

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: Demolish and excavate section of earth-bank to create pedestrian bus stop refuge to west boundary and associated works.

LOCATION: Les Quatre Courtils, Quarres des rue Frairies (Field), St. Andrew.

APPLICANT: Traffic And Highway Services

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: 15/11/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 25/09/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: TS150/12, 13

Application Ref: FULL/2024/1381

Property Ref: K005470000+K004840000

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. Notwithstanding the information submitted, full details of a new landscaping scheme along the east boundary of the pedestrian refuge area, including the species, height, density and diameter of trees and/or hedges when planted, shall be submitted to and agreed in writing by the Authority.

Reason - To ensure the scheme is accompanied by a landscaping scheme to assimilate the development into its surroundings to respect the rural character of the locality.

5. The landscaping scheme shall be fully completed, in accordance with the details agreed under the terms of the above condition, in the first planting season following the pedestrian refuge area being brought into first use, or in accordance with a programme previously agreed in writing by the Authority. Any plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by plants of a size and species similar to those originally required to be planted.

Reason - In the interests of visual amenity.

6. In the absence of elevation drawings, the earthbank hereby approved, to the north, east and south of the approved refuge area, shall be constructed in accordance with Earth Banks in Guernsey document (Conservation Advice Note 3). The approved wall around the refuge shall be constructed to match as closely as possible to the existing walls to the north and south of the refuge area.

Reason - In the interests of visual amenity and to ensure the works are constructed in a manner that respects the adjoining wall/banks.

Expiry Date: This permission will cease to have effect on 15/11/2027 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

In light of Condition 4, it is highly recommended that the applicant considers incorporating native trees and/or hedges as part of the required landscaping scheme.

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/2024/1381
Property Ref: K005470000+K004840000
Valid date: 25/09/2024
Location: Les Quatre Courtils Quarres des rue Frairies (Field) St. Andrew
Guernsey GY6 8XY
Proposal: Demolish and excavate section of earth-bank to create
pedestrian bus stop refuge to west boundary and associated
works.
Applicant: Traffic And Highway Services

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. Notwithstanding the information submitted, full details of a new landscaping scheme along the east boundary of the pedestrian refuge area, including the species, height, density and diameter of trees and/or hedges when planted, shall be submitted to and agreed in writing by the Authority.

Reason - To ensure the scheme is accompanied by a landscaping scheme to assimilate the development into its surroundings to respect the rural character of the locality.

5. The landscaping scheme shall be fully completed, in accordance with the details agreed under the terms of the above condition, in the first planting season following the pedestrian refuge area being brought into first use, or in accordance with a programme previously agreed in writing by the Authority. Any plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by plants of a size and species similar to those originally required to be planted.

Reason - In the interests of visual amenity.

6. In the absence of elevation drawings, the earthbank hereby approved, to the north, east and south of the approved refuge area, shall be constructed in accordance with Earth Banks in Guernsey document (Conservation Advice Note 3). The approved wall around the refuge shall be constructed to match as closely as possible to the existing walls to the north and south of the refuge area.

Reason - In the interests of visual amenity and to ensure the works are constructed in a manner that respects the adjoining wall/banks.

INFORMATIVES

In light of Condition 4, it is highly recommended that the applicant considers incorporating native trees and/or hedges as part of the required landscaping scheme.

OFFICER'S REPORT

Brief Description of the site:

The application site consists of a large rectangular shaped field to the north, which tapers down to the south. The field forms the corner between Rue Frairies to the north, and Route des St. Andre to the west. The field lies to the east of Blanchelande College which comprises a school, set within extensive grounds. It is acknowledged that both the field and Blanchelande College are under the same ownership.

The field lies in an Agriculture Priority Area and is located Outside of the Centres as set out in the Island Development Plan. A Conservation Area bounds the field to the east.

Planning permission is sought to excavate a section of the roadside earthbank and agricultural field in order to install a pedestrian refuge area serving a relocated bus stop.

The applicant (Traffic and Highway Services, THS) have set out in their letter of 24th September that *the pedestrian refuge area has been designed to improve safety for bus users who previously have had to exit buses directly into the road before crossing the pavement on Rue Frairies.*

It is also noted that *the pedestrian refuge area will primarily be used at peak times by students of Blanchelande College but will also benefit the wider community and visitors to nearby attractions.*

The pedestrian refuge area has been designed to incorporate tactile paving and dropped kerbs to aid individuals with impaired vision and disability needs, such as wheelchair users. It will be located opposite the recently approved vehicular and pedestrian access point FULL/2023/1570.

The pedestrian refuge area will be surrounded to the north, east and south by a low granite facing wall with an earth bank above to replicate the existing boundary features. It is noted that the existing earth bank to the north of the proposed area of works will be graded down to ensure pedestrians seeking to cross the road are visible, and not obscured by the existing roadside treatment.

THS note that this scheme will bring about a significant road safety improvement for those travelling by bus to and from the area, by providing a safer and more accessible area to cross the road, whilst mirroring the adjacent banks and achieving current standards for sightlines and accessibility.

