 20mph respectively.

The submitted information does not show what the proposed sightlines for the new access would be, although, according to the above guidelines 33m in each direction would be expected. From a desk top analysis it does seem that both the existing and the proposed access would be able to achieve the desired sightlines.

However, another factor to be considered is that any access should be square to the carriageway and be sited at a distance not less than 20m from a junction. The reasoning for this is due to risk of vehicular conflict as a result of the proximity of the access to the junction, i.e. the need for drivers or riders negotiating the junction to potentially focus attention on multiple directions with a risk of missing a movement from the domestic access. A similar risk applies to someone trying to emerge from the private access. In addition, a user of the off-road access signalling to turn in and those following mistake that they are turning at the junction.

In this case, the proposed access is only approx. 6m away from the junction between La Villette Road and Rue Cotelte, therefore the proposed access does not comply with THS guidelines and cannot be supported.

In this instance because the proposed access is too close to an existing junction the recommendation is one of refusal.

The new exemptions now allow post 1900 properties to widen their existing accesses to 4m without requiring planning permission (Class 1, Section 29 of the Land Planning and Development (Exemptions) Ordinance 2023). This means that a proposal to widen the existing access of this property to 4m, could be carried out without the need for planning permission. There may also be scope to exceed a 4m wide access, however this would be subject to obtaining prior planning permission.

A further option may be the possibility to block up the existing and open a single new access 20m away from the junction that would serve as a central vehicular opening to the property, this would also require planning approval but could in principle be supported, subject to detailed design.

Just to the south of the existing vehicular opening there is a Protected Monument (PM304), which comprises a fountain, water trough and pump with associated walls. Any works proposed are to the north of the existing opening and therefore would not affect or impact on the existing protected monument.

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 Planning and Development (General Provisions) Ordinance, 2007 have been considered 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: 23/04/2024