

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: Partially demolish, alter and convert storage building to create dwelling, demolish storage building and erect 2 dwellings, create access and parking.

LOCATION: Le Bourg, Rue Des Auberts, Forest.

APPLICANT: Mr P Langmead

I refer to the application referred to below received as valid on 22/03/2024 regarding the above proposals as described more fully in the application and drawings referred to below.

Date of refusal of permission: 28/05/2024

Drawing Nos: Torode Architects: 6271-04C

Application Ref: FULL/2024/0152

Property Ref: H00241A000

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. It has not been demonstrated that the existing buildings are no longer required for their authorised use or another employment use and are not capable of being upgraded to meet modern standards, nor that they have been marketed appropriately, and the application is therefore contrary to the requirements of Policy LC4(B) (Offices, Industry and Storage and Distribution in Local Centres - Change of Use).
2. By virtue of the detailed design of Units 1 & 2 and the limited size of the proposed amenity spaces, together with the overlooking of the Unit 2 amenity space by Unit 3, and as it has not been demonstrated that the development is accessible to people of all ages and abilities, the proposal fails to achieve a good standard of design that respects the character of the local built environment and considers the health and well-being of the occupiers, contrary to Policy GP8a), c), d) & f) (Design).

3. It has not been demonstrated that the development would not have unacceptable impacts on the amenities of neighbouring properties, contrary to Policy GP8d) (Design) and GP9b) (Sustainable Development).

4. It has not been demonstrated that the development has been designed to take into account the use of energy and resources and any adverse impact on the environment through paying particular regard to the location, orientation and appearance of the buildings, the form of construction or the materials used, contrary to Policy GP9a) (Sustainable Development).

5. The development does not include the provision of bicycle parking in accordance with the Supplementary Planning Guidance: Parking Standards and Traffic Impact Assessment and does not therefore accord with Policy IP6 (Transport Infrastructure and Support Facilities).

6. The access proposed to serve Units 1 & 2 would not achieve appropriate sightlines and the associated parking area would not include on-site turning. The development would therefore fail to take into account matters of road safety, and would not accord with Policy IP9 (Highway Safety, Accessibility and Capacity) or the material considerations in respect of roads and traffic.

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/2024/0152
Property Ref: H00241A000
Valid date: 22/03/2024
Location: Le Bourg Rue Des Auberts Forest Guernsey GY8 0AN
Proposal: Partially demolish, alter and convert storage building to create dwelling, demolish storage building and erect 2 dwellings, create access and parking.
Applicant: Mr P Langmead

RECOMMENDATION - Refusal with Reasons:

REASONS FOR REFUSAL

1. It has not been demonstrated that the existing buildings are no longer required for their authorised use or another employment use and are not capable of being upgraded to meet modern standards, nor that they have been marketed appropriately, and the application is therefore contrary to the requirements of Policy LC4(B) (Offices, Industry and Storage and Distribution in Local Centres - Change of Use).
2. By virtue of the detailed design of Units 1 & 2 and the limited size of the proposed amenity spaces, together with the overlooking of the Unit 2 amenity space by Unit 3, and as it has not been demonstrated that the development is accessible to people of all ages and abilities, the proposal fails to achieve a good standard of design that respects the character of the local built environment and considers the health and well-being of the occupiers, contrary to Policy GP8a), c), d) & f) (Design).
3. It has not been demonstrated that the development would not have unacceptable impacts on the amenities of neighbouring properties, contrary to Policy GP8d) (Design) and GP9b) (Sustainable Development).
4. It has not been demonstrated that the development has been designed to take into account the use of energy and resources and any adverse impact on the environment through paying particular regard to the location, orientation and appearance of the buildings, the form of construction or the materials used, contrary to Policy GP9a) (Sustainable Development).
5. The development does not include the provision of bicycle parking in accordance with the Supplementary Planning Guidance: Parking Standards and Traffic Impact Assessment and does not therefore accord with Policy IP6 (Transport Infrastructure and Support Facilities).
6. The access proposed to serve Units 1 & 2 would not achieve appropriate sightlines and the associated parking area would not include on-site turning. The development

would therefore fail to take into account matters of road safety, and would not accord with Policy IP9 (Highway Safety, Accessibility and Capacity) or the material considerations in respect of roads and traffic.

