

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 existing building, erect 18 flats and ground floor office unit with associated vehicle access and parking.

LOCATION: 15 & 16 Gategny Esplanade, St. Peter Port.

APPLICANT: Westland Holdings Limited

I refer to the application referred to below received as valid on 03/08/2023 regarding the above proposals as described more fully in the application and drawings referred to below.

Date of refusal of permission: 22/11/2023

Drawing Nos: Tyrrell Dowinton Associates - 2239 03.01C, 03.02C, 03.03C, 03.04C, 03.05C, 03.06C, 03.07C, 03.08C, 03.09C, 03.10C, 03.11C, 03.12C, 03.13C, 03.14C, 03.15C, 03.16C, 03.17C & 03.18C

Application Ref: FULL/2023/1375

Property Ref: A110170000+A110150000

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 represents an overdevelopment of this site. It does not respect the character of the local built environment and does not achieve a sufficiently high standard of design within the Conservation Area. Due to the size, scale, height and bulk of Blocks A and B the development would appear obtrusive and incongruous being architecturally unrelated to the size and scale of surrounding development. This would also result in a development that would have an overbearing impact on the occupiers of adjoining buildings. The scheme is therefore contrary to Policies GP4, GP8 a., c. d. and e. and GP9 b. of the Island Development Plan.

2. The development as proposed does not represent a good standard of design. The occupiers of proposed flats in Block B would be served by unsatisfactory sunlight/daylight and outlook from the windows in the east elevation which 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 garage parking and pedestrian access through the garage to the development does not demonstrate accessibility to a building for people of all ages and abilities. The scheme is contrary to Policy GP8 a. d. and f. of the Island Development Plan.

4. The application submission has not demonstrated that the scheme has been designed to take into account adverse impacts on the environment through the location, orientation and appearance of the buildings. The scheme fails to demonstrate how the design, method of construction and location of the proposal would help to achieve more a sustainable development and therefore the application fails to comply with Policy GP9 a. 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/2023/1375
Property Ref: A110170000+A110150000
Valid date: 03/08/2023
Location: 15 & 16 Gategny Esplanade St. Peter Port Guernsey GY1 1WN
Proposal: Demolish existing building, erect 18 flats and ground floor office unit with associated vehicle access and parking.
Applicant: Westland Holdings Limited

RECOMMENDATION - Refusal with Reasons:

REASONS FOR REFUSAL

1. The proposed development represents an overdevelopment of this site. It does not respect the character of the local built environment and does not achieve a sufficiently high standard of design within the Conservation Area. Due to the size, scale, height and bulk of Blocks A and B the development would appear obtrusive and incongruous being architecturally unrelated to the size and scale of surrounding development. This would also result in a development that would have an overbearing impact on the occupiers of adjoining buildings. The scheme is therefore contrary to Policies GP4, GP8 a., c. d. and e. and GP9 b. of the Island Development Plan.

2. The development as proposed does not represent a good standard of design. The occupiers of proposed flats in Block B would be served by unsatisfactory sunlight/daylight and outlook from the windows in the east elevation which 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 garage parking and pedestrian access through the garage to the development does not demonstrate accessibility to a building for people of all ages and abilities. The scheme is contrary to Policy GP8 a. d. and f. of the Island Development Plan.

4. The application submission has not demonstrated that the scheme has been designed to take into account adverse impacts on the environment through the location, orientation and appearance of the buildings. The scheme fails to demonstrate how the design, method of construction and location of the proposal would help to achieve more a sustainable development and therefore the application fails to comply with Policy GP9 a. of the Island Development Plan.

OFFICER'S REPORT

Site Description:

The application site sits close to the junction of Gategny Esplanade and Bosq Lane. Gategny Chambers and Bridger are properties situated to the immediate south of the site. Gategny Chambers being 4 storeys in height and Bridger, three storeys. 15 and 16 Gategny Esplanade are both three storeys in height although a four-storey element associated with no. 16 is situated to the rear/west of the site. Generally there is a uniform height to the buildings along Gategny Esplanade (Marina, Regency and Gategny Courts but with a step up to Royal Terrace/Royal Gardens). Gategny Court has a glazed 'pavilion' set back with a terrace to the front. The southern façade of Marina Court is blank facing the application site.

