

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: Demolition of existing retail unit and dwelling and erect 4.5 storey building (including basement) to create 12 flats.

LOCATION: 41 & 43 Victoria Road, & La Fontaine De Bas, Les Petites Fontaines, St. Peter Port.

APPLICANT: Pulse Mechanical & Electrical Guernsey Limited

I refer to the application referred to below received as valid on 08/07/2022 regarding the above proposals as described more fully in the application and drawings referred to below.

Date of refusal of permission: 08/11/2022

Drawing Nos: Lovell Ozanne & Partners - AA73-10564-S1-06, 09, 10, 11, 12, 13, 14, 15, 16, 17, 20, 21, 22, 23, 24, 30, 31, 32, 33 & 34.

Application Ref: FULL/2022/1313

Property Ref: A304680000+A30469+A30518

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, by virtue of its design, scale and mass which does not respect and follow the topography of the locality, does not represent a good standard of design that respects the local built environment and would be harmful to the character and appearance of the Conservation Area. The scheme is therefore contrary to Policies GP8 a. and c. and GP4 of the Island Development Plan.

2. The development as proposed does not represent a good standard of design as the occupiers of the proposed flats would be served by unsatisfactory outlook (bedroom 1 to units 1, 5 and 9), level of daylight (bedroom 1 to units 1 and 5) and sunlight (north facing accommodation to flats 1, 2, 5, 6 and 9) to the accommodation. Flat 1 would not meet the recommended standards laid down in the Department for Communities and Local Government Technical housing standards - nationally described space standards. All these unsatisfactory amenity issues would be detrimental to the amenities, health and well-being that future occupiers could reasonably expect to

enjoy. The scheme is therefore contrary to Policies GP8 a. and d. and GP9 b. of the Island Development Plan.

3. The design and layout of the development is such that the vehicular access between Les Petites Fontaines and Victoria Road would be substandard by virtue of the lack of adequate sightlines and the development, if permitted would result in the increased use of the existing substandard junction between Les Petites Fontaines and Victoria Road and increased vehicle movements in the narrow, single width part of Les Petites Fontaines. The scheme would not therefore, accord with Policy IP9 of the Island Development Plan regarding traffic management and highway safety.

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/2022/1313
Property Ref: A304680000+A30469+A30518
Valid date: 08/07/2022
Location: 41 & 43 Victoria Road & La Fontaine De Bas Les Petites Fontaines St. Peter Port Guernsey
Proposal: Demolition of existing retail unit and dwelling and erect 4.5 storey building (including basement) to create 12 flats.
Applicant: Pulse Mechanical & Electrical Guernsey Limited

RECOMMENDATION - Refusal with Reasons:

REASONS FOR REFUSAL

1. The proposed development, by virtue of its design, scale and mass which does not respect and follow the topography of the locality, does not represent a good standard of design that respects the local built environment and would be harmful to the character and appearance of the Conservation Area. The scheme is therefore contrary to Policies GP8 a. and c. and GP4 of the Island Development Plan.
 2. The development as proposed does not represent a good standard of design as the occupiers of the proposed flats would be served by unsatisfactory outlook (bedroom 1 to units 1, 5 and 9), level of daylight (bedroom 1 to units 1 and 5) and sunlight (north facing accommodation to flats 1, 2, 5, 6 and 9) to the accommodation. Flat 1 would not meet the recommended standards laid down in the Department for Communities and Local Government Technical housing standards - nationally described space standards. All these unsatisfactory amenity issues would be detrimental to the amenities, health and well-being that future occupiers could reasonably expect to enjoy. The scheme is therefore contrary to Policies GP8 a. and d. and GP9 b. of the Island Development Plan.
 3. The design and layout of the development is such that the vehicular access between Les Petites Fontaines and Victoria Road would be substandard by virtue of the lack of adequate sightlines and the development, if permitted would result in the increased use of the existing substandard junction between Les Petites Fontaines and Victoria Road and increased vehicle movements in the narrow, single width part of Les Petites Fontaines. The scheme would not therefore, accord with Policy IP9 of the Island Development Plan regarding traffic management and highway safety.
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OFFICER'S REPORT

Site Description:

The site is within the lower half of Victoria Road, on the southern side. The site includes the former Sarnia Radio TV shop, the warehouse to the side, and the two-storey granite building behind. The site contains a number of buildings. Those facing Victoria Road are single storey with a gable facing the road (probably a historic commercial building). Facing the lane is a 5 bay building that appears to be a house as well as La Fontaine Des Bas, which is a 3 storey house.