OFFICER'S REPORT

Site Description:

The application site is a mixed use site, with the building located to the south of the site formerly comprising a garage with ancillary shop and office, now vacant, and an independent dwellinghouse. The northern part of the site contains two large storage buildings.

The site is bounded by residential properties to the north and south, and across the road to the east, with open land in use as allotments located to the west.

The whole of the exterior of the building known as Le Bourg, including the existing dwelling, former shop and office, and the roadside wall extending 8m north of the dwelling, is protected. The glazed lean-to attached to the north-east gable of the dwelling, and the workshops located to the north of the site, are excluded from the listing.

The site is located within the Forest Local Centre in the Island Development Plan. The southern part of the site, including the protected features but excluding the workshops, forms part of the Forest Church Conservation Area.

Relevant History:

Application site

FULL/2020/2404 Partially demolish, extend and convert workshop to create dwelling, demolish workshop and erect 2 dwellings, create access and parking. Refused 23/12/21.

FULL/2022/1178 Change of use of workshops for storage purposes – conditioned to be used by applicant company only and not for general storage use. Approved 13/09/2022 and subsequently implemented.

FULL/2023/0320 Change of use of former forecourt shop to dwelling (Residential Use Class 1), install dormer window and rooflights to west (rear) elevation, internal and fenestration alterations (Protected Building). Approved 04/05/2023. No applications have been made for a Building Licence in respect of this application, and, notwithstanding the notation on the submitted plan, the dwelling is not existing on site.

Chat Valeur (H002450000)

FULL/2023/2316 Demolish existing dwelling, erect 3 dwellings with associated works.
Approved 19/03/2024

Existing Use(s):

Northern part of the site: Storage by window company
Dwelling: Residential Use Class 1
Adjacent building to south: Former garage, ancillary shop and office, now vacant

Brief Description of Development:

Permission is sought to alter the northern part of the southern storage building to convert it to a 2 bed dwellinghouse, and to demolish the southern part of that building to provide parking for that dwellinghouse and other existing/approved uses at the site. The northern storage building would also be demolished to allow for the construction of 2 no 2 bed dwellinghouses, which would include access and parking from Rue des Auberts to the east.

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

LC2 Housing in Local Centres
LC4(B) Offices, Industry and Storage and Distribution in Local Centres – Change of Use
GP5 Protected Buildings
GP8 Design
GP9 Sustainable Development
IP6 Transport infrastructure and support facilities
IP7 Private and Communal Car Parking
IP9 Highway Safety, Accessibility and Capacity

Representations:

La Societe Guerneslaise comment as follows:

In respect of this application, we would like to highlight that buildings of this type can be used by roosting bats. This likelihood can increase when the property is located within a variable landscape with habitats such as farmland or woodland nearby. The ongoing Bailiwick Bat Survey has shown that there are bat populations in this particular part of the island.

We would recommend that the existing buildings, in particular the roofspaces, be inspected for current or recent use by bats by a suitably qualified person prior to any building works. This would reduce the risk of disturbing or destroying animals which are legally protected under the Animal Welfare Ordinance 2012.

