

## ONLINE VERSION

### 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:** Erect two flats and three dwellings and alter access.
- LOCATION:** Land (opposite Braye Road Garage), La Route Du Braye, Vale.
- APPLICANT:** Hillstone Guernsey Limited

I refer to the application referred to below received as valid on 20/07/2018 regarding the above proposals as described more fully in the application and drawings referred to below.

**Date of refusal of permission:** 20/11/2018

**Drawing Nos:** ArcTech Freelance Architecture: HD-17-882-01, -02C, -03C & -04.

**Application Ref:** FULL/2018/1396

**Property Ref:** C008390000

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. The proposal amounts to the overdevelopment of the site. The overall design, form and layout of the development results in an incoherent mix of components which does not respect the character of the local built environment or achieve a good standard of architectural design. The proposed dwellings include small and very poor quality outdoor space, limited outlook, the privacy of unit 1 would be significantly affected by the communal amenity space, there would be limited direct sunlight for units 1 and 2 and it has not been demonstrated that the accommodation is flexible, adaptable and accessible. The proposal would provide an unacceptably poor quality of residential environment for future occupiers of new build dwellings in this location. The proposal is contrary to Policy GP8.

2. The orientation, distance and relationship between units 3 and 4 and the neighbouring property to the west would create a sense that the neighbouring property would be overlooked. This would have a significant adverse effect on the amenities of neighbouring residents. It has not been demonstrated that the development has taken into account the use of energy and resources, in particular

with regard to the location and orientation of the proposed building, the form of construction and its resilience to flooding. The proposal is contrary to Policy GP9.

3. It has not been demonstrated that the development provides sufficient secure covered storage for bicycles. The bicycle store is inadequate in size for the proposed dwellings, particularly considering the lack of alternative options for units 1 to 4. The proposal does not accord with Policy IP7 and the Parking Standards and Traffic Impact Assessment Supplementary Planning Guidance.

As the proposal does not accord with all relevant policies of the Island Development Plan it also fails to satisfy Policy MC2.

#### **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

**Application No:** FULL/2018/1396  
**Property Ref:** C008390000  
**Valid date:** 20/07/2018  
**Location:** Land (opposite Braye Road Garage) La Route Du Braye Vale  
Guernsey  
**Proposal:** Erect two flats and three dwellings and alter access.  
**Applicant:** Hillstone Guernsey Limited

**RECOMMENDATION - Refusal with Reasons:**

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**REASONS FOR REFUSAL**

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## **OFFICER'S REPORT**

### **Site Description:**

The application site consists of a former horticultural site which was cleared of glass between 1990 and 1996 and has consequently reverted to agricultural land. The site includes a block built shed associated with the former horticultural use of the site and a vehicular access onto La Route Du Braye. Following the removal of the glass the site was neglected and became overgrown. The vegetation including trees along the front roadside boundary has recently been cleared.

The site is located to the south of La Route du Braye and is in a Main Centre Outer Area. To the south of the site, and also under the applicant's ownership, the land is designated as a Key Industrial Expansion Area. The southern section of the site is situated within a 1:100 and 1:250 year flood risk area.

### **Relevant History:**

Feb – Mar 2018 – PREA/2017/3095 – Pre-application advice regarding erect 6 dwellings.

### **Existing Use(s):**

Agricultural use class 28

### **Brief Description of Development:**

Planning permission is requested to erect 5 dwellings and associated access road. It is proposed to create 2x2 bed flats, 2x1 bed houses and 1x3 bed house. The proposal involves a two storey pitched roof building fronting onto the highway containing the two flats with a 1¾ and 2 storey building projecting to the rear (south) containing the 3 houses. The buildings are proposed to be finished in a mix of granite, rendered and timber clad walls with a slate roof and black aluminium fenestration. The dwellings would be served by an access along the inside of the west boundary which also provides access to the Key Industrial Expansion Area to the south.

The application is accompanied by a supporting statement from the client's Advocate setting out planning policy considerations, a letter from an estate agent confirming a demand for the type of properties proposed, a letter from engineers regarding flood risk and a Waste Management Plan.

