

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: Remove hedge and demolish roadside wall, erect roadside wall, alter and widen site access and access to Beaupre, (revised scheme).

LOCATION: Cleveleys & Beaupre, La Route Du Braye, Vale.

APPLICANT: Georgian Properties Limited

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: 11/09/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 03/06/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: A7 Design Ltd: 22-1431/PD/02.

Application Ref: FULL/2024/0926

Property Ref: C008300000 + C00831A000

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.Within 2 months of the existing access serving Beaupre being widened and the existing boundary wall demolished, the replacement boundary wall along the north boundary of 'Beaupre', together with the landscaped planter, shall be constructed in accordance with the approved details on drawing ref: PD/02. The vehicle access serving Beaupre shall be no wider than 4000mm.

Reason - To clearly define the permission and to ensure that the replacement wall is built within a reasonable timeframe.

Expiry Date: This permission will cease to have effect on 11/09/2027 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

All new planting within the hereby approved planter should not exceed 90mm high to ensure that visibility splays are not compromised.

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/2024/0926
Property Ref: C008300000 + C00831A000
Valid date: 03/06/2024
Location: Cleveleys & Beaupre La Route Du Braye Vale Guernsey GY3 5PE
Proposal: Remove hedge and demolish roadside wall, erect roadside wall, alter and widen site access and access to Beaupre, (revised scheme).
Applicant: Georgian Properties Limited

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. Within 2 months of the existing access serving Beaupre being widened and the existing boundary wall demolished, the replacement boundary wall along the north boundary of 'Beaupre', together with the landscaped planter, shall be constructed in accordance with the approved details on drawing ref: PD/02. The vehicle access serving Beaupre shall be no wider than 4000mm.

Reason - To clearly define the permission and to ensure that the replacement wall is built within a reasonable timeframe.

INFORMATIVES

All new planting within the hereby approved planter should not exceed 90mm high to ensure that visibility splays are not compromised.

OFFICER'S REPORT

Brief Description of the site:

The application site consists of an access road serving Cleveleys vinery, several properties, and 'Beaupre', a semi-detached, 1.5 storey Guernsey cottage.

Planning permission is sought to remove a hedge, and erect a roadside wall and alter and widen site access to Cleveleys, and the vehicular access to Beaupre.

The application has been submitted following the withdrawal of a former application in 2023 (FULL/2023/0061). The revised application has been submitted in light of the concerns raised by Traffic and Highway Services (THS) as part of the former application (FULL/2023/0061), which has incorporated an extended footpath to potentially make provision for a future pedestrian crossing to serve a housing development on the Cleveleys site. For the avoidance of doubt, the pedestrian crossing itself has been omitted from this application, and no application has been made for any new housing on the Cleveleys site.

The agent has noted in their letter dated 14th May 2023 that the '*primary intention of these proposals is to provide significant improvements to highway safety, whilst upgrading the access/egress*'. It is noted that the proposed low-level planter located within 'Beaupre' will also protect the visibility for vehicles egressing from the access road and onto La Route Du Braye.

Relevant History:

FULL/2023/0061	Remove hedge and demolish roadside wall, erect roadside wall altering and widening site access and access to Beaupre.	Withdrawn
DF/2017/2194	Cleveleys Vinery Development Framework	

Existing Use(s):

Dwelling-house & access road.

Assessment: *(Tick as appropriate)*

no representation

✓
✓
✓
✓

accords with policy

within curtilage

design acceptable

visual amenity acceptable

no material neighbour impact

traffic not affected

✓
✓
✓

Comments – Traffic and Highway Services:

"I refer to the application by Georgian Properties and Mr & Mrs N Collins in relation to the application above.

Further to a site visit and reference to the comments relating to the site by Mr S Ogier of THS in March 2023 which related to FULL/2023/0061 have reviewed the submissions contained with this application and can comment as follows.

THS acknowledge the design / changes to the access under this application in respect of drawing PD/02. Based on the design, THS would agree that the sightline standards as shown in the plan would meet the recommended standard inline with the technical standard recommendation for a road classification and speed limit / characteristics of this traffic priority route.

As previously commented by Mr S Ogier, ideally THS would have sought a design which enabled the introduction of a zebra crossing at the access, affording pedestrians a designated safe crossing point at this location. In this respect, and in order to provide a dedicated refuge on the site side of the road for pedestrians either waiting to cross, or crossing to, it would have been necessary to remove / realign a section of the roadside boundary wall in order to provide a crossing which met all relevant design criteria. In the interim period, the Better Transport Plan has come forward which again considered this location in similar terms. THS is aware that landowner agreement of such realignment is not in place, and this is reflected in the plans.