No. 15 Gategny Esplanade has a rendered exterior and sash windows with a captain's dormer in the front roofslope, double pile roof and a flat roof dormer to the rear. Single-storey extensions exist to the rear of this property with a small courtyard garden area to the west. No. 16 has a mansard roof with sash windows facing the seafront and a substantial mansard roof extension to the rear with external fire escape staircases to either side (north and south). The site also incorporates an area of parking to the rear of the site accessed via a carriage arch at Marina Court (east). The west site boundary is marked by a rendered wall beyond which is currently areas of private parking, to the east and west of the access road, known as Don Street, off Bosq Lane. This car park is the only site close by where the space is not defined by active frontages and it is surrounded by the backs/sides of buildings (mainly blank).

In Bosq Lane Albany House is a single-storey building situated between the four storey Gategny Chambers to the east and three storey, Seaton House to the west. The north elevation of Seaton House is blank. Royal Terrace to the south is six storeys in height, at its tallest and has active frontages all the way around and represents a 'landmark building' as part of a former Planning Brief development site. This, along with The Rotunda and Royal Bank Place stand out because of the green metal roof covering. Royal Garden is more domestic in scale. In Don Street, Marina Court (west) comprises lower buildings and Bickleigh is noted to have a blank gable east façade along with a two-storey wall to the east boundary with the car park. The west elevation of Marina Court (east) is carefully detailed and with a courtyard space facing onto Don Street.

Beyond the application site, to the rear/west the terraces of the hillside town are formed by the hill.

The Conservation Area Appraisal highlights detractors in the Conservation Area which include the Duke of Richmond Hotel, Creasey's, the Albany/Tax office and the extension to the OGH. The common design features is that they are large and monolithic and do not accord with the window to wall ratio or the vertical emphasis of the rest of town.

A blue plaque has been erected at the site highlighting the existence of the building on the Duke of Richmond Map which was an accurate survey and measurement of the island. The plaque was issued to celebrate the bicentenary of the Map (1887 – 1987).

The site is in the Main Centre of St Peter Port and a Conservation Area and Archaeological Area. Neither building is Protected (nor on the evaluation list) but are pre-1900 buildings. There are six Protected Buildings directly to the west on Les Canichers.

Relevant History:

Pre-application advice was sought in this case including at a pre-application meeting.

Existing Use(s):

Offices
02 flats

Brief Description of Development:

The application relates to the demolition of 15 and 16 Gategny Esplanade in order to erect two buildings (block A fronting Gategny Esplanade and Block B adjacent to the rear/west site boundary) containing a total of 18 flats and a ground floor office unit with a podium courtyard area between the two blocks, access via Marina Court (east) serving parking for 15 vehicles, a bin store, a communal cycle parking area and stores for the proposed flats. The ground floor also contains the proposed office unit, one stair core for block A and two stair cores for block B.

First floor

Block A

2 x 1 bedroom apartments (staircore and lift)

Block B

3 x 1 bedroom apartments with access out onto the podium level courtyard (staircore x2, lift and protected lobby)

Second floor

Block A

2 x 1 bedroom apartments (staircore and lift)

Block B

3 x 1 bedroom apartments each with small balconies to the east elevation (staircore x2, lift and protected lobby (west elevation))

Third floor

Block A

1 x 2 bedroom apartment with roof terrace (staircore and lift)

Block B

2 x 2 bedroom apartments both with small balconies to the east elevation (staircore x2, lift and protected lobby (west elevation))

Fourth floor

Block A

1 x 2 bedroom apartment with east facing terrace, balcony and pergola above the third floor roof terrace below (staircore and lift)