We would request that, if this application is considered further, an informative note be added to the Information Sheet as follows -

'Your attention is drawn to The Animal Welfare (Guernsey) Ordinance, 2012, the local Strategy for Nature and the need to comply with their legal provisions. The existing buildings may be used by bats or other wildlife for roosting and nesting. We strongly recommend that the site is inspected by a suitably qualified person prior to any building works. Additional measures should also be taken (including consideration of the timing of the works and provision to support associated wildlife in the long term) to ensure that protected species are not impacted by the works. It is recommended that you contact La Société Guernesiaise for advice or to arrange a site visit. La Société can be contacted by emailing info@societe.org.gg

Consultations:

The Office for Environmental Health and Pollution Regulation comment in respect of the current application as follows:

I have reviewed the proposed plans for the partial demolition, alteration and conversion of a storage building to create one dwelling with an adjoining domestic garden, and the complete demolition of a separate storage building to erect two dwellings, which will each have an adjoining domestic garden. I am concerned about potential contaminated land at this site, due to the historical use of the land and surrounding land parcels, and the possible impact that this could have on future users and residents of this site.

By interrogating the States' Digimap system and records, I have established that the land was historically used as a motor and cycle trade business, with Cadastre records showing that over 20 petrol pumps were located at the site. Whilst these are recorded as now removed, it is not known what the scope of the removal works was or how removal was carried out. Equally, the land parcel adjoining to the west of the site once had heated greenhouses located on it, which again have since been removed, but the potential for any contamination on that site to affect the development site remains.

Due to the risk of land contamination at the site, I would recommend that the following condition and informative/advice note is attached to any granted permission:

Please note this is one condition with multiple sub-sections:

- (i) No development shall commence on site (including demolition and site works) until there has been submitted to and approved in writing by the Authority:
 - (a) A desktop study documenting all the previous and existing land uses of the site and adjacent land in accordance with national guidance as set out in Land Contamination Risk Management (LCRM) and BS10175:2001+A2:2017 - Investigation of Potentially Contaminated Sites - Code of Practice;

and unless otherwise agreed in writing by the Authority,

(b) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS10175;

and, unless otherwise agreed in writing by the Authority,

(c) a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such scheme shall include nomination of a competent person to oversee the implementation of the works.

(ii) If determined to be required, the development hereby permitted shall not be occupied or brought into use until there has been submitted to the Authority verification by a competent person approved under the provisions of subsection (i)(c) of this condition that any remediation scheme required and approved under the provisions of subsection (i)(c) of this condition has been implemented fully in accordance with the approved details (unless varied with the written agreement of the Authority in advance of implementation). Unless otherwise agreed in writing by the Authority such verification shall comprise:

- a) as built drawings of the implemented scheme;
- b) photographs of the remediation works in progress;
- c) certificates demonstrating that imported and/or material left in situ is free from contamination.

Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under subsection (i)(c) of this condition.

Informatives/Advice Notes

- With reference to condition X a desktop study shall be the very minimum standard accepted. Pending the results of the desktop study, the applicant may have to satisfy the requirements of criteria (b) and (c) of that condition. If this is necessary, it will be confirmed in writing.

The phased risk assessment should be carried out in accordance with UK policy and procedural guidance.

The site is known to be or suspected to be contaminated. Please be aware that the responsibility for the safe development and secure occupancy of the site rests with the developer.

It is strongly recommended that in submitting details in accordance with the above condition that the applicant has reference to land contamination risk management available at <https://www.gov.uk/guidance/land-contamination-risk-management>.

Guernsey Airport commented in respect of the previous application as follows:

Raise no safeguarding objections to the above planning application on the basis of the information submitted with the following conditions:

- The applicant must advise Guernsey Airport of any intention to use any equipment higher than the approved building height of 8.3m AGL in the planning application. This must be assessed and approved *prior* to the commencement of works taking place. Any unapproved equipment may impact on aviation safety and constitute a breach of the Air Navigation Order.
- The applicant must advise Guernsey Airport of any intention to include landscaping in the planning application details, including but not limited to, tree planting, standing water habitat and bushes.

States Archaeologist commented in respect of the previous application as follows:

As Le Bourg is an area of historic interest I would be grateful if the developers could alert me if anything of potential archaeological interest is observed in the early stages of development, e.g. during the excavation of footings trenches.