Victoria Road is a one way road that carries a lot of traffic and with on-street parking available. There are a mix of uses in the street with residential properties (including houses converted to flats), shops, pubs etc. It links Lower Vauvert with the Grange and is a relatively straight and steep road and due to its topography there are views across the valley and the roofscape (e.g. Cordier Hill). Properties are generally 2 and 3 storeys in height, some with basements/accommodation in the roofspace and are set back from the pavement edge with boundary walls/railings to the road. Although there is a mix of architectural styles within the street, the residential buildings tend to follow classical, symmetrical composition and the building materials are generally rendered walls, slate and pantile roofs and vertical sliding windows with a variety of compositions.

Les Petites Fontaines sits on the side of the valley and above Victoria Road, it is a narrower street when compared to Victoria Road with a terrace of two-storey houses and commercial uses (e.g. garages) on one side and a medium height boundary wall on the opposite side of the road. The height of the boundary walls allows views over Victoria Road and the other side of the valley.

The site is located in the Main Centre and Conservation Area as designated in the Island Development Plan. There are Protected Buildings in the vicinity of the application site.

Relevant History:

FULL/2014/2558 - Demolish existing buildings and erect eight apartments with associated car parking - granted

Existing Use(s):

Retail/warehouse/residential

Brief Description of Development:

The application relates to the demolition of the existing retail unit and dwelling in order to construct a four and a half storey building to create 12 flats. The scheme incorporates parking for 12 vehicles with associated car lift and communal bin and cycle store.

The scheme comprises one, one bedroom flat and eleven, two bedroom flats.

Materials are to include a brick and render exterior, blue/black slate, and dark PVCu windows along with a granite roadside wall and frameless clear glazed balustrade to an external terrace serving unit 10.

The application has been accompanied by a Planning Design Statement, Waste Management Plan and Sustainability Statement.

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

Island Development Plan policies:

MC2: Housing in Main Centres and Main Centre Outer Areas

GP4: Conservation Areas

GP8: Design

GP9: Sustainable Development

IP6: Transport infrastructure and support facilities

IP7: Private and Communal Car Parking

IP9: Highway Safety, Accessibility and Capacity

Internal Space Standards for New Dwellings (2015)

Parking Standards and Traffic Impact Assessment (2016)

Representations:

A petition containing 39 signatures has been submitted objecting to the development.

Three letters of representation from five households have been submitted and the letters raise the following points:

Impact on locality

- The development would see flats crammed in on a very busy road, this would be an overdevelopment of the site and result in overcrowding
- The height of the proposed building would not be in keeping with the landscape character of Les Petites Fontaines – the submission only factors in the Victoria Road north side elevation and not the height of adjoining buildings on Les Petites Fontaines
- There is currently an open aspect looking north from Les Petites Fontaines which would be fundamentally altered by the proposed tall development
- The plan does not respect the character and open aspect of Les Petites Fontaines
- A street elevation of this area should have been produced which would illustrate the incongruous height of the proposal, at least 4.5m taller than the current building of La Fontaine de Bas
- The site currently has two small gardens and the loss of these green spaces is not suitably addressed with only planters to soften the elevations, the scheme does not consider the benefits of green spaces to urban areas – the development will impact on well-being and on nature

Impact on residential amenity

- The proposed development is too high, it will tower over adjacent buildings and have an unacceptable impact on neighbour amenity

- 12 units will have a detrimental effect on current residents in terms of noise, privacy, parking and traffic
- The proposals do not include a noise/acoustic study in relation to the car lift and ventilation extraction units which will operate 24/7
- Noise from the lift or the extraction units is likely to be exacerbated by the local built environment and have a negative impact on the health and well-being of neighbouring occupiers