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

Policy MC2: Housing in Main Centres and Main Centre Outer Areas  
Policy GP1: Landscape Character and Open Land  
Policy GP8: Design  
Policy GP9: Sustainable Development  
Policy IP7: Private and Communal Car Parking  
Policy IP9: Highway Safety, Accessibility and Capacity

## **Representations:**

Four letters of representation have been received, 3 of which object to the application, the main points are as follows:

- Loss of privacy for adjacent properties to the west.
- Sightline from proposed access is not accurate and would be blocked by a planter, wall and vehicles on neighbouring properties.
- Windows on neighbouring properties, the height of boundary walls and the layout of neighbouring properties are not detailed accurately on the submitted plans.
- Potential for additional flat to be created in roof above unit 2.
- Proposal represents an overdevelopment of the site. Highlights adjacent plot to the west which was of a similar size and was developed for 2x3 bed houses.
- Proposed development is not in keeping with the surrounding area as size extends passed current building lines.
- Proposed materials are not in keeping with the surrounding area.
- Two representations do not object to the development of the site on a smaller scale.
- Lack of refuge area for pedestrians to wait whilst crossing the highway.
- Units 3 and 4 would have limited and unusable outdoor space enclosed by buildings, more outdoor amenity space should be allowed for these units.
- Road safety implications due to location of access opposite commercial premises.
- Building line is in front of neighbouring properties to the west, would setting back buildings be more appropriate?
- Is it appropriate for the access to also serve the Key Industrial Expansion Area?
- Height and massing of development exceeds neighbouring properties.
- Impact on neighbouring properties due to increased traffic and noise from access road.
- Proposed 6ft high hedge behind front wall will restrict sightlines.
- Impact on neighbouring property to the east due to loss of privacy, overbearing impact and overshadowing.
- Provision of flats is out of context with the immediate area.
- Proposed dwellings would not provide a satisfactory standard of living.
- Root damage to wall or swimming pool in future caused by proposed tree in south-east corner.
- Limited parking provision resulting in cars obstructing access road.
- Large proportion of hard surfacing and potential impact on surface water run-off and flooding. The development does not include anything to counteract the possibility of flooding.
- Issues raised at pre-application by the Planning Authority have not been addressed.
- Legal right of way to maintain neighbouring property to the east must be retained and would restrict the potential to erect walls and fences.
- Devaluation of neighbouring properties

## **Consultations:**

Traffic and Highway Services advises that an access should: -

- a) Enable a driver 2.0m from the edge of the carriageway to see a minimum of 33m in the direction of oncoming traffic;
- b) Not have any obstructions or planting greater than 900mm high above the road surface within the visibility splays;
- c) Have sufficient width to enable cars and light vans to exit and enter the drive without crossing into the path of approaching traffic;
- d) Be sited at a distance not less than 20m from a junction;
- e) Be square to the carriageway.

“Rue du Braye, St Sampson is a Traffic Priority Route, as defined within the Traffic Engineering Guidelines. The road outside the site experiences high traffic flows by Guernsey standards and there are not considered to be any speed reducing features in this stretch of road. Therefore, a 33m sightline standard would apply.

The carriageway width outside the property is 5.1m. The carriageway has a pavement of 1.2m wide opposite the access. The plans supplied with the application show that the access would be 7m wide. The access design shown on the plans meets the design criteria that is recommended by THS.

From a datum point 2m back from the carriageway edge, the visibility splay afforded by the design supplied would afford a driver egressing the access sightlines of; 31m in the direction of oncoming traffic (from the right) and a sightline of up to 50m in the direction of approaching traffic (from the left). It should be noted that in respect of the approaching sightline, the vegetation in the neighbouring property's garden partially obstructs the sightline.

Within the site, the plans supplied show a 4.5m access road with dedicated parking provision for each of the dwellings, additionally, a visitor's space is shown. Also within the site is a pedestrian pavement. THS is satisfied that the internal layout for vehicle manoeuvring and pedestrian movements provides both good visibility for drivers of pedestrians in the site, and a safe environment for pedestrians.

