

ENVIRONMENT DEPARTMENT PLANNING DIVISION

OPEN PLANNING MEETING AGENDA

An Open Planning Meeting will be held at Beau Sejour, Cambridge/Delancey Room, on **Tuesday 08/04/2014** at 8.45am for a 9.00am start.

The following application will be considered at the Open Planning Meeting:-

Agenda Item :-

APPLICATION NUMBER:	FULL/2014/0275
APPLICATION ADDRESS:	La Clairiere, Havilland Road, St. Peter Port.
DESCRIPTION OF WORK:	Widen existing gateway and install new gate.
NAME OF APPLICANT:	Mr C Carnegie.

The agenda for the open planning meeting, along with the planning application report relating to the application to be considered, which follows below, are made available five working days before the date of the Open Planning Meeting on the Department's website and also in hard copy at the Department's offices. The planning application report below contains a summary of consultation responses and of any representations received on the application from third parties.

There will be provision for **public speaking** at the open planning meeting. The opportunity to speak is afforded only to persons who:

- a) have submitted a representation in writing within the period specified for publicity of the application under section 10 of the Land Planning and Development (General Provisions) Ordinance, 2007, along with the applicant and/or their agent for the application; and
- b) who have notified the Department in writing (by letter or by e-mail addressed to Planning@gov.gg) of their intention to speak which is received by the Department by 12.00 Noon on the working day immediately preceding the date of the Open Planning Meeting.



Application No: FULL/2014/0275
Property Ref: A408900000
Valid date: 30/01/2014
Location: La Clairiere Havilland Road St. Peter Port Guernsey GY1 1ER
Proposal: Widen existing gateway and install new gate
Applicant: Mr C Carnegie

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 Environment Department 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 Environment Department and (ii) it is commenced or, as the case may be, continued, in accordance with that requirement and any further requirements imposed by the Environment Department 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. The northern end of the extended opening shall be neatly finished in materials and detailing, including quoins, to match the opposite side of the opening, as shown on drawing P25-9540-S1-03, within 28 days of the opening being widened.

Reason - To ensure a satisfactory form of development in the interests of visual amenity.

5. The new gate, hereby approved, shall have a vertical timber boarded finish.

Reason - To ensure a satisfactory form of development in the interests of visual amenity.

6. Notwithstanding the provisions of the Land Planning and Development (Exemptions) Ordinance, 2007 (or any other Ordinance replacing or re-enacting that Ordinance), no new or extended hard standing or other hard surfacing shall be constructed on this site without the express prior written permission of the Environment Department.

Reason - The form and/or design of the development permitted is such that detailed control is required over any additional development that may be proposed.

OFFICER'S REPORT

Site Description:

The site is on the west side of Havilland Road, approximately 100m south of its junction with Colborne Road. The site slopes down to the west, away from the road.

The site includes a two storey, granite built dwelling, with its gable to the road.

There is an access and driveway to the north of the site, leading across the north of the dwelling, to a garage towards the rear of the site.

There is an old gateway with a wooden gate to the south of the site, with a small area of hard-standing behind. The application relates to this southern gateway.

There is on-road 10 hour public disc parking along the roadside and across the southern gateway.

Relevant History:

On 21 March 2012 a planning application to widen the gateway and install a new gate was refused for the following reasons;

"The proposed access would have substandard sightlines and raises road safety concerns. Also, the lack of any facility for a vehicle to turn inside the opening, is likely to result in a vehicle reversing onto the public highway, again raising road safety concerns.

Additionally, the proposal would result in the loss of at least two public parking spaces, which raises traffic management concerns.

Furthermore, the use of a second vehicular access to a property where there is already an access with better sightlines, is normally resisted by Traffic Services, and would be contrary to normal practice."

Existing Use(s):

Residential.

Brief Description of Development:

This is a revised application, following the previously refused application, and relates to what appears to be an unused second access to the south of the property. The proposal is to widen the width of opening in the granite wall, to what the applicant says was its original width, and to install new timber gates.

The application was accompanied by a letter stating that it was supported by certain appeal decisions and correspondence with the Traffic Services Unit. It states that Traffic Services Unit has agreed to place a yellow line at the front of the access, that it is established as an existing access, has existed since the mid-1800s, and should be retained, as supported by an appeal decision at 5 Mount Row and an appeal decision for Brescia, Monument Gardens, both of which appeals were allowed.

The accompanying written submission document included copies of correspondence, of appeal decisions, conveyance document, aerial photographs and the Parking Places (Amendment) Order, 2011. It states that the access existed before the allocation of the parking places, that the appeal decision confirms that an existing established access cannot be removed, and that Traffic Services Unit has confirmed it is willing to allocate a yellow line across the access.

A subsequent letter was submitted confirming that, although the application form referred to two parking spaces on the area of hardstanding inside the access, it was only suitable for one parking space.