Traffic and parking

- A traffic impact assessment should have been carried out
- The proposed vehicular access poses a hazard to pedestrians and vehicles using Victoria Road and the lane leading to Les Petites Fontaines
- A lot of pedestrians use Victoria Road, especially during rush hour and the pre and post school periods
- There is poor visibility because of the width and gradient of the lane and this presents safety issues
- The lane is barely wide enough for one vehicle and the road is not wide enough for two vehicles to pass one another, does the vehicular access allow room for cars to pass or for a car exiting the garage to reverse? Or, would the car entering the garage have to reverse onto Victoria Road? The latter in particular would impact on pedestrian safety and vehicles using Victoria Road
- The proposals do not meet the Parking Standards (SPG, 2016) “car parking spaces should be conveniently accessible, without the need to manoeuvre within the public highway”
- There has been no additional parking provision associated with the developments that have taken place over the last 10 – 15 years – this has deterred shoppers from the Old Quarter
- The development with a lack of parking will impact on current residents and businesses who rely on on-street parking
- Overstressed parking in surrounding roads will be exacerbated by the development due to a lack of provision for visitor parking. 12 spaces for 43 inhabitants is insufficient
- The scheme does not consider multi-car ownership
- The development will increase traffic flow

Other matters

- The scheme does not include a Construction Environmental Management Plan which should be included given the nature and size of the site – the project will regularly disrupt traffic flow in Victoria Road and other surrounding roads. The footprint of the building covers the entire site and will present challenges relating to the delivery and storage of materials, manoeuvring of site vehicles and parking for contractors
- There has already been significant development in the area with at least 20 units added in the last 10 – 15 years, these and the proposal have and will devalue properties

- The notices have not been correctly displayed – there is no notice in Victoria Road and wrapping a notice around a lamp post so you cannot read it is not acceptable
- The building work, including basement excavation will be noisy and will impact hugely on residents who work nights etc.
- Although planning permission has previously been granted for 8 units on the site the area has already seen considerable changes since 2014 and would no longer be viable in the area without the consideration of existing residents and increasing the available parking nearby.

Consultations:

Traffic and Highway Services - advise that an access should: -

- a) Enable a driver 2.0m from the edge of the carriageway to see a minimum of 20m in the direction of oncoming traffic (site access onto Petites Fontaines);
- b) Enable a driver 2.4m from the edge of the carriageway to see a minimum of 33m in the direction of oncoming traffic (Les Petites Fontaines onto Victoria Road);
- c) Not have any obstructions or planting greater than 900mm high above the road surface within the visibility splays;
- d) 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 side of the carriageway;
- e) Be square to the carriageway;
- f) Be sited at a distance not less than 20m from a junction.

The site adjoins a narrow Neighbourhood Road along its western and northern boundary and a one-way Local Circulation Route along the eastern boundary. Les Petites Fontaines is circa 2.4m wide at the Victoria Road end, excluding a lamppost column. There are no bellmouth radii at the junction.

There are considered to be no significant traffic management issues affecting Victoria Road. However, on-road parking in parts of the lower portion of the road does cause motorists to regularly mount the footpath on the northern side in what is considered to be a reasonably busy pedestrian route given the number of residential properties and proximity to Town.

From a site visit it appears that this portion of Les Petites Fontaines serves a parking area to the rear of La Fontaine Flats that accommodates circa 4 vehicles and it was noted that there is on-road parking taking place but it blocks the road to through traffic.

The proposal would add the traffic movements generated by 12 parking spaces to a section of Les Petites Fontaines where it has been noted there are no passing points and the sightline towards Victoria Road would be very limited due to the proposed planter and the building alignment (units 2, 6 & 10). It does appear practical to create a sightline of approximately 12m if the scheme were to be amended to include a low level planter/planting.

The sightline in the direction of oncoming traffic at the junction of Les Petites Fontaines/Victoria Road is currently circa 4m with a scalloped section of wall obstructing the sightline. If this were to be removed then there is an opportunity for significant improvement in the sightline to meet with the minimum recommended 33m standard, albeit this would be at the expense of the un/loading bay and a couple of public spaces. The plans as presented, remove the scalloped section of wall but replace it with a planter and railings which would similarly obstruct visibility.

It is agreed that the proposed 12 parking spaces would not exceed the maximum standard noted in the supplementary planning guidance. THS also welcomes the provision of cycle storage, particularly as the site is considered to be well located in the Main Centre to promote transport alternatives such as cycling.