Block B

2 x 2 bedroom apartments with small balconies to the east elevation (staircore x2, lift and protected lobby (west elevation))

Fifth floor

Block A

None/roof level

Block B

1 x 2 bedroom apartment

1 x 3/4 bedrooms (study is sufficient size to represent a bedroom) duplex apartment (fifth floor contains 2 x ensuite bedrooms, store and study)

Both with narrow terrace across east elevation (staircore x2 and lift and protected lobby (west elevation))

Sixth floor

Block A

N/A

Block B

First floor level of duplex apartment – open plan living, dining and kitchen area, bedroom, bathroom, WC, east facing balcony and south and west facing roof terrace

Block A has been designed with a rendered front elevation, flat roof and mix of render and standing seam cladding. Fenestration comprises a generally uniform pattern of window openings above the larger office/display windows at ground floor level. The west elevation of Block A has the same mix of render and standing seam cladding for its exterior with a uniform pattern of modern casement style windows.

Block B would be visible above the height of Block A which is lower. Block B has been designed with a varied palette of materials for the east elevation (first floor – render, second and third floors – mix of two standing seam cladding, fourth floor – standing seam cladding, fifth and sixth floors - horizontal timber). Balconies to the east elevation of Block B are shown to be glazed. The rear/west elevation of Block B is shown to have a mix of render and Rockpanel metals boards external finish. The southern staircore for Block B is shown to be clad in a Pilkington Profilt Translucent Channel Glass System.

The application has been accompanied by a Design and Access Statement, Policy Document and Waste Management Plan.

Following the deferral of the application various photomontages were provided to show the development from various viewpoints in the local area. It should be noted however, that these are not an accurate representation of the finished buildings proposed (drawn in perspective and not to scale).

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

Island Development Plan policies:

S1: Spatial Policy

S2: Main Centres and Main Centre Outer Areas

MC2: Housing in Main Centres and Main Centre Outer Areas

MC4(A): Office Development in Main Centres

GP4: Conservation Areas

GP5: Protected Buildings

GP7: Archaeological Remains

GP8: Design

GP9: Sustainable Development

IP6: Transport infrastructure and support facilities

IP7: Private and Communal Car Parking

IP9: Highway Safety, Accessibility and Capacity Plan

Appendix VII – Conservation Areas

Conservation Area Appraisal

Parking Standards and Traffic Impact Assessment SPG

Representations:

Twenty-five letters of representation (including multiple letters from single households) have been submitted objecting to the application and raising the following points:

Principle/Comprehensive Development/Government Work Plan

- GWP states that priority will be to evaluate and implement actions to address private housing market, capacity and affordability, address key worker housing capacity and affordability
- 17 flats is an unreasonable request
- The development should include provision for affordable housing
- There are other existing vacant offices therefore part of the proposal is unnecessary
- Development of the application site in isolation, as proposed, would compromise the ability to develop or redevelop adjacent land and buildings (if necessary or desirable in future), it would be premature and the most appropriate, effective and efficient use of land could only be made by way of comprehensive redevelopment of the group of properties and with an approved Development Framework/Planning Brief

Impact on locality

- The existing group of buildings forming the corner of Gategny Esplanade and Bosq Lane are of traditional scale, form and appearance which contribute positively to the Blue Mountains view and the Bosq Lane view corridor (The St Peter Port Conservation Area Appraisal)
- The demolition of the existing buildings would not accord with S. 38(1) of the Law or Policy GP4 as they contribute to the character, architectural and historic interest and appearance of the Conservation Area and the replacement buildings would not make an equal or enhanced contribution to the character of the area