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

RCE10, RCE12

Representations:

8 letters of representation, objecting to the application, for a number of reasons, including;

- will reduce on-street parking, will lose 2 spaces, nowhere else to park, need more disc parking, parking shortage in this area, well oversubscribed, should consider those who need spaces
- residents safety, concerns for personal safety when entering/exiting property on foot via a set of steps, for themselves and 3 other properties which are set up from the road
- traffic, road is very busy, far too dangerous, potential for accidents due to poor visibility, near misses, safety of pedestrians, including school children
- applicant already has private parking, unfair to lose spaces used by community to create spaces for just one property, and then only for visitors?

Consultations:

Traffic Services Unit

Referred to a pre-application letter from Advocate Ferbrache, and Traffic Services Unit's response of 14th August 2013. The conclusion of the TSU at that time was that provided any future application did not propose to increase the previously existing hard standing area so as to accommodate more than one motor vehicle, then the TSU would agree to the removal of approved public parking spaces within Havilland Road so as to facilitate the future use of the proposed/existing access.

The current application indicates that the number of vehicles intended to be parked on the hard standing area is 2; however, subsequent to a conversation with Mr James Le Gallez (Mourant Ozannes) who is also acting on behalf of the applicant, it has been confirmed that it is the applicant's intention to retain the hard standing area as a single vehicle parking space.

Given the above observations, the TSU considers that whilst some road safety and traffic management concerns remain in regard to the access in question, in view of its historic existence and previous use, the TSU would not oppose the application in its current form.

Summary of Issues:

Design, appearance, effect on conservation area, effect on traffic and parking.

Assessment against:

- 1 - Purposes of the law.**
- 2 - Relevant policies of any Plan, Subject Plan or Local Planning Brief.**
- 3 - General material considerations set out in the General Provisions Ordinance.**
- 4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).**

The proposal would involve the removal of a section of granite wall (which the applicant states was an earlier infill) to increase the opening from approx 2.2m to 3.5m. A new single sliding timber gate is proposed across the opening.

In terms of design and appearance, and the effect on the character and appearance of the conservation area, the proposal to widen the existing gateway would have a negligible visual impact and, subject to use of an appropriate timber gate, no adverse effect on the character or appearance of the Conservation Area which would be preserved.

In terms of road safety, this southern access, whether at its existing width or its proposed widened width, would have substandard sightlines and raises some road safety concerns. Also, the proposal does not indicate any facility for a vehicle to turn inside the opening, which is likely to result in a vehicle reversing onto the public highway, again raising road safety concerns. Additionally, there is 10 hour public parking along the roadside on this part of the road.

However, given the pre-application discussions and the additional information now submitted with this application, the Traffic Services Unit has now accepted the historic existence and previous use of this access. It has therefore stated that it would not oppose the application, and has agreed to the removal of the public parking spaces from in front of the access, and the placement of a yellow No Waiting line, so as to provide unhindered access at

this point. If approved, a planning condition could be attached to retain control over the subsequent creation or extension of hard surfacing at the site.

It is however appreciated that this area has limited on-street parking provision to serve local residents, a number of whom occupy properties which have no off-street parking and for which there is no practical ability to create such parking. There is therefore some sympathy for the representors' views, particularly that the current proposal would reduce public parking in the area whilst offering no compensation in terms of public or community benefit.

Consequently there is a delicate balance to be struck in this case, essentially between the legitimate aspirations of a property owner to carry out within adopted planning policy minor alterations to an existing, historic access, and the consequence of such works for the public interest in terms of the knock-on effect of losing existing public on-road parking.

The applicant's Advocate has referred in support of the proposal to previous planning appeal decisions at 5 Mount Row and Brescia, Monument Gardens. Both these appeals were allowed. In the Mount Row case, the appeal was in relation to a planning condition seeking the closure of an existing access on creation of an approved new access. The Tribunal determined, inter alia, that the condition which required an existing garage access to be closed off was unreasonable and a disproportionate interference with the appellant's enjoyment of the property concerned. In the Monument Gardens case, the appeal related to the creation of a new access involving the loss of existing public parking to gain adequate sight lines from the proposed access. In that case, the Tribunal determined, inter alia, that the loss of one roadside parking space would provide an acceptable level of visibility. Whilst these appeal decisions have some relevance to the current proposal, and the Tribunals' decision letters are included within the application papers, it is an established principle of planning Law that every planning application must be considered on its own individual merits, having regard to all material planning considerations.

Whilst in light of the planning history, previous appeal decisions and policy position, it is recommended on balance that this application be approved, subject to appropriate conditions, it is nevertheless considered that in this particular case the fine balancing of these issues is such that the Environment Board should make the final decision on the application.

Date: 20/03/14