

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: Excavate bank, erect retaining wall to alter vehicle access with associated hardstanding and landscaping to south of site.

LOCATION: Pierre Percee Lodge, Ruettes Brayes, St. Peter Port.

APPLICANT: VPF Ltd

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: 27/11/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 10/05/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: The Drawing Room - 393C2A, C3A, C4A, C5A & C8A

Application Ref: FULL/2024/0851

Property Ref: A405460000+A405430000

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.No stone shall be brought onto site until details showing the means of construction and bonding of all stone walls, including details of the type, colour and texture of stone and the method of laying the stone wall, have been submitted to and agreed in writing by the Authority. The works shall be carried out only in accordance with the agreed details.

Reason - To secure the satisfactory appearance of the completed development.

5.All dowel heads used to fix the rock catch netting including bolts, plates and cables (but excluding the net itself) shall be self-coloured black or painted black within 28 days of installation.

To make sure that the appearance of the completed development is satisfactory and to help assimilate the development into the surroundings, in accordance with Policies GP1, GP4 and GP8.

6.Prior to the commencement of any work, a planting scheme for the newly created planter, to include those details specified below, shall be submitted to and agreed in writing by the Authority:

- i) full details of proposed planting;
- ii) planting schedules, noting the species, sizes, numbers and densities of plants/trees.

Reason - To ensure a satisfactory external appearance in the interests of visual amenity and in the interests of Highway Safety, in accordance with IP7, GP1, GP8 and GP4.

7.The planting scheme for the new planter shall be fully completed, in accordance with the details agreed under the terms of the above condition, in the first planting season following the first use of the approved access, or in accordance with a programme previously agreed in writing by the Authority. Any trees or plants removed, dying,

being severely damaged or becoming seriously diseased, shall be replaced in the following planting season by trees or plants of a size and species similar to those originally required to be planted.

Reason - To ensure a satisfactory external appearance in the interests of visual amenity and in the interests of Highway Safety, in accordance with IP7, GP1, GP8 and GP4.

Expiry Date: This permission will cease to have effect on 27/11/2027 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/2024/0851
Property Ref: A405460000+A405430000
Valid date: 10/05/2024
Location: Pierre Percee Lodge Ruettes Brayes St. Peter Port Guernsey
GY1 1PL
Proposal: Excavate bank, erect retaining wall to alter vehicle access with
associated hardstanding and landscaping to south of site.

Applicant: VPF Ltd

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.

4. No stone shall be brought onto site until details showing the means of construction and bonding of all stone walls, including details of the type, colour and texture of stone and the method of laying the stone wall, have been submitted to and agreed in writing by the Authority. The works shall be carried out only in accordance with the agreed details.

Reason - To secure the satisfactory appearance of the completed development.

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To make sure that the appearance of the completed development is satisfactory and to help assimilate the development into the surroundings, in accordance with Policies GP1, GP4 and GP8.

6. Prior to the commencement of any work, a planting scheme for the newly created planter, to include those details specified below, shall be submitted to and agreed in writing by the Authority:

- i) full details of proposed planting;
- ii) planting schedules, noting the species, sizes, numbers and densities of plants/trees.

Reason - To ensure a satisfactory external appearance in the interests of visual amenity and in the interests of Highway Safety, in accordance with IP7, GP1, GP8 and GP4.

7. The planting scheme for the new planter shall be fully completed, in accordance with the details agreed under the terms of the above condition, in the first planting season following the first use of the approved access, or in accordance with a programme previously agreed in writing by the Authority. Any trees or plants removed, dying, being severely damaged or becoming seriously diseased, shall be replaced in the following planting season by trees or plants of a size and species similar to those originally required to be planted.

Reason - To ensure a satisfactory external appearance in the interests of visual amenity and in the interests of Highway Safety, in accordance with IP7, GP1, GP8 and GP4.

OFFICER'S REPORT

Brief Description of the site:

The site is occupied by a detached 2.5 storey, pre 1900 building which has been divided into flats. It is located with the Main Centre Outer Area, within an area of Important Open Land, and also within the St Peter Port Conservation Area as designated in the Island Development Plan (IDP).

The application was deferred following significant road safety concerns raised by Traffic and Highways, revised plans were submitted to overcome this.

