

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 storage building for general storage (use class 22). Erect fencing and associated parking (revised scheme).

LOCATION: Land To The Rear Of, Oakleigh Villa, Landes Du Marche, Vale.

APPLICANT: H M Goubert & Sons Ltd

I refer to the application referred to below received as valid on 13/05/2022 regarding the above proposals as described more fully in the application and drawings referred to below.

Date of refusal of permission: 11/10/2022

Drawing Nos: Paul Vaudin & Associates - 17 - 019 12 & -13

Application Ref: FULL/2022/0765

Property Ref: C018990000

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 proposed development, if permitted, would result in an increase in the use of the existing substandard vehicular access onto Landes Du Marche where there is a lack of adequate sightlines and where additional vehicles exiting the site to the left would cross into the path of oncoming traffic. The scheme would impede the free flow of traffic and have a detrimental impact on highway safety contrary to Policy IP9 of the 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/2022/0765
Property Ref: C018990000
Valid date: 13/05/2022
Location: Land To The Rear Of Oakleigh Villa Landes Du Marche Vale
Guernsey GY6 8DN
Proposal: Erect storage building for general storage (use class 22). Erect
fencing and associated parking (revised scheme).
Applicant: H M Goubert & Sons Ltd

RECOMMENDATION - Refusal with Reasons:

REASONS FOR REFUSAL

1. The proposed development, if permitted, would result in an increase in the use of the existing substandard vehicular access onto Landes Du Marche where there is a lack of adequate sightlines and where additional vehicles exiting the site to the left would cross into the path of oncoming traffic. The scheme would impede the free flow of traffic and have a detrimental impact on highway safety contrary to Policy IP9 of the Island Development Plan.

OFFICER'S REPORT

Site Description:

The site is located to the rear of residential properties fronting Landes Du Marche. To the northeast are a number of small commercial/industrial units. At present, the land represents open and undeveloped garden.

The site is located Outside of the Centres as designated in the Island Development Plan. Oakleigh Villa is a Protected Building.

Relevant History:

FULL/2020/1933 - withdrawn

Existing Use(s):

01 dwellinghouse

Brief Description of Development:

The application relates to the erection of a building for use as general storage within Use Class 22 of the Use Classes Ordinance, 2017 with associated parking and fencing.

The proposed development has been put forward with an end user in mind. Meledonia has been described in the submission as a goods company located within close proximity to the site and one which lacks the required storage for their business purposes.

The submission confirms that the land that is the subject of this application represents garden associated with Oakleigh Villa when it was purchased in 2008 and there has been evidence of domestic use for 30 years.

With regard to Policy OC3 b. the application refers to the Employment Land Studies which monitor supply and demand, and which shows that in September 2019 small scale storage and distribution properties are very rare on the current Guernsey market. The 198 sqm building is considered small scale and within a 2km radius of three Local Centres and the Main Centre of St Peter Port as well as being on the main public highway artery for all four of these Centres.

In September 2020 when the first application was made a search of commercial, industrial or storage land/buildings less than 250 sqm was undertaken and whilst properties were available they were not considered small scale.

The application was deferred in order to seek up to date information relating to the requirements of Policy OC3 b. in relation to alternative sites. Further information was provided in August 2022 setting out that eight agents had been approached regarding possible existing sites and concludes by stating that only 7 properties could be considered 'remote' possibilities due to location, access, size and mixed uses. The submission sets out that the findings have not dramatically changed since 2020.

The access has unlimited vehicle use and the scheme limits proposed parking to 8 vehicles with no access proposed to larger vehicles. The days and hours of use could be managed by planning condition.

The proposed building would be soundproofed to avoid the need for unsightly fencing, as a storage rather than industrial use noise associated with the site will be minimal (normal working hours) and is not considered by the agent to have a detrimental impact on residential amenity. The siting proposed is such that the submission asserts there will not be a detrimental impact on the adjoining Protected Building. The development of the site is argued to represent efficient and effective use of land and will offer landscape enhancements but could also accommodate sun technologies such as solar panelling/tiles and has space around it for ground source heating (if needed).

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

Island Development Plan policies:

OC3: Offices, Industry and Storage and Distribution Outside of the Centres

GP5: Protected Buildings

GP8: Design

GP9: Sustainable Development

IP7: Private and Communal Car Parking

IP9: Highway Safety, Accessibility and Capacity

Representations:

One letter of representation from the occupiers of five households has been submitted objecting to the application and raising the following points:

Existing use of land

- Although the application asserts that the land is “brownfield” land because it is domestic garden the site history indicates that the site was used for horticulture. The glass was cleared in 1990 and the land should be classed as agricultural land, not brownfield land
- Greenfield sites are defined as open land that is not developed other than for agriculture, horticulture or outdoor recreation/informal leisure and recreation purposes. Redundant glasshouse sites are greenfield sites as they are treated as agricultural land