In conclusion, THS considers there are no significant traffic management grounds to oppose development on the basis of the increased traffic flows that it would add to the general area. However, there are some traffic management grounds to oppose development based on the increased vehicle movements in the section of Les Petites Fontaines between the proposed access and Victoria Road that is single file with no passing points. There are also road safety grounds to oppose development primarily based on the limited sightline that would be observed by drivers exiting from Les Petites Fontaines.

It does appear feasible for the sightline issue raised immediately above to be addressed through redesign of the eastern frontage and changes to on-road parking/un/loading. However, it is acknowledged that public parking is at a premium in this area, although the area is well located in relation to Town for active travel options for people with a reasonable level of fitness.

States Archaeologist - Although there are no specific reports of archaeological interest on this site or in its immediate vicinity, by nature of its position on the outskirts of the oldest part of the town it is likely that there has been previous occupation here. The historic record of the 'States reservoir' beneath the adjacent land parcel (p. 11 of the Planning Design Statement) is also of interest. In view of this I would be grateful if you could request the developers to contact me when the demolition of the existing structures takes place, and prior to any further excavation (e.g. for the basement car-parking), so that we can briefly record and examine any features of interest.

Summary of Issues:

The key issues in this case relate to the proposed demolition of buildings within the Conservation Area, the design and appearance of the proposed development and its effect on adjoining properties with regard to sunlight/daylight and overlooking and access and parking arrangements.

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.

The purposes of the Land Planning and Development (Guernsey) Law, 2005, are to protect and enhance, and to facilitate the sustainable development of, the physical environment of Guernsey.

Section 38 of the Law explains the general functions of authorities in respect of conservation areas. This states that:

In the exercise, with respect to any building or other land in a conservation area, of any powers under this Law or any other enactment, special attention shall be paid to the desirability of preserving and enhancing the character and appearance of that area.

In respect of these statutory duties, the word 'preserve' is taken in its ordinary meaning as set out in Chamber's dictionary, which is 'to keep safe from harm or loss'.

The purposes of the Law are reflected in the Island Development Plan, the principal aim of which is to help maintain and create a socially inclusive, healthy and economically strong Island, while balancing these objectives with the protection and enhancement of Guernsey's built and natural environment and the need to use land wisely. Relevant policies will be addressed below in assessing the key issues.

Section 13 to Part IV of The Land Planning and Development (General Provisions) Ordinance, 2007, sets out a number of general material considerations, the following of which are considered to be relevant in this instance:

- (b) the character and quality of the natural and built environment which is likely to be created by the development,
- (c) the appropriateness of the development in relation to its surroundings in terms of its design, layout, scale, siting and the materials to be used,
- (d) the likely effect of the development on the character and amenity of the locality in question,

Demolition

The existing building is an 19th Century structure with a scale/mass and form that contributes to the conservation area. Planning permission has previously been granted for the demolition of buildings on this site and the Urban Area Plan has been replaced by the Island Development Plan (IDP) which represents a material change in the policies against which an application must be considered. The Strategic Land Use Plan seeks to direct the majority of the development in the Main Centres of St Peter Port and the Bridge and there is no over-riding objection to the demolition of the existing buildings, subject to the detailed design and appearance of the replacement which is considered

elsewhere in this report. The replacement building should make an equal or enhanced contribution to the Conservation Area.

Replacement building

Although concerns have been raised through the consultation process regarding the redevelopment of this site and current open aspect from Les Petites Fontaines planning permission has previously been granted for a larger building on the site than currently exists. This permission has however, now lapsed and was considered against policies in the Urban Area Plan which has been superseded by the IDP. It should also be noted that the site is situated in an area where additional residential development is supported and that the development proposes multi-storey development which can represent the most efficient and effective use of land.

The scheme now under consideration would not follow the topography of the land because it would step up (not down to follow the underlying topography) and will not respect the scale of the undeveloped side of Les Petites Fontaine. Furthermore, the building would be visible across the valley and at this distance the overall scale of the building, including its roofscape, will be visible. Although making efficient and effective use of land, it will appear as a taller building with a larger footprint than those around it and thus its overall scale would be larger than others in the immediate vicinity. The overall scale and mass of the building would not respect the character and appearance of Victoria Road and Les Petites Fontaines. The scheme does not therefore represent a good standard of design in this respect (GP8 a.), would not respect the character of the local built environment (GP8 c.) and due to its scale and mass would not conserve nor enhance the Conservation Area as required by Policy GP4 because the replacement building would not make an equal or enhanced contribution to the Conservation Area.