- Glatigny Esplanade is “characterised by large-scale French-style buildings”
- The development will have a detrimental impact on the natural beauty and landscape quality of the locality – it is not sympathetic with its surroundings and does not accord with the Study of the Hillside Town
 - There has already been an incremental loss of vistas and walkways as a consequence of new developments such as this
- The development is significantly larger and taller than what is currently on the site – it will appear out of keeping and oppressive – the rising road elevation of Bosq Lane means that there will be a dominant and incongruous view of the wall and windows at Block B
- The quality of the development will be harmful to the character of the seafront – it will have a detrimental impact on coastline views from the sea (a reduction by two storeys/two apartments would represent a significant improvement)
- There is no compensating open space in the development to allow vistas to the sea or back to the woods at Les Cotils
- the development would compete with and dwarf local landmarks

Protected Buildings

- There is a blue plaque outside no. 15 and the buildings are part of the heritage of the old town (dating from 18th Century)
 - Consideration should be given to listing all or part(s) of no. 15 which is recorded on the 1787 Duke of Richmond map
- To refurbish the existing building would enable this to remain
- there is a strong presumption against granting permission for developments which adversely affect any protected building’s special character or features
- There are a number of Protected Buildings that are intervisible with the application site, particularly in views looking east, from the Blue Mountains, and the west from the Harbour back towards the hillside town
 - The application does not take proper account of the published guidance and the presence of these buildings nor the statutory duties relating to Protected Buildings or Policy GP5: Protected Buildings and with no meaningful analysis of special interest, setting, context etc. and so does not comply with Policy GP5

Design and appearance

- The development would not accord with Policy GP4 which requires replacement buildings to make an equal or enhanced contribution to the Conservation Area – it will appear incongruous, as a stark monolith, too large to be in proportion to its width
- The quality of high-rise development generally is questionable
- The development is not appropriate given its design, layout, scale, siting and materials – it appears crammed in and is oversized compared to immediate neighbours
- St Peter Port has a completely level development height
- 7 floors are ridiculous – higher than any other buildings around it and the development should be retained at the existing height/5 storeys

- The development will dwarf Marina Court
- The proposed architecture is not outstanding, Policy GP8 requires development in Conservation Areas and where it may affect the setting of a Protected Building to achieve a particularly high standard of design that respects the character of the particular environment and new landmark buildings must also have a very high standard of architectural design (The Hillside Town chapter of the St Peter Port Conservation Area Appraisal)
 - The application provides no compelling justification for the design approach
- The development is not sympathetic with the houses which are joined in a terrace

Impact on amenity

- The analysis of residential amenity is scant and flawed, downplaying or ignoring the significantly greater overbearing, overshadowing and overlooking impacts that would result from the height, bulk and proximity of both Blocks A and B and from the proximity and use of the communal podium courtyard
 - There is insufficient information with the application to enable a full assessment regarding the overshadowing impact of the development on neighbouring properties, a Daylight and Sunlight Assessment should be prepared
- The east elevation would destroy an otherwise scenic view
- Light would be hindered and a claustrophobic space would be created – the scheme does not include any green space
- The development would be oppressive to neighbours and overlook and overshadow the external space associated with neighbouring properties and the childrens' nursery
- The scheme would not accord with the Guernsey Technical Standards for floorspace, DCLG standards or GP8 d. regarding residential amenity, health and well-being – internal space including storage will be compromised if occupied by couples and some units are so small they would only be suitable as holiday accommodation (air BnB)
- Block B will have no sunlight for much of the day and overlooks a carpark and stairwell

Parking, highway safety and other infrastructure

- Parking in the area is challenging and although parking is incorporated it will never be enough – the provision is inadequate in this case
- Additional traffic will create further congestion in the area – 36 more residents in a narrow area is excessive
- Les Canichers is a one way road and is unsuited to the increase in traffic generated by the access/this development and during the development
- There is no consideration for waste disposal. Refuse lorries and other large vehicles have to reverse into the road for collection which will be exacerbated by the development, this is also problematic for other deliveries, taxis, coaches etc. – there's no overflow parking if the car park is full
- There has been no consideration of the proximity of the development to a childrens' nursery

- There is no reference/consideration of net zero, part of the Island's resilience to making first steps to the blue and green economy and the intention to reduce carbon footprint – no electric vehicle charging points or cycle parking