Alternative sites

- A brief search of local estate agents has indicated that there are 4 storage units of a comparable size available to rent – this proves there are similar units available despite the application asserting that there is a demonstrable lack of suitable sites
- The other available sites have better access and would not be situated near residential properties
- The proposed unit is not within the Employment Land Studies 20-19 size range of 250 to 3000 sqm as quoted

Impact on Protected Building

- Oakleigh Villa was a single dwelling, now developed into three and is Protected. All development has been sympathetically carried out and the proposed unit will have no resemblance to how the land was used previously

Impact on locality

- The unit will be visible from Landes du Marche and change the aesthetics of the surrounding area
- The development will be out of keeping in the area (residential nature and its natural beauty)

- No planting is shown for the north or part of the south boundary which will mean the development will appear very stark

Impact on residential amenity

- The unit will be close to five residential properties, three of which will share the same access – the scale and position of the development is unsuitable in a residential area
- A fence in excess of 1.8m high will appear higher from the adjoining gardens making them feel more closed in
- Increased traffic will provide a less safe environment for children
- The development will result in a loss of privacy
- The building and a lack of soft landscaping to the north boundary will affect outlook/views from the adjoining dwellings

Traffic and access

- The driveway is narrow and unsuitable for an increase in traffic associated with the proposed unit – it will be hard to prevent HGVs using the access which is probable given the proposed use of the site
- Improvements to the access cannot be made because the railings and wall are protected
- Increase in traffic will increase air and noise pollution

Other matters

- The development will have an adverse impact on wildlife, there are numerous trees and shrubs on the site that will need to be cleared and the application incorrectly states that no trees or hedges will be removed
- Responsibility for maintenance and repair of the driveway is currently split amongst residential properties but the proposed commercial use will increase traffic and the types of vehicles using the access leading to increased degradation of the driveway and increased costs to all shared owners
- Other uses/development would be more appropriate in this location – such as a single-storey dwelling

A further letter has been submitted commenting on the “net gain” planting as the scheme incorporates non-native species and a noxious weed. Although reference has been made to dormice these are not present in Guernsey. It is recommended that the applicant/agent contact a local botanist or Environment Guernsey rather than relying on UK bodies for advice on these matters.

Consultations:

Traffic and Highway Services - an access should: -

- a. Enable a driver 2.4m from the edge of the carriageway to see a minimum of 33m in the direction of oncoming traffic (site access onto Back Street);

- 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 vehicles on the opposite side of the carriageway (see also comment below reference class of vehicles expected to utilise the access);
- d. Be square to the carriageway;
- e. Be sited at a distance not less than 20m from a junction.

The site adjoins Landes du Marche which is designated in the Traffic Engineering Guidelines for Guernsey as Traffic Priority Route. The guidelines outline that Traffic Priority Routes have high traffic flows and the capacity to accept 9T axle loads, and they comprise the busiest of the Island's main roads. Generally they will have traffic flows between 600 – 1400 vph during peak periods. These are key routes whose primary function is to distribute traffic throughout the Island. The functional emphasis is mobility and free traffic flow.

The guidelines suggest that due to the high traffic flows a strict traffic management regime is required to ensure the optimum use of the existing road network and minimise congestion, therefore the following policy is recommended:

TPR01 "Developments which would have an adverse effect on traffic management, which are unsustainable in terms of traffic generation, or produce unacceptable interruptions to traffic flows or reductions in highway capacity, either by themselves or as part of a process of incremental change, should be resisted."

The existing access drive that would serve the development and 3 residential units is 4.3m to 4.4m wide with minimal bellmouth radii at its western end. The sightline in the direction of oncoming traffic is circa 6m with 1.15m high driveway wall, planting and close spaced railing all limiting visibility. There is a small mirror installed adjacent to the access facing the direction of oncoming traffic. The sightline to the south is circa 15m with 2.4m high hedging limiting visibility.

It is unclear from the application what class of vehicles would be intended to utilise the new building aside from the vehicle types declared in part N of the application form. Specifically, THS is unclear whether it is intended for there to be commercial vehicle access to the site as this would influence acceptable access/access drive specifications.

From the above, it has been noted that the sightline standard falls well below the minimum recommended 33m. It has also been noted that there are minimal bellmouth radii at the access meaning even a car would cross partially onto the western side of the road when exiting to the left. With these shortfalls, there are road safety and some traffic management grounds to oppose the application due to intensification of use.

The sightlines and bellmouth issues could potentially be improved to meet or get close to meeting the minimum standards but it would require changes to roadside features on land either side of the access, so outside of the application site.

Summary of Issues:

The key issues in this case relate to the principle of the proposed development, its design and appearance and potential impact on the locality and residential amenity and the impact on the local road network.

Assessment against:

1 - Purposes of the law.