Therefore, the design submitted, realigns the boundary wall of Beaupre at a height of 850mm above the road height within the access and results in a bell-mouth

access with a footpath on the eastern side extending to the boundary with the carriageway. The application appears to take into account the previous comments relating to the oncoming (from the east) sightline, and the risk of the sightline being compromised if a vehicle was parked within the boundary of Beaupre, adjacent to the roadside wall. In order to address this concern, and prevent a vehicle being positioned to obstruct the sightline, the design submitted shows the incorporation of a planter between the bell-mouth of the access and the pillar making the western side of the vehicle access to Beaupre. THS would agree with the design method as a mechanism to prevent vehicles parking adjacent to the wall (and thus obstructing the sightline), but would state that it should be recognised by all parties that this arrangement is only effective if planting is maintained within this area to shrubs / planting which are maintained to a maximum height of 900mm. Above this height, any planting in this area is likely to restrict the sightline, and dependant on the density / type of plants used, could result in a sightline significantly less than the standard as indicated on the plans. In this scenario, any planting that was either by design or through lack of maintenance above 900mm would, due to 85th percentile speeds and traffic volumes within the La Route du Braye introduce a road safety risk, due to the sightline impairment, and the necessity for a driver egressing the access to enter the carriageway, in order to obtain a full visibility splay in the direction of oncoming vehicles.

In respect of the commentary within the letter from Lisa Grey of A7 Design accompanying the application, THS would agree that the design of the access under this application does improve the access from both a road safety and traffic management perspective due to the 6m radius bell-mouth on the eastern side. Additionally, the 4m wide access at Beaupre will again aid access and egress manoeuvrability.

THS also notes the comments regarding the provisioning of a zebra crossing, and in the context that the consultation responses to the Better Transport Plan (BTP) are still under consideration, no decision has been made on the location of any future pedestrian crossings within La Route du Braye at the date of this response. This said, THS cannot at this time rule out that we may need to consider the provision of a crossing at the Cleveleys / Beaupre access, and further design work would need to be undertaken by THS if the decision was taken on the basis of the BTP to introduce a crossing at this location.

As stated above, ideally, such a design would be based on pedestrians having a dedicated 'refuge' parallel with the carriageway on both sides of the road (hence the previous commentary by Mr S Ogier in relation to the roadside boundary wall outside Beaupre). As this option is not available, any further work to determine the suitability of a crossing point at this location would need to consider whether it is possible to introduce a crossing from where the footpath within the access ends at the site boundary.

Among the considerations would be the visibility of pedestrians on the site side of the carriageway, waiting to cross – in respect of the plans supplied, and the

boundary wall heights, it is evident that a driver approaching the access from the east, would have clear visibility of pedestrians waiting to cross, and similarly drivers from the west and those egressing the access would have a clear visibility splay of pedestrians. It would therefore be prudent at this juncture to ensure that the applicants are aware that although no objections are raised from either a road safety or traffic management perspective in relation to the design and this application as submitted, that they are aware that THS may need to carry out a design study (based on the criteria set out in DTI document “The design of pedestrian crossings” which can be referenced at [ltn-2-95_pedestrian-crossings.pdf \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/292495/ltn-2-95_pedestrian-crossings.pdf)

If the decision was made to introduce a crossing at this location, it is recommended that the applicants are made aware of the design criteria referenced, and if the application as submitted is approved, that further discussions take place prior between THS design engineers and the applicants prior to the works on the footway within the access being undertaken. This comment is without prejudice, but based on the practicalities of the need to incorporate dropped kerbs and tactile paving (if a crossing were to be installed), in order to save work being undertaken and then adjusted to accommodate a zebra crossing. Similarly, an assessment of the lighting requirements referenced at section 2.8 of ‘The design of pedestrian crossings’ – from an initial assessment, it is believed that any lighting requirement may only be needed on the northern side of the access, but the design study would identify the type and number of lights needed, and again it is recommended that the lighting assessment is carried out and communicated to the applicants as part of any future discussions on what would be required to enable a crossing at this location.”

Policies considered most relevant:

- GP1 Landscape Character and Open Land
- GP8 Design
- GP13 Householder Development
- IP9 Highway Safety, Accessibility and Capacity

Conclusion/Brief comment:

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.

The alterations to the entrance of the access road and the north and west boundary of ‘Beaupre’ adopts a good standard of design, will have a negligible visual effect and will not adversely affect the character of the area. The proposal will not lead to any neighbour amenity issues.

In light of Traffic and Highway Services’ comments, the proposal will lead to an improvement to visibility splays and manoeuvrability of vehicles egressing from the access road onto Route Braye. Whilst THS advise that any plants within the planter be maintained so that they do not exceed 900mm high, it would be unreasonable to

impose a condition to this effect, and could lead to enforceability issues over the regular maintenance of the prescribed height of the plants. An informative however should be attached to the decision to advise the applicant over the importance of this aspect of the design to ensure that the planter is maintained so that visibility splays are not compromised.

As indicated in Traffic and Highway Services' comments, any future installation of a pedestrian crossing may require planning permission and would at that point, be considered on the merits of the planning application submitted.

Overall, the proposed alterations to the vehicular access of Beaupre and alterations to the layout of the adjacent access road, is likely to lead to an improvement to visibility splays and accessibility in and out of Cleverley's site which serves a number of existing residential properties, and will take into account any future housing provision to the rear of the site should such development come forward.

Based on the above, the application is considered compliant with the relevant Island Development Plan policies, and accords with the purpose of the Law and the Material Planning Considerations. It is therefore recommended that planning permission be granted, subject to conditions.

Recommendation:

Grant with Conditions



Date: 10/09/24