Other matters

- Photographs in the application do not accurately portray the relative height difference because of the use of favourable angles in the photograph
- The development will ruin the sea view of residents behind in Les Canichers and above
- Existing air pollution is harmful to residents' health and the proposed structure would add to this
- How would the Fire Brigade access the upper floors and how would residents escape in the event of a fire
- Flooding is and will be an issue in future with existing high tides and possible sea level rises – this has not been considered nor addressed as part of the proposed development
- Other, connected buildings may be severely damaged if separated from 15 & 16 as a result of this development – the other properties could become unstable in the process of demolition/rebuilding works
- Conditions should be imposed on a permission including removing 7 levels of accommodation so as not to exceed the height of Marina Court and others on Gategny Esplanade, amending the size of accommodation to two bed/family units, omit the rear block entirely, make provision for affordable housing, omit the office as there are other vacant offices in the vicinity and review the bin store (one for the site for ease of management)
- How many properties will be "local" and how many "open market" – high value properties with sea views cannot be considered as assisting the housing shortage of affordable properties so needed
- Can the development be attached to Marina Court without permission of the property owners?
- There will be unbearable noise, dust and disruption during development for residents – the application estimates 24 months for demolition/clearance but no timeframe for construction/completion
- Royal Terrace and GFSC buildings have footprints more proportionate to the smaller width of the current application, they are set back from the harbour front and have sufficient space around them to allow them to sit more comfortably on their footprint whilst allowing vistas and opens paces around them. They do not interfere with the unbroken horizon and waterfront line of the harbour front

Constables and Douzaine of St Peter Port – express concerns about the application regarding the provision of proper spaces and containers for waste. Not only do the contractors need to have access for collections but any individual property should also have space to keep the waste safely until collection days.

Another issue is the Blue Plaque on no. 15. E&I recognise the importance of these and encourage the Parishes to suggest who should be recognised in this way. Other aspects

of the proposals are also questionable – massing and design for example, in this Conservation Area.

Consultations:

States' Archaeologist – the site lies approximately midway between two areas which were archaeologically excavated in the late 1990s/early 2000s, at the Royal Hotel (about 60m southwest) and the Savoy Hotel (40m to the northeast). Both sites revealed important archaeological remains, including very early Neolithic settlement (c.5000 BC) beneath the Royal Hotel, and prehistoric and Roman features at the Savoy site.

In view of the position of the proposed development site at 15 & 16 Gategny Esplanade, it is very likely that buried archaeological remains are preserved at this location. The buildings scheduled for demolition are both shown on the 1843 Town map (see below) and thus must have been constructed prior to that date, probably without significant foundations. Much of the remaining area had buildings on it in the late 19th and early 20th centuries (see below), but these also are unlikely to have had substantial foundations; some photographic evidence suggests that these were mostly sheds or outbuildings. There is thus a strong likelihood of good archaeological preservation in this area.

In view of the potential archaeological significance of this site I would like to request that the developers allow for a period of archaeological excavation following the demolition of the existing structures. The finer details of this process can be discussed in due course, but a period of approximately four to six weeks should suffice. It would also be possible to investigate different areas at different times (e.g. removal of the tarmac in the car-park would enable archaeological investigation prior to the demolition of the buildings). I would of course be happy to discuss this in more detail with the applicants.

Summary of Issues:

The key issues in this case relate to the height, design, scale and mass of the proposed development and its impact on the visual amenity of the locality, including long distance views, and its impact on residential amenity.