The objectives set out in Section 1(2) of The Land Planning and Development (Guernsey) Law, 2005, 'the Law', have been considered and this report forms part of the assessment, with policy issues set out in Section 2 below.

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

Principle of the proposed development

Policy OC3 does make provision for new storage and distribution uses where specific policy criteria are satisfied. As this site is not an allocated Key industrial Expansion Area criterion a. is not relevant. There must be therefore, a justifiable need for the business to be located outside the Main Centres/Local Centres due to the special nature or requirements of the business operation or a lack of suitable alternative sites in these locations.

The submission asserts that there is a lack of small scale (less than 250m sqm/2690 sqft) storage floorspace available and that the situation has not substantially changed since 2020 and a brief review of agents websites has not identified ready availability of small scale accommodation indicating a lack of suitable alternative sites in line with the aims of Policy OC3 b.

As the site has been accepted as domestic land, following the receipt of information with the earlier submission, the site represents brownfield land to comply with Policy OC3 c. therefore criterion d. is not relevant in this case. Nonetheless, the application must also demonstrate that there will not be a conflict with adjoining existing uses (noise, vibration, smell, fumes etc), will not jeopardise highway safety and the free flow of traffic, makes efficient and effective use of land with least impact in visual and amenity terms and incorporating appropriate soft landscaping.

Access arrangements/traffic generation

Vehicular access onto Landes du Marche is restricted by the existing protected wall and railings to the northeast of the access and the application does not clearly identify the type of vehicles to access the site. In this case, an end user has been identified and the building would be utilised for storage purposes. Concerns have been expressed regarding vehicle activity to the site however, there is no evidence to demonstrate that large lorries will be accessing the site and the access driveway would be likely to limit the size of vehicles accessing the site. Deliveries/collection by vans would not be

significantly different from cars using the driveway. Nonetheless, there would be no way to control or limit the size of vehicles accessing the proposed building. Sightlines fall well below the minimum recommended standard of 33m and there are minimal bellmouth radii at the access. This means that even cars would partially cross onto the western side of the road when exiting to the left. As a result, there are road safety and traffic management issues from an intensification of the use of the limited width access. The scheme is therefore contrary to Policy IP9 of the Island Development Plan.

Other matters

Design and appearance

The development takes the form of a functional industrial/commercial style building with shallow pitched roof to be covered with profile sheeting and render exterior. This represents a good standard of design that respects the local built environment when considering the mix of both commercial and residential properties surrounding the site. Although single-storey which could arguably not represent efficient and effective use of land, the construction of a taller building would have wider visual and amenity impacts therefore, on balance, the proposed development makes appropriate efficient use of the land in this case. Whilst concerns have been raised through the public consultation process about the visibility of the development from Landes du Marche the building would be 5m high and would not be highly visible above the frontage two-storey dwellings (Oakleigh Villa) and one and a half-storey barn conversion dwelling. Glimpsed views would be possible from the access driveway.

Impact on residential amenity

Window and door openings are limited given the proposed use and will not result in unacceptable overlooking or loss of privacy to adjoining occupiers. Although concerns have been raised about loss of privacy from vehicles any views of adjoining gardens/properties would be fleeting as the drivers entered and exited the site. This would not warrant the refusal of planning permission.

The scheme therefore accords with the aims of Policies GP8 and GP9 in this respect.

Protected Building

The relationship between Oakleigh Villas and the proposed building is such that it would not have an unacceptable adverse impact on the special interest of the Protected Building in line with the aims of Policy GP5.

Matters arising from public consultation

Various matters have been raised through the public consultation process including the impact of the development on biodiversity and inaccuracies in the submission regarding the removal of trees from the site. As the site is largely overgrown it was not possible to undertake a detailed site inspection. Nonetheless, trees were evident on the site however none are the subject of a Tree Protection Order and as such they could be

removed at any time without planning permission. Furthermore, the site is not located in a designated area such as a Site of Special Significance or Area of Biodiversity Importance. An informative note may be placed on a permission relating to the timing of site clearance works to mitigate the impact on wildlife.

Concerns have been raised regarding the condition and repair of the access driveway and it is argued that the multiple and larger commercial vehicles accessing the proposed development along with construction traffic will result in damage to the driveway. The driveway falls outside the application site boundary and its condition and repair is ultimately a private civil matter that cannot prevent the determination of the application.

Although other uses have been identified as more appropriate in this location the Authority must consider the scheme presented to them. Any application must be considered in its own merits and having regard to the policies in place along with the Law and material considerations. For example, residential development in this location is precluded by policies in the IDP unless through the subdivision of an existing dwelling or the conversion of a redundant building.

Conclusions

Notwithstanding the above, the scheme does not comply with Policy IP9 of the Island Development Plan and is recommended for refusal.

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; any possible fall-back position by way of extant planning permissions or exempt development; 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 adverse impact on protected trees, buildings or sites.

Date: 11 October 2022