The proposed development would occupy a significant proportion of the site with limited external space for either hard or soft landscaping. The block plan shows unspecified areas of surfacing, a paved ramped entrance and raised planters around the building. The introduction of areas of soft landscaping could help soften the appearance of this development. If the application were considered acceptable in other respects it would be reasonable to impose a planning condition relating to hard and soft landscaping to ensure a high quality development in the Conservation Area and having regard to sustainable development (GP9). In this respect, the scheme would address Policy GP8 e.

Effect on adjoining properties

As outlined elsewhere in this report the scale and mass of the development is not in keeping with the locality and Conservation Area. Although concerns have been raised regarding the height of the development the scheme would not however, result in unacceptable overshadowing or loss of light to adjoining properties with Victoria Road to the north, Les Petites Fontaines to the south and an area of car parking to the east providing separation to surrounding residential properties. To the west, is the access road and a parking area to the rear of La Fontaine Flats and the development would not result in unacceptable harm to the amenities of this adjoining building containing flats

because the area to the rear/south is used for off-road car parking. An area of amenity space to serve the development is situated adjacent to the south boundary wall which is set further from the proposed development due to the curvature of the road and which is overshadowed by its own boundary wall. This will also not be unduly affected by the development.

Given the urban setting of the development and the interrelationship between existing buildings a degree of mutual overlooking will currently exist and the introduction of a multi-storey building with fenestration facing Victoria Road will not result in an unacceptable degree of overlooking and loss of privacy to the occupiers of properties situated to the north of the road. The scheme would however, introduce a high level roof terrace associated with unit 10. This would be screened by the development from properties to the south in Les Petites Fontaines. As a sizable area to be used as external amenity space to serve this flat there is the potential for views across the street. 40 Victoria Road is however, a two-storey property therefore there would be little opportunity for views from the balcony down into the front windows of this lower property. Directly opposite the site is Sunnybanks which is an ongoing development from 2013/2014 for a garage with garden over. Whilst the balcony would afford views of this rooftop garden other properties north of Sunnybanks would also be able to gain views of this area and the balcony itself would not result in unacceptable loss of privacy to any surrounding occupiers.

To the south, a high roadside wall is situated to the south of the development site and with the higher road level of Les Petites Fontaines providing a further degree of separation between the site and residential neighbours. The development would however, introduce fenestration where none or very little currently exists thereby increasing the perception of overlooking. The roadside retaining wall and the lower site level of the application site will help to mitigate the potential for overlooking and loss of privacy from the new accommodation to that which exists to the south in Les Petites Fontaines. First and second floor windows may however, still introduce an element of overlooking to properties to the south of the site but in this central location the potential for overlooking and loss of privacy remains within acceptable limits. The terrace garden serving unit 3 would be substantially screened from properties in Les Petites Fontaines by the roadside retaining wall.

Fenestration facing west from the proposed development would face the roadway and parking area associated with Fontaine Flats. A high wall to the east boundary of Fontaine Flats would offer protection to the amenity space located adjacent to the south boundary of this neighbouring site and the potential for overlooking and loss of privacy is considered acceptable in this case.

Concerns have been raised through the consultation process regarding noise nuisance from occupiers of this development however the site is located in a primarily residential area and the introduction of further flats would be compatible with the use of buildings in the surrounding area. Should the scheme be considered acceptable in other respects conditions could be imposed on the permission in relation to noise generated by the car lift equipment. It is noted however, that this would be housed within the building, at basement level, which would be likely therefore, to provide a degree of enclosure and

sound proofing from the car lift to surrounding residential neighbours. Although the development would result in the loss of open space on the site the garden areas are currently private and do not make a contribution to physical access to open space. Whilst visual access to the open space would be lost as a result of the development this alone would not be sufficient to warrant the refusal of planning permission.