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,

Principle of redeveloping the site

Policy MC4(A) makes provision for the loss of office accommodation where either the existing premises is unsatisfactory and cannot be refurbished to meet modern needs and is proven to have been actively and appropriately marketed, unsuccessfully, for 12 consecutive months or that the office floorspace is less than 250 sqm. The submission sets out that the existing accommodation is unsatisfactory but that a ground floor, fit for purpose, office will be provided in order to comply with Policy MC4(A). These buildings were not designed for office use and have been adapted for this purpose over time. The internal layout does not offer open plan office space but rather, multiple smaller rooms for this purpose which is unlikely to be conducive to many business operations. There is also a possible conflict between the lower floor offices use and the third floor flat associated with no. 16. New office accommodation is also proposed and the scheme therefore addresses the requirements of Policy MC4(A).

Policy MC2 supports proposals for new housing development subject to compliance with all other relevant policies and, where possible, a scheme incorporates a variety of dwellings (mix and type). In this case the proposal has sought to make efficient and effective use of land on this sustainable site in St Peter Port and although does not offer

a mix of housing types has sought to address the mix in terms of unit sizes/bedrooms. In this respect the scheme addresses Policy MC2. Nonetheless, making efficient use of land must not be at the expense of residential amenity or the character and appearance of the locality.

Existing buildings

Neither building is Protected and although the public consultation process has suggested that no. 15 should be surveyed with a view to Protection this is not considered reasonable or necessary. Nevertheless, no. 15 is a building that contributes to the character and appearance of the Conservation Area. The matter of the design and appearance of the development is assessed in more detail elsewhere but it is concluded that the replacement buildings do not make an equal contribution to the character of this part of the Conservation Area contrary to Policy GP4.

Protected Buildings

Consideration must be given to the impact of the development on the setting of Protected Buildings. There would be a slight detrimental effect of the proposed development on the setting of Protected Buildings as the scheme would harm/interrupt the views to and from them. This would not however warrant the refusal of planning permission.

Height, Scale, Mass and Design

Paragraph 19.9.10 of the IDP states *“The Island Development Plan supports the provision of taller buildings, including those which are significantly higher than their surroundings, in appropriate locations within and around the Main Centres where this would make a positive contribution to the urban townscape and would not have an adverse impact on an important public view of a landmark, building or monument.”*

The Conservation Area Appraisal sets out that such buildings will need to have a very high standard of architectural design. In the Conservation Area Appraisal (CAA) the buildings along Gategny Esplanade have been described as ‘French style’ in that they are large 4 or 5 storey blocks of a scale which is more common in France, and they are in a general Regency style based on classical proportions with a similar window to wall ratio and a verticality in the windows. Block A shares a similar style and proportionality although with fewer of the detailed features. Block A steps down between the buildings to its north and south and the top floor is shown to be clad in a dark material (standing seam cladding). This reflects the design and appearance of the mansard roofs to the north and is generally considered acceptable in design terms.

Block B is not considered to represent a high standard of architectural design, would not make a positive contribution to the urban townscape and would not conserve or enhance the Conservation Area. The building would have an adverse impact on an established and iconic view, from various viewpoints around the town as explained in more detail below.

The scheme proposes two buildings that are connected by a deck, over the proposed car parking, and Block B is wide, spanning the entire site and facing east taking advantage, from the upper floors, of the views. This building is seven storeys in height compared to most other buildings, including the immediate neighbour to the north (five storey), which when combined with its wide elevation makes it stand out on this relatively flat section of land with the resultant effect of blocking buildings behind from view. The height and width of Block B, along with the change in materials to its surroundings and due to its flat roofs and terraces means Block B would become a 'landmark building'.

The neighbouring buildings to the south of the site are remnants of the smaller scale developments of the town as it was in the 18th and 19th Centuries which has been followed by the larger scale offices that now surround the site and which were developed in the early 2000s. These neighbouring buildings are all smaller and domestic in scale (1, 3 and 4 storeys) and both Blocks A and B but particularly Block B would look dramatically out of scale in comparison to the scale of these neighbouring properties. Furthermore, the height of Block B, the modern form and materials and its relationship with Seaton House would appear unacceptably overbearing.