Relevant History:

K004840000

FULL/2024/0462	Variations to plans previously approved to create additional gated vehicle and pedestrian access to east boundary - Create additional pedestrian access and barriers to east boundary.	Granted
FULL/2023/1838	Install cycle shelter to east boundary.	Granted
FULL/2023/1570	Create additional gated vehicle and pedestrian access to east boundary.	Granted

K005470000

FULL/2022/1122	Install substation and create vehicle access to west boundary.	Granted
----------------	--	---------

Existing Use(s):

Agricultural land (use class 28)

Assessment: *(Tick as appropriate)*

no representation

✓
✓
✓
✓

accords with policy

within curtilage

design acceptable

visual amenity acceptable

no material neighbour impact

traffic not affected

✓
✓
✓

Policies considered most relevant:

OC2: Social and Community Facilities Outside of the Centres

OC5(A): Agriculture Outside of the Centres – within the Agriculture Priority Areas

GP1 Landscape Character and Open Land

GP8 Design

GP9 Sustainable Development

IP6 Transport infrastructure and support facilities

IP9 Highway Safety, Accessibility and Capacity

IP11 Small-scale Infrastructure Provision

Conclusion/Brief comment:

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.

Policy context:

The preceding text of Policy OC5(A) (Agriculture Outside of the Centres – within the Agriculture Priority Areas) states in paragraph 17.3.12 that:

Proposals which would result in the loss of an existing farmstead, agricultural buildings or land will be supported where the proposed new use accords with the other relevant policies of the Island Development Plan.

Paragraph 16.2.4 of Policy OC2 (Social and Community Facilities Outside of the Centres) states that:

It is acknowledged that the type and scale of social and community facilities varies across the Island and that the nature of extensions and alterations will be influenced by the type and scale of the existing facility. The assessment of proposals will take into account the character, visual appearance and amenity of the particular location and, in order to protect the openness of the area, proposals must be of a scale which is appropriate to the setting and will need to be physically well integrated with the setting and location concerned.

Paragraph 20.7.7 of Policy IP6 (Transport infrastructure and support facilities) states that:

Throughout the Island the Authority will support proposals for public infrastructure that would assist in providing greater transport choice. This includes the provision of shelters at bus stops and the inclusion of other public transport-related infrastructure, such as signage and bus information boards. It also requires the provision of cycling facilities and secure motorcycle and bicycle parking and encourages the creation and/or enhancement of pedestrian and cycle routes across the Island.

Partial loss of agricultural land, effect on landscape character and openness, and creation of new bus stop and pedestrian refuge area:

The existing roadside earth bank appears to be approximately 2m wide. The proposed refuge area is approximately 3m wide x 8.5m length, enclosed by a new wall/earth bank as shown on the drawings submitted. The proposed surface will be finished in Asphalt with concrete kerbs along the road verge.

The proposed scheme will inevitably encroach onto the agricultural land and could have a limited negative effect on the availability of agricultural land which could be used to contribute to the agricultural industry. This is due to the shape of the refuge area which could affect how the field is cultivated although it is acknowledged that large farm machinery would not likely operate in the field margins other than for access/maintenance purposes. The extent of the encroachment onto commercial agricultural land is not considered to be significant when taking into account the size of the refuge area proposed and the remaining area of agricultural land, when

balanced against the significant positive enhancement to public transport provision, highway safety and users of Blanchelande School.

Similar to the effect on commercial agricultural land, the proposal will inevitably affect the landscape character of the area by the creation of a hard surfaced refuge area. The indentation of the field will be particularly noticeable from Rue Frairies to the north. However, the size of the refuge area coupled with the proposed wall and earth bank will, in time, have a limited visual effect when viewed from public vantage points.

It is considered necessary and reasonable to attach a planning condition to ensure that a landscaping scheme is incorporated as part of the proposal in order to assimilate the development into its rural surroundings and to reflect the traditional roadside boundaries in the wider locality which typically comprise of hedge banks, or earth banks surmounted by trees. It is not necessary for the north and south boundaries of the refuge area to feature additional landscaping given that this additional planting could impede sightlines and therefore affect highway safety. As noted above, the benefits to public transport and highway safety reasonably outweigh the harm caused to the landscape character and openness of the land.

As supported under Policy, the creation of a refuge area of this size and location is a sensible adaptation to the public transport network. It will improve public safety by providing a designated refuge area which will benefit the users of Blanchelande School, as well as the wider community which has also been designed to take into account mobility and disability requirements. If additional landscaping measures are incorporated as part of the design (which can be achieved via a planning condition), then the scheme is considered to strike a reasonable balance between the impact on the landscape character, visual amenity, loss of agricultural land, and the benefits afforded to wider community in terms of accessibility, highway safety, and improvements to the transport network system.

The amenities of neighbouring properties will not be significantly adversely affected as a result of the development proposed.

Sufficient information has been submitted that has taken into account the criteria of Policy GP9 (Sustainable Development).

Based on the above, the application is considered compliant with the relevant Island Development Plan policies; it is therefore recommended that planning permission be granted, subject to conditions.

Recommendation:

Grant with Conditions



Date: 13/11/24