In view of the above the scheme accords with Policy GP8 and GP9 in relation to neighbour amenity.

Health and well-being of occupiers

Policy GP8 requires that the units created consider the health and well-being of the occupiers by means of providing adequate daylight, sunlight and private/communal open space, and directs proposals to be considered against Annex 1 of the Plan: Amenities.

New developments should be planned and built to support the health and well-being of occupants and users and maintain appropriate amenities for those of neighbouring property.

The Annex sets out that building at higher densities brings challenges with respect to ensuring reasonable amenities are provided. There must be a balance between the most effective and efficient use of land and the requirement to ensure that proposed living and working conditions are acceptable and that the higher density Main Centres, in particular, remain attractive places to live and work.

Whether the proposal would provide a good living environment for future occupiers

- Aspect/Outlook
- Daylight/Sunlight

The Annex seeks opportunities for development occupiers to benefit from interesting or attractive outlook within the urban centre identified for example, as views over urban open spaces, public parks, landscape features or longer vistas over the townscape.

The Annex considers sunlight alongside daylight and their ability to enter a building will not, alone, be a determining factor when considering development proposals, providing that other amenities objectives are appropriately addressed. All new developments are encouraged to provide adequate levels of daylight and sunlight to all rooms, or at least principal rooms, gardens, balconies or communal external open spaces; these aspirations are qualified for sunlight by “where possible”. This reflects the constraints imposed by aspect relative to the movement of the sun, shading by existing development, and, in the case of converting existing buildings, its physical constraints.

The development proposes flats with either dual or single aspect and those that are dual aspect would have poor outlook from the bedroom to a blank wall which would be only 3m away. Daylight and/or sunlight to most of the flats would also be poor. Daylight to bedrooms in flats 1 and 5 would be limited as would sunlight to flats 1, 2, 5, 6 and 7

because they are north facing. Three of the flats proposed would have access to external open space but the quality of the space, particularly for flats 1 and 3 would be poor. As a result, the scheme fails to accord with the requirements of Policy GP8 d. as the development does not satisfactorily consider the health and well-being of occupiers of the development nor does it satisfy the requirements of Annex I: Amenities.

- Privacy

The Annex states that development will be expected to be designed with windows an adequate distance apart and / or suitably orientated to ensure that the level of privacy that could reasonably be expected to be enjoyed by an occupier is not adversely affected and that the use of obscure glazing alone to achieve privacy will not, normally, be considered acceptable.

The relationship between units facing north onto Victoria Road (units 1, 2, 5, 6, 9 and 10) and south to Les Petites Fontaines (units 3, 7 and 11) is considered satisfactory in this urban setting and the proposed accommodation will not experience an unacceptable loss of privacy from surrounding properties nor from other properties within the development. Given the open parking and amenity area to the rear of Fontaine flats the proposed flats (units 4, 8 and 12) facing west will not suffer from unacceptable overlooking from existing development.

- Access to external open space

The Annex states that the value of external open space becomes increasingly important in higher density development with all development having safe and convenient access to it.

Whilst not all flats benefit from access to amenity space and the open space is not considered satisfactory it must be noted that the site is located within walking distance of the sea front and other public open spaces within the town centre which could provide towards the external space provisions for the properties in line with the aims of Policy GP8 d.

- internal space provision

Although the development would comply with the Guernsey Technical Standards flat 1 would not comply with the DCLG Internal Space Standards which does not represent best practice in terms of internal space and the future living environment of occupiers in line with Annex I of the IDP and is contrary to Policy GP8 d. of the IDP.

- Accessibility and flexible accommodation

The scheme incorporates a main entrance to the communal access via a ramp and level threshold in line with the aims of Policy GP8 f. Internally, access to each floor is via a staircase only which would allow for access for ambulant disabled although it is noted that based on the information provided the rise and going of this staircase is would not comply with current standards (going of 220mm not the minimum 300mm required).

The ground floor unit could be accessed by a wheelchair user. Given that the development proposes flats on the site and maximises built footprint there would be little opportunity to extend the building to offer flexible and adaptable accommodation. Future internal alterations to flats would not require planning permission but it could be possible to install hoists or to alter the access arrangement between the bedroom and bathroom. Furthermore, internal doorways, hallways and circulation space address the aims of Policy GP8 g. in relation to responding to people's needs over time.