The undeveloped car park to the rear of the site is a break in the existing urban form. It is an open and undeveloped site surrounded by the backs of buildings and as such would only highlight the appearance of the monolithic form of Block B. The chosen materials do attempt to break down the bulk of Block B however in this case, having regard to the surrounding style of buildings and palette of materials that exist, would draw the eye to the building rather than helping achieve the aim of breaking down its large bulk and mass. The choice of materials would not reduce the visual impact of Block B or help assimilate it to its surroundings and this is highlighted through the photomontages provided during the consideration of the application.

As outlined elsewhere in this report the Royal Site dates from a previous Development Plan period and formed part of a specific development site with accompanying development document (MURA OPB). Block B cannot be assessed in the same way because there are fundamental differences in the way that the building reacts to its surroundings, particularly that Block B is not designed 'in the round' and has been developed to be viewed from the east and the west elevation is more a 'back of house' arrangement.

Consideration should also be given to the appearance of buildings at night, as set out in relation to 'landmark buildings' in the Conservation Area Appraisal. In this case the fenestration of Block A would stand out due to the arrangement of patio style doors which would be uncharacteristic in the terrace. Block B would stand out at night as the fenestration on the east elevation is scattered with variations in the opening size and position, uncharacteristic in the Conservation Area. The exterior cladding for one, six storey staircase of Block B would stand out significantly, like a beacon, which would further draw attention to this building.

This proposal represents an overdevelopment of this prominent site and the buildings are considered to be out of scale with their surroundings. The development would form 'landmark' buildings on the site and the scheme would not achieve the very high

standard of design as required by the IDP and Conservation Area Character Assessment. The development would not make a positive contribution to the urban townscape and would have an adverse impact on established and iconic viewing points, particularly from Blue Mountains. The scheme is therefore contrary to Policies GP4, GP8 and GP9 of the IDP.

The development incorporates a raised deck with planters however, it is noted there is one planter (west side of the deck) which appears to have no access to it (incorporating two trees) therefore it is unclear how this area would be maintained and managed. Furthermore, it is questionable how much light plants will receive on the raised deck given the height of the buildings proposed. Whilst the principle of soft landscaping is welcomed as proposed it would not contribute to the local area nor mitigate the impacts of the development. The submission does not set out how the hard and soft landscaping would particularly contribute to sustainable construction. This aspect of the development fails to comply with Policy GP8.

Residential amenity

The neighbours to the south of the proposed development would be adversely affected by the proposed development in terms of overshadowing and overlooking. There is also the potential for light from the development, particularly the lit, six storey staircore, to also impact negatively on the amenities of surrounding neighbours and consequently the scheme fails to comply with Policy GP8 and GP9 of the IDP.

Health and well-being of occupiers

Policy GP8 requires that the units created consider the health and well-being of the occupiers by 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 occupiers of neighbouring properties.

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.

The Annex seeks opportunities for occupiers of development 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.

It also considers sunlight alongside daylight noting that these will not, alone be a determining factor when considering development proposals, providing that other amenity 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, their physical constraints.

- Aspect/Outlook
- Daylight/Sunlight

Block A offers dual aspect accommodation and is considered satisfactory in terms of the above amenity considerations. Block B accommodation is all single aspect however, and east facing fenestration will be shaded during the afternoon. The courtyard deck is 12m – 17m wide between the two blocks which means that all the lower units of Block B will receive no direct sunlight all day due to the height of Block A, four storeys above the deck and as a result this aspect of the scheme does not represent a good standard of design nor would it meet the aims of Annex I.

- 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. In this case, there would be a satisfactory distance between the front of Block B and the rear of Block A to ensure that privacy remains within acceptable limits given the urban setting of the site.

- 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.

All units would have access to the communal deck which is of a reasonable size for the development. The majority of units do not however, benefit from any private amenity space. Nonetheless, in addition to the communal deck the location of the site close to public amenities and beaches is considered to offer suitable access to external open space.