In relation to the application, from a Traffic Management perspective; Route du Braye is a busy Traffic Priority Route, with regular HGV movements past the site. Although the oncoming sightline is slightly below the recommended standard, THS are satisfied that vehicles would be able to egress onto the road without negatively affecting the overall traffic flows. It is noted that the Braye Road Garage forecourt is opposite to the site, with regular vehicle movements onto and off the forecourt. The visibility splay of drivers egressing the forecourt is good, with a clear view of any vehicle that may be egressing from the site access.

Taking into account the above, although the oncoming sightline is slightly below the recommended standard, the overall visibility splay is good, and THS does not oppose the application on road safety or traffic management grounds”.

## **Summary of Issues:**

The main issues in deciding this application are:

1. the principle of housing development on this site,
  2. design and impact of the development on the appearance and character of the area,
  3. the impact of the development on the amenity of people living in the area,
  4. whether the development would result in a satisfactory living environment for the occupiers of the new dwellings, and
  5. parking and access issues
- taking into account the policies set out above.

## **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 set out in 2 below.

### **2 - Relevant policies of any Plan, Subject Plan or Local Planning Brief.**

As set out in Policy MC2, the majority of the Island's housing supply is to be provided within and around the Main Centres. The site is located in a Main Centre Outer Area and does not form Important Open Land. As such Policy MC2 supports the development of the site for housing where it accords with all other relevant policies of the Island Development Plan and where able to the site provides an appropriate mix and type of dwellings.

The latest information for private housing need indicates a need for a greater proportion of 2 and 3 bedroom units as opposed to 1 bedroom units. Therefore, and notwithstanding the estate agent's letter, the mix and type of dwellings could be altered to better reflect current housing need.

Policy GP8 seeks to ensure that new development achieves a good standard of design making effective use of land whilst respecting the character of the local built environment. Development should also give consideration to the amenities of occupiers and surrounding neighbours, provide accessibility for all and offer flexible and adaptable accommodation.

Policy GP1 sets out that development will be supported where it respects the relevant landscape character type within which it is set, where development does not result in the unacceptable loss of any specific distinctive features that contribute to the wider landscape character and local distinctiveness of the area, and takes advantage where practicable of opportunities to improve visual and physical access to open and undeveloped land.

Although the site is currently open and undeveloped, it is bounded by an industrial estate and a Key Industrial Expansion Area to the south and residential development to

the east and west. As such, the site does not form part of a wider area of open land or make a significant contribution to the landscape character of the area and the development of the site for housing would not conflict with Policy GP1.

Developing the site with a building of this scale, siting and orientation together with the density proposed does not follow the predominant settlement pattern of properties along La Route Du Braye, which is one of detached and semi-detached dwellings that follow and front onto the highway with a rear garden. Although they do not reflect the character and appearance of existing properties in the area, there are no objections to the materials proposed. Properties to the south of La Route Du Braye have a varying building line and in principle siting the building to align with the neighbouring property to the east and in front of the property to the west could be appropriate. However, the building fronting onto the highway would form a prominent feature within the street scene and its largely blank west gable lacks architectural interest.

The overall design, form and layout of the development results in an incoherent mix of components. This is particularly evident in the west elevation which includes a telescoped appearance of varying ridge heights, gable widths and materials interconnected by horizontal elements including undercroft parking to form a single mass. Although a two storey building is proposed to front onto the highway, similar to neighbouring properties, the layout of the development does not respect the predominant layout and character of development in the area and appears squashed into the site. This is reflected in the poorly located and limited strips of outdoor amenity space, either fronting onto the highway or sandwiched between buildings, and the relationship and distance between the flats at the front of the site and the bicycle and bin storage to the rear. It is also noted that the distance to the bin store would not meet Building Regulation requirements under Part H.