Protected Buildings

There are a number of protected buildings immediately to the south of the application site. The setting of these is formed by the urban context, being in a terrace of similar houses, separated from the road/pavement by a narrow front garden and boundary wall/railings. The redevelopment proposed will have a low impact on the setting of these buildings which would be outweighed by the reasonable aspirations of the property owner in accordance with Policy GP5 and GP8 of the Plan.

Access, road capacity and parking

The public consultation process included a request for a Traffic Impact Assessment however, the SPG sets out that a TIA would be requested for a development of 25 units or more and therefore the threshold for a TIA has not been met in this case.

Although Traffic and Highway Services have confirmed that there are no significant traffic management grounds on which to oppose the application having regard to traffic flows concerns have been raised in relation to the increase in vehicle movements in this section of Les Petites Fontaines, between the access and Victoria Road. In this part of the road traffic is single file with no passing places and in this regard the scheme does not comply with Policy IP9 of the IDP.

As submitted, the scheme also does not benefit from adequate sightlines to be observed by drivers exiting from Les Petites Fontaines. Although it is noted that this access is currently substandard the scheme would see additional vehicles using this access thereby compounding the existing situation, which, as outlined above, would not comply with Policy IP9 in relation to traffic management. Although the scheme could be amended to address this concern, e.g. omit planter and railings, this would represent an abortive cost to the applicant given that the scheme is unsatisfactory in other respects and may be detrimental to the overall design of the scheme.

The proposed access to the site is to be at the lower end of the frontage onto Victoria Road. A ramp is proposed to give access to a basement car park for 12 vehicles (1 per flat). A car lift is also proposed to assist vehicles to turn within the garage, so they can enter and leave in forward gear which would, in part, address comments raised through the public consultation process. Although reservations have been raised through the consultation process in terms of the level of parking proposed and the further demand on on-street parking the Supplementary Planning Guidance: Parking Standards and Traffic Impact Assessment (December 2016), specifies that although the standards will be expected to be met they are intended as guidance and are not, therefore inflexible.

The standards set out in this document are the maximum parking standards in order to promote reduced car use in highly sustainable locations such as this. The scheme complies with the adopted parking standards. Although no designated visitor parking is proposed as outlined above, the site is located in an area where on-street parking is available on a first come first served basis and in a sustainable location within walking distance of bus stops and visitors could also cycle to the site.

The scheme incorporates cycle storage to enable people to travel by alternative modes of transport however, as this space is shared with refuse storage it may result in insufficient space for all bins/recycling and cycles thereby undermining the quality of the development (GP8). Although designated motorcycle storage is not proposed there would be scope to use the designated underground parking for this purpose.

Although the scheme meets the requirements of IP6 and IP7 in relation to car and cycle parking the scheme does not satisfactorily address Policy IP9 nor GP8 a. in relation to the potential conflict between refuse and cycle storage.

Other matters

The Land Planning and Development (General Provisions) Ordinance, 2007, Section 10: Publicity for planning applications states in part 4 that 'the applicant must take the following steps, (a) display the site notice for not less than 21 days by fixing it firmly to some object on or near the land and in such a way and in such a position that it is visible and legible from a place to which the public have access.....'. In this case, a notice was displayed at the front of the site, on a downpipe of the warehouse building, in Victoria Road for a period in excess of 21 days and subsequently a notice was also displayed, on a downpipe in Les Petites Fontaines thereby extending the period of public consultation by a further 21 days. These notices were both visible and legible from a place to which the public have access in accordance with the above Ordinance.

Whilst the public consultation process has highlighted this as a site where a Construction Environmental Management Plan should be provided the published guidance on this matter sets out that such a document would apply in the case of a site requiring an Environmental Impact Assessment, a significant industrial facility, housing developments of 20 or more residential units or where the Development & Planning Authority deem that there is an environmental risk warranting a CEMP. As the site does not meet any of the above criteria a CEMP cannot reasonably be required in this case.

It is also noted that the devaluation of properties is not a matter that can be taken into consideration as part of the consideration of a planning application.

Conclusions

In view of the above, it is recommended planning permission is refused for the proposed development.

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: 8 November 2022