- Internal space provision

Whilst the accommodation addresses the requirements of the Building Regulations the internal space provision for a number of the units is below the DCLG Space Standards adopted as an SPG and therefore contrary to Policy GP8 d. and the Annex. It is also noted that a number of units have the hall measuring 1.5m wide which means that the bedroom is under 12 sqm required for a double room but this could be resolved with a small adjustment.

- Accessibility and flexible accommodation

The development would be accessible via stairs and lifts and on the whole, apartments would be on a single level. Internal layout changes could be made at a later date in order to meet the changing needs of occupiers. As discussed elsewhere however, issues exist regarding the pedestrian access from the garage level which would not address access for all as required by GP8.

- Other matters

Although, as outlined elsewhere in this report the level of off-road parking/cycle parking meets the SPG in order to provide a high-quality development that best encourages occupiers to travel by alternative modes of transport pedestrian and cycle provision should be as attractive and as appealing as possible. In terms of pedestrian access within the site this does not represent a high standard of design given that there are no pedestrian pathway/routes through the garage to the two staircores which are then connected by a long, windowless corridor. Furthermore the staircore for Block A is proposed to be accessed past the bins and office bikes. This presents issues in terms of policing and access for people of all ages and abilities due to matters such as doglegs and blind spots when considering Policy GP8.

Refuse storage provision has been made within the development, a matter that is ultimately managed by Building Control, although reservations exist relating to recycling storage provision/management which is not clearly addressed on the submitted plans.

- Conclusions

When considering the health and well-being of future occupiers the IDP seeks to balance the different amenity factors in order to establish whether the development would be satisfactory. The Annex sets out that sunlight/daylight alone will not be used as a determining factor where the other amenity objectives are appropriately addressed. The amenities of the future occupiers of Block A is concluded to be satisfactory however, the amenities of occupiers of Block B would not be, particularly given the combination of lack of sunlight/daylight, internal space provision and units being single aspect. As a result, Block B would not represent a good standard of design in terms of amenity, contrary to Policy GP8.

Access and parking

Maximum parking standards apply in this location which is in a highly sustainable location on the sea front within easy walking distance of public car parks, cycle parking and public transport. The level of off-road parking is considered satisfactory and accords with the requirements of Policies IP6 and IP7 in relation to car and cycle parking. Although clearly designated motorcycle parking is not provided, the application form refers to the provision of three such spaces and furthermore the allocated parking provision enables occupants to use the spaces in a way that suits their needs and the parking spaces could be utilised by motorcycles or cars.

There is an existing vehicular access serving the rear of the site and approximately 16 spaces (as per the application form). This would reduce to 14 car spaces on site. The site currently serves a mix of residential and office development although the balance is currently towards office parking provision. Given the change in the nature of use on the site there would likely be more vehicle movements to and from the site however, these would enter and exit in a forward gear and would not have an unacceptable impact on the free flow of traffic.

Sustainable Development

The application submission does incorporate information that seeks to address the requirements of Policy GP9 and flooding. This report has already highlighted issues relating to sunlight/daylight to various units of accommodation but there are other issues associated with single aspect units of accommodation which include a lack of cross ventilation and overheating. The IDP sets out that the design, layout and orientation of a building have a key role in delivering more sustainable development and reducing energy demand. In this case the location, orientation and appearance of the building is a fundamental issue. The development does not take advantage of the local environment in terms of neighbouring buildings or wider natural environment. Furthermore, although the submission sets out how the scheme would achieve and meet the Building Regulations the submission does not provide site specific information to demonstrate how the design, method of construction and location of the proposal would help to achieve a more sustainable development (IDP paragraph 19.10.4). The scheme does not therefore, fully address the aims of Policy GP9.

The application includes a Waste Management Plan and this matter could be further controlled by planning condition if the scheme were acceptable in all other respects. A CEMP may also have been appropriate.

Overall conclusions

The scheme fails to comply with Policies GP4, GP8 and GP9 of the Island Development Plan and it is recommended permission is refused.

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 or sites.

Date: 21/11/2023