Within and around the Main Centres, Policies MC2 and GP8 expect development to make the most effective and efficient use of land and for higher density developments in appropriate locations and circumstances. However, in this instance the site forms part of a ribbon development of mainly residential properties along La Route Du Braye, with some clos developments expanding to the rear and a high density development would not reflect the character of the surrounding built environment. The proposal does not achieve a good standard of architectural design or respect the character of the local built environment, contrary to Policy GP8.

The health and well-being of the occupiers of the development requires consideration as set out in part (d) of Policy GP8 and explained in more detail in Annex I (Amenities). The objective to build at high densities is to be balanced, but not override, the need to create acceptable living environments. Although there are no rigid standards for amenity provision, the factors to be considered include internal space provision, privacy, aspect/outlook, access to external open space and daylight/sunlight.

In terms of the proposed accommodation, the size of the internal space for the dwellings is small but adequate. However, the provision of outdoor space is very poor, particularly for units 1 to 4. The size and siting of the communal area to the north of unit 1 and adjacent to the highway results in a poor quality space which if used as a



communal area would significantly affect the privacy of unit 1. Sandwiched between the proposed dwellings and the neighbouring property to the east, the small strips of amenity space to the rear of units 2 and 3 would be inadequate in size, shaded by buildings for a considerable period of the day and feel enclosed resulting in very poor quality spaces. The size and layout of the areas in front of units 3 and 4 are not private or practicably usable and would not provide adequate amenity space. The outlook from units 1, 3 and 4 would be limited, especially from the living areas and the orientation and pattern of fenestration would result in limited direct sunlight for units 1 and 2. It has also not been demonstrated that the accommodation is flexible, adaptable and accessible. Overall, for new build dwellings in this location, the proposal would provide an unacceptably poor quality of residential environment for future occupiers, contrary to Policy GP8.

The orientation, distance and relationship between units 3 and 4 and the neighbouring property to the west would create a sense that the neighbouring property would be overlooked. This would have a significant adverse effect on the amenities of neighbouring residents, contrary to Policy GP9. The siting and scale of unit 5 would cause a degree of shading of the neighbouring property to the east which would be unneighbourly but is unlikely to have a material adverse effect. The likely type and modest number of vehicle movements generated by the development is unlikely to cause undue noise or disturbance for neighbouring properties. No details of finished site levels are provided and it is likely that the east boundary wall and potentially the west boundary wall would need to be raised in order to minimise privacy issues with neighbouring properties. The precise location of east elevation first floor windows and rooflights relative to existing rooflights on the neighbouring property is unclear. As the proposal is not otherwise acceptable, it would be unreasonable to request additional information regarding site levels, the heights of boundary walls and positioning of rooflights.

The comments of Traffic and Highway Services are set out in full above. Traffic and Highway Services advise that La Route du Braye is a busy Traffic Priority Route, with regular heavy goods vehicle movements past the site. The access design meets the recommended design criteria. Although the oncoming sightline is slightly below the recommended standard, the overall visibility splay is good and Traffic and Highway Services are satisfied that vehicles would be able to egress onto the road without negatively affecting the overall traffic flows. It is noted that the Braye Road Garage forecourt is opposite to the site, with regular vehicle movements onto and off the forecourt. The visibility splay of drivers egressing the forecourt is good, with a clear view of any vehicle that may be egressing from the site access. Traffic and Highway Services are also satisfied that the internal layout for vehicle manoeuvring and pedestrian movements provides both good visibility for drivers in the site and a safe environment for pedestrians. Traffic and Highway Services do not object to the application on road safety or traffic management grounds. The proposal does not conflict with Policy IP9.

The proposed car parking provision is limited but adequate for the size and type of dwellings proposed and accords with the Parking Standards and Traffic Impact Assessment Supplementary Planning Guidance. However, it has not been demonstrated that the development provides sufficient secure covered storage for bicycles. The

bicycle store is inadequate in size for the proposed dwellings, particularly considering the lack of alternative options for units 1 to 4, and its siting and design does not give the impression of being a well thought out and integral part of the overall development. The proposal does not accord with Policy IP7 and the Parking Standards and Traffic Impact Assessment Supplementary Planning Guidance.

