

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: Demolish sheds/outbuildings, alterations to wall and create gated vehicle access to north boundary, erect external wall and steps. (Protected Building).

LOCATION: 19/21 Smith Street, St. Peter Port.

APPLICANT: A M Lamb Limited

I refer to the application referred to below received as valid on 23/08/2021 regarding the above proposals as described more fully in the application and drawings referred to below.

Date of refusal of permission: 18/03/2022

Drawing Nos: A7 Design Limited: 08-201/WD/02A.

Application Ref: FULL/2021/1602

Property Ref: A113510000

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 impact of the proposals would be detrimental to the character and appearance of the Conservation Area and the setting of the Protected Building, contrary to Policies GP4: Conservation Areas and GP5: Protected Buildings of the adopted Island Development Plan.
2. The demolition work and area of hardstanding would be likely to have an impact on the area of archaeological importance, as below ground works would be required during the removal and construction works, contrary to Policy GP7: Archaeological Remains of the adopted Island Development Plan.
3. With regard to the previous advice from Traffic and Highway Services, it is concluded that in view of extremely poor sightlines that would be available from the proposed access, there are road safety and traffic management grounds to oppose the application which is contrary to Policy IP9: Highway Safety, Accessibility and Capacity of the adopted Island Development Plan.

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



PLANNING APPLICATION REPORT

Application No: FULL/2021/1602
Property Ref: A113510000
Valid date: 23/08/2021
Location: 19/21 Smith Street St. Peter Port Guernsey
Proposal: Demolish sheds/outbuildings, alterations to wall and create gated vehicle access to north boundary, erect external wall and steps. (Protected Building).
Applicant: A M Lamb Limited

RECOMMENDATION - Refusal with Reasons:

REASONS FOR REFUSAL

1. The impact of the proposals would be detrimental to the character and appearance of the Conservation Area and the setting of the Protected Building, contrary to Policies GP4: Conservation Areas and GP5: Protected Buildings of the adopted Island Development Plan.
 2. The demolition work and area of hardstanding would be likely to have an impact on the area of archaeological importance, as below ground works would be required during the removal and construction works, contrary to Policy GP7: Archaeological Remains of the adopted Island Development Plan.
 3. With regard to the previous advice from Traffic and Highway Services, it is concluded that in view of extremely poor sightlines that would be available from the proposed access, there are road safety and traffic management grounds to oppose the application which is contrary to Policy IP9: Highway Safety, Accessibility and Capacity of the adopted Island Development Plan.
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OFFICER'S REPORT

Site Description:

The site comprising 19/21 Smith Street is a part three storey, part two storey protected building with rear extensions and an outbuilding. The building is located directly onto and faces south onto Smith Street. The single storey outbuilding is against the north boundary facing Forest Lane. To the east are other attached buildings and to the west is the Prince of Wales garden bar, with a high granite wall (Protected Monument) forming the boundary between Smith Street and Forest Lane. The site is situated within the St Peter Port Main Centre and is within the Conservation Area as defined in the Island Development Plan

Relevant History:

FULL/2012/1477 - Demolish building retaining part of facade to Smith Street and reconstruct to create a retail unit at ground floor level, office accommodation at ground, first and second floor levels and underground car park at basement level. Install car lift, create vehicular access from Forest Lane and lay paving (Revised scheme) (Protected Building) – Refused September 2012.

FULL/2011/1648 - Demolish section of roadside wall to create vehicular access and demolish outbuilding to create car parking area (Protected Building) – Refused July 2011.

PAPP/2008/2882 - Demolish section of wall and create vehicular access, install gates, demolish existing shed and create parking area (Protected Building) – Refused March 2009.

Existing Use(s):

Mixed uses including retail and office use.

Brief Description of Development:

This application is to demolish the existing outbuilding and sheds, construct a gated vehicle access to the north boundary, with some alterations to the boundary wall, to create four car parking spaces. Erect a wall and steps, a ramp and three raised planters.

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

MC4(A): Office Development in Main Centres

MC6: Retail in Main Centres

GP4: Conservation Areas

GP5: Protected Buildings

GP6: Protected Monuments

GP7: Archaeological Remains

GP8: Design

IP7: Private and Communal Car Parking

IP9: Highway Safety, Accessibility and Capacity.

Representations:

There have been two letters of representation and the planning issues are:

- Impacts on the current flows and safety of the vehicles/pedestrians and cyclists using this area particularly as this will be sited close to the bottleneck of Smith Street/Forest Lane
- Not all of the land appears to be within the application site. Incorporating this area will further reduce accessibility and movement.
- The lamp post at the top of Forest Lane is not shown on the drawings and its removal would not be acceptable as it was positioned to deter criminal activity.