Relevant History:

PAPP/2009/3323 – Fell two trees and stabilise roadside bank

PAPP/2004/3165 – Stabilise roadside bank

Existing Use(s):

02 Flats

Assessment: (Tick as appropriate)

no representation
accords with policy
within curtilage
design acceptable

☒
☒
☒
☒

visual amenity acceptable
no material neighbour impact
traffic not affected

☒
☒
☒

Consultations:

Traffic and Highways Services:

A site visit has been carried out by the Traffic and Highways Services Officer and the following observations made.

The site is located on Ruettes Brayes and the current access is approximately 10m wide onto the carriageway. The visibility splay of a driver is bounded to the west (uphill towards Oberlands) by a rising boundary wall and to the east (downhill towards La Charroterie) by a high granite rockface with vegetation, which forms the edge of the carriageway.

The driveway from the property runs parallel to the main road albeit from a higher elevation down to the road level, joining the carriageway at acute angle. With this current arrangement it is only possible for egressing vehicles to turn left (eastbound) onto the carriageway. Similarly, vehicles accessing the property can only do so from approaching uphill (westbound) to turn right into the driveway.

The submitted proposed Visibility Splay plan (393C8) uses a 1m datum from the carriageway edge to measure the sightlines. Based on this plan, oncoming sightline would bisect the wall at a height of 1800mm above the carriageway.

Using a datum of 2m from the carriageway edge for the proposed access, the sightline of oncoming vehicles (eastbound) was measured from the point where the rising roadside wall reached a height of more than 900mm above the carriageway. At that point the sightline was measured at 6m which is significantly less than the minimum standard. The sightline for approaching vehicles (westbound) is 50m, above the minimum standard.

THS would also raise concerns over the proposed changes for the driveway. The submitted plans propose the excavation of the earth bank and creation of a turning point with a 5m radius to allow vehicles to exit right (westbound). However, the Visibility Splay plan (393C8) clearly indicates that it would not be feasible for a driver in a representative vehicle to be egressing square to the carriageway, which from a road safety perspective raises significant concerns.

Additionally, the changes shown would require any vehicle approaching from the west (downhill) to cross over to the other side of the carriageway, against oncoming traffic, in order to turn left into the access. In addition to the road safety concerns this would also introduce another traffic management concern that doesn't exist under the current arrangements.

On the basis of the above, THS oppose this application based on road safety and traffic management grounds.

Further consultation response based on revised plans, received 25/11/2024:

This is a revised proposal to the previous response dated 20/02/24 and the following observations are made.

The site is located on Ruettes Brayes and the current access is approximately 10m wide onto the carriageway. The visibility splay of a driver is bounded to the west (uphill towards Oberlands) by a rising boundary wall and to the east (downhill towards La Charroterie) by a high granite rockface with vegetation, which forms the edge of the carriageway.

The driveway from the property runs parallel to the main road albeit from a higher elevation down to the road level, joining the carriageway at acute angle. With this current arrangement it is only possible for egressing vehicles to safely turn left (eastbound) onto the carriageway. Similarly, vehicles accessing the property can only do so safely from approaching uphill (westbound) to turn right into the driveway.

The revised proposed Visibility Splay plan (393C8) uses a 1m datum from the carriageway edge to measure the sightlines. The proposed new entrance will be 6m wide. Using a datum of 2m from the carriageway edge for the proposed access, the sightline of oncoming vehicles (eastbound) was measured from the point where the proposed new roadside wall's height exceeds 900mm above the carriageway. At that point the sightline is measured to be 23.5m, less than the minimum standard but would be an improvement to what currently exists and the 6m sightline achieved in the previous proposal. The sightline for approaching vehicles (westbound) is 50m, above the minimum standard.

In addition, concerns raised in the previous response to the oncoming sightlines have been mitigated by the proposal to move the entrance/exit further down the hill (east) to increase the sightline with the rising road to the west. The driveway is also to be recessed further into the site to create a larger turning circle which will allow a representative vehicle to be square to the carriageway when egressing. Additionally, this entrance will allow a representative vehicle approaching from the west (downhill) to turn left into the access without having to 'swing out' against oncoming traffic to make the turn.