Policy GP9 is wide-ranging and includes requirements for sustainable design and construction with reference to the design, layout and orientation of buildings, flood risk and surface water run-off, renewable energy, the use of materials and the management of waste. The application is accompanied by a generic statement that the development would meet various Building Regulations. However, it has not been demonstrated how the specific design, layout and orientation of the development takes into account sustainable design and construction techniques. If anything, it is difficult to understand how the orientation, design and layout would reduce energy demand due to the limited sunlight levels, particularly for units 1 and 2, it is not proposed to incorporate means to harness renewable energy and no details have been provided of other sustainable construction techniques to be used. The scheme would result in a limited amount of demolition works and the Waste Management Plan sets out how construction waste is to be minimised and dealt with. Approximately 21% of the southern end of the site is within a 1:100 year flood risk area with an additional 18% of the site in a 1:250 year flood risk area. The overall flood risk is therefore likely to be relatively limited. However, no information has been provided regarding how surface water would be dealt with and no measures to mitigate flood risk have been incorporated. Due to the insufficient information provided the proposal does not accord with Policy GP9. As the proposal is not otherwise acceptable, further details regarding the sustainable design and construction of the development and surface water management have not been requested.

In conclusion the proposal amounts to the overdevelopment of the site and it is recommended that the application is refused. The overall design, form and layout of the development results in an incoherent mix of components which does not respect the character of the local built environment or achieve a good standard of architectural design. The proposed dwellings include small and very poor quality outdoor space, limited outlook, the privacy of unit 1 would be significantly affected by the communal amenity space, there would be limited direct sunlight for units 1 and 2 and it has not been demonstrated that the accommodation is flexible, adaptable and accessible. The proposal would provide an unacceptably poor quality of residential environment for future occupiers of new build dwellings in this location. The proposal is contrary to Policy GP8.

The orientation, distance and relationship between units 3 and 4 and the neighbouring property to the west would create a sense that the neighbouring property would be overlooked. This would have a significant adverse effect on the amenities of neighbouring residents. It has not been demonstrated that the development has taken into account the use of energy and resources, in particular with regard to the location and orientation of the proposed building, the form of construction and its resilience to flooding. The proposal is contrary to Policy GP9.

It has not been demonstrated that the development provides sufficient secure covered storage for bicycles. The bicycle store is inadequate in size for the proposed dwellings, particularly considering the lack of alternative options for units 1 to 4. The proposal does not accord with Policy IP7 and the Parking Standards and Traffic Impact Assessment Supplementary Planning Guidance.

As the proposal does not accord with all relevant policies of the Island Development Plan it also fails to satisfy Policy MC2.

With regards to other matters raised in the letters of representation, planning permission would be required to create an additional dwelling in the roof space above unit 2. It is not clear what development may occur on the land to the south and therefore it cannot be assessed as part of this application whether the access would be suitable for the future use of the Key Industrial Expansion Area. The suitability of the access road for the Key Industrial Expansion Area and its relationship with neighbouring developments would be assessed on its merits if an application is submitted to develop the Key Industrial Expansion Area. As the proposal is not otherwise acceptable, landscaping details to assess the impact of proposed tree planting have not been requested. Access rights for maintenance to neighbouring properties and the devaluation of neighbouring properties are not material planning considerations.

### **3 - General material considerations set out in the General Provisions Ordinance.**

In addition to the consideration of policy issues, Section 13 of the Land Planning and Development (General Provisions) Ordinance, 2007 identifies other material planning considerations which could be relevant. These include: the appropriateness of the development in relation to its surroundings in terms of design, layout, scale, siting and materials; the likely effect on the character and amenity of the locality; the likely effect on roads and other infrastructure, traffic and essential services; any possible fall-back position by way of extant planning permissions or exempt development; and the likely effect on the reasonable enjoyment of neighbouring properties. These issues where relevant are considered above.

### **4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).**

The proposal would have no impact on protected trees, monuments or buildings.

It is recommended that the application is refused.

**Date:** 19/11/2018