- The one on-street car parking space situated opposite the proposed access point would be severely compromised by cars trying to gain access to and from the development.

Consultations:

Traffic and Highway Services (Previous comments on similar schemes have been applied) – In this location an access should:

- a) Enable a driver 2m from the edge of the carriageway to see a minimum of 20m 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 vehicles to exit and enter the drive without crossing into the path of vehicles on the opposite of the carriageway
- d) Be square to the carriageway
- e) Be sited at a distance not less than 20m away from a junction.

Measurements from the scaled plans indicate that the sightlines would be 9m towards Smith Street and 10m down Forest Lane. However, both sightlines would be restricted by the boundary walls which are 2.3m and 3.3m high respectively.

Whilst a turning area has been provided on site, it would appear to be quite tight to turn a vehicle around in order to drive out of the access.

In conclusion, given poor sightlines that would be available from the proposed access, there are road safety, and some traffic management grounds on which to oppose this application.

Archaeology Officer (previously) – Commented that there are likely to be buried archaeological deposits in the area and that the chance to observe and record any stratigraphy revealed by digging of the soakaway would be appreciated.

Summary of Issues:

- Design of the development.
- Impact of the development on the character and appearance of the area.
- Impact of the development on highway safety.

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 as set out in 2 below.

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

There have been three previous applications, in 2008, 2011 and 2012, regarding access and parking at this location, all of which have been refused. The reasons for refusal for each of the applications has not changed and in some cases have been exacerbated.

Although the previous applications were assessed under the former Urban Area Plan, the statutory duty of the Authority remains the same. The Authority has a duty under Section 38 of The Land Planning and Development (Guernsey) Law, 2005 to pay “*special attention to the desirability of preserving and enhancing the character and appearance*” of Conservation Areas. This duty is encapsulated in Policy GP4: Conservation Areas of the IDP which states that “*proposals for development within a conservation Area will be supported where the development conserves and, where possible, enhances the special character, architectural or historic interest and appearance of the particular Conservation Area.*”

It is also a statutory requirement under the Land Planning and Development (Guernsey) Law, 2005, when considering applications affecting protected buildings, to secure so far as possible that the special historic, architectural, traditional or other special characteristics (including setting) are preserved. This duty is reflected in Policy GP5 of the IDP.

In this application, the proposed works comprise setting the new gate close to the Protected Monument (PM16 – Granite wall at Forest Lane/Smith Street). Protected Monuments, including their settings and any land adjoining them which is necessary for the support or preservation of the monument or its setting, are very sensitive to development. The Land Planning and Development (Guernsey) Law, 2005 and the Land Planning and Development (Special Controls) Ordinance, 2007 offer them significant protection and there is a presumption against development that affects a Protected Monument and its setting.

The proposed demolition of various structures on site would impact the setting of the protected building and adjacent protected buildings and would be detrimental to their character and appearance. The impact of an area of hardstanding and use for car parking is detrimental to the character and appearance of the setting of the protected buildings and the conservation area due to altering the sense of enclosure which is present with the expanse and length of the granite wall.

The proposed new entrance appears to be outside of the ownership of the application site, the proposed gates appear to be located on public land, with no indication that permission was gained to allow this additional land to be utilised.

The application was not supported by a Statement of Significance or any archaeological assessment which would support the application and mitigate any possible issues regarding the impacts on the Protected Building and Protected Monument arising from the development.

All the previous planning issues identified in 2008, 2011 & 2012 remain, and this planning application has not mitigated those concerns. The development of the Prince of Wales pub garden is a recent addition to the immediate area, greatly adding to the number of pedestrians in the area, which further exacerbates the impacts on highway safety. This is in addition to the remaining issues of;

- a) The sightlines in each direction appear to be less than 10m in each direction, which is much less than the expected 20m.

- b) The 2.5m and 3.5m granite walls either side are within the visibility splays.
- c) The highway is narrow and so all vehicles would use the whole width, meaning the lane can only accommodate one vehicle in any direction at one time.
- d) The entrance is not square to the carriageway.
- e) The entrance would be within 20m of a junction.

In summary, therefore, the present scheme has poor sightlines, the granite walls are still present, the width and use of the lane is still the same, the entrance would still not be square to the lane and would still be within 20m of a junction. Therefore, given that the five points above do not comply, on traffic management and highway safety grounds, the proposals do not comply with IP9.

The recommendation for this application is one of a refusal.

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

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. Where relevant the issues are considered in section 2 above.

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

The proposal would have no impact on Protected Buildings, Trees or Monuments or on SSS's.

Date: 17/03/2022