The new exit point at the bottom of the driveway shows a bordered infill area that contains a tree with 'a controlled canopy'. This infill area will guide egressing vehicles to be better positioned at the main carriageway and is noted as an improved safety feature. The tree shown in the plan would appear to be a narrow, tall tree with no low branches or foliage to obscure the view towards oncoming traffic. THS would note this 'controlled canopy' is integral in maintaining the proposed sightlines and that it may be more prudent to consider 'low-level' plants/shrubs to prevent any future issues with visibility for egressing vehicles.

It should be noted that although the proposed oncoming sightline would not meet the accepted minimum standard, we would take the view that this application would represent a significant improvement to road safety for access and egress to this property. Additionally there has also been no evidence submitted that there is to be any increase in the traffic using this access point. On that basis, THS would support this application.

Policies considered most relevant:

MC1- Important Open Land in Main Centres and Main Centre Outer Areas

GP1- Landscape Character

GP4- Conservation Area

GP8- Design

GP9- Sustainable Development

GP13- Householder Development

IP9 – Highway Safety, Accessibility and Capability

Conclusion/Brief comment:

The proposal includes alterations to the vehicular access and the excavation of the existing bank along with the erection of a retaining wall.

With regard to the proposed alterations to the vehicular access, IP9 is relevant. Ruettes Brayes is a Traffic Priority Route and Traffic and Highways were consulted on the impact of the proposed development on road safety and traffic management. The original consult considered the proposal to result in poor sightlines, inability to egress square to the carriageway and some traffic management concerns.

Revised plans were submitted following the deferral of the application on the basis of the Traffic consultation response. These involved additional excavation into the bank to allow the access to swing further around to allow cars to exit the junction

square on to Ruelle Brayes. This was considered to represent a significant improvement in terms of highway safety, improving sightlines significantly beyond the original proposal and the existing access arrangement. The tree shown in the plan would appear to be a narrow, tall tree with no low branches or foliage to obscure the view towards oncoming traffic. Traffic and Highway Services have noted that this 'controlled canopy' is integral in maintaining the proposed sightlines and that it may be more prudent to consider 'low-level' plants/shrubs to prevent any future issues with visibility for egressing vehicles. A condition will be used to require details of any planting proposed within the newly created planter shown on the submitted plans.

Policy MC1 supports ancillary development associated with established uses as long as there is no significant adverse impact on the openness, visual quality or landscape character of the area. Similarly, Policy GP1 of the IDP states that development will be supported where it respects the landscape character type of the setting, it does not result in the loss of a specific feature which contributes to the wider landscape character/local distinctiveness and takes advantage of opportunities to improve visual and physical access to open and undeveloped land; and accords with all other relevant policies. Policy GP8 of the IDP also requires the development to respect the character of the local built environment or open landscape concerned.

The Important Open Land which the proposed roadside wall encloses is formed of a steep valley bank along the roadside, with open views opposite due to the topography of the land. Similarly, the Conservation Area Appraisal for La Charroterie identifies stone cuttings, exposed rock faces, mature vegetation, trees, stone walls and terraces as characteristic of the area. The existing combination of steep banks and roadside walls in the immediate vicinity provide a sense of enclosure which also contributes to the landscape character of the area and the proposed works to the roadside are not considered to impact upon this.

The proposed alterations to the driveway and erection of roadside walls are therefore not considered likely to impact upon the openness as they are built adjacent to the steep banks and match existing stone walls which will not harm the visual quality. The proposed use of ground stabilisation methods in the area as shown is acceptable in principle, subject to the use of appropriate coloured materials to ensure the system assimilates into the landscape. Additional details regarding this have been requested by condition. Seeding of the rock face has not been required as it is anticipated that this will occur naturally, and from an ecological perspective allowing natural regeneration is preferential as it allows native species to germinate and establish.

The impact of the development on the Conservation Area has also been assessed, given that the proposed walls are not considered to harm the local character the proposal is acceptable in principle against Policy GP4. However, this would be dependent on the details of the development, especially the type, colour, texture and method of laying the stone wall and should ideally blend with the existing stone walls along this stretch of road.

In summary, the application is acceptable in relation to the relevant policies. 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 taken into account in the assessment of this application.

Recommendation:

Grant with Conditions



Date: 26/11/2024