Traffic & Highway Services commented in respect of the previous application as follows:

A site visit has been carried out by the Traffic and Highways Services Officer, and the following observations made.

The site is situated on the Western side of Rue des Auberts, Forest. The road is classified as a Neighbourhood Road as defined in the Traffic Hierarchy. This road has a 35 mph speed limit past the site. Therefore, a recommended sightline of 20m would apply. There are currently four residential addresses within the road and an electric substation. The access for three of those dwellings is past the proposed development. Two dwellings (one building) is empty. The road used to give access to freight area of Guernsey Airport. This access has been gated off and secured.

Using a datum of 2m from the carriage way, the four individual accesses of the proposed development each with a 3.9 m access enables the following sightlines the direction of oncoming traffic (Le Bourg) and the direction of approaching traffic (airport runway). Property 1 being the house nearest to Le Bourg running consecutively towards the airport

Property 1 oncoming sightline 7.5m and an approaching sightline 26m.

Property 2 oncoming sightline 25.5m and an approaching sightline 20.5m.

Property 3 oncoming sightline 46m and an approaching sightline 10.5m.

Property 4 oncoming sightline 51.6m and an approaching sightline 3.2m.

There is a notable substandard oncoming sightline of Property 1 is due to the neighbouring protected boundary wall and garden. The combination of both wall and neighbouring garden being currently at a height of 1.4m above the road surface although it is unclear what height the protected boundary wall is and how far towards

the proposed development it extends to and what it has a height of. Should the boundary wall be less than 0.9m and the garden reduced to the same then the sightline would be increased.

There is a notable substandard approaching sightline of Property 3 and 4 with regard to approaching traffic due to the neighbouring boundary bank and garden being at a height ranging between 1.2m to 1.8m. Should the height of the garden and bank be reduced to 0.9m or below over a small area this could allow a sufficient increase in sightlines to make them achieve minimum standard.

Although an unspecified height the front boundary walls of the 4 proposed developments are believed to be less than 900mm using the scale of the drawings supplied.

There is provision for parking for 1 car, 1 motorbike and pedal cycles in the front garden area. There is insufficient room in the designated parking area for vehicles to turn around.

THS has concerns as to the limited visibility splays for three of the proposed properties. THS object on the grounds of road safety should the sightlines not be increased to a point where at least the minimum standard is met in accordance to the Engineering Guidelines.

THS based on the application submitted have some concerns with regard to road safety. THS have levied the levels of concern as some based on the current use of the lane which at this current time services one active dwelling two non-active dwellings and an electric substation. There is the possibility that the gated entrance giving access to areas of the airport could be reused in the future although this is considered to be unlikely.

Summary of Issues:

- Principle of housing development
- Loss of employment premises
- Implications of *The Island Development Committee v Portholme [2002]*
- Design and impact on the character of the area and setting of adjacent protected buildings
- Residential amenity
- Vehicular access and parking
- Sustainable development

Assessment against:

- 1 - Purposes of the law.**
- 2 - Relevant policies of any Plan, Subject Plan or Local Planning Brief.**
- 3 - General material considerations set out in the General Provisions Ordinance.**
- 4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).**

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 34 of the Law explains the general functions of authorities in respect of protected buildings. This states that:

It is the duty of any department of the States when exercising its functions under this Law –

(a) to secure so far as possible that the special historic, architectural, traditional or other special characteristics of buildings listed on the protected buildings list (“protected buildings”) are preserved, and

*(b) in particular, in exercising its functions with respect to a protected building or any other building or land in the vicinity of a protected building, to pay special attention to the desirability of preserving the protected building’s special characteristics **and setting** [emphasis added].*

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’.

There is no requirement under the Law to consider the effect of development proposals on the setting of a Conservation Area, where the land to be developed lies outside a Conservation Area boundary.

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,*
- (e) the likely effect of the development on roads and other infrastructure, traffic and essential services,*
- (i) the likely effect of the development on the reasonable enjoyment of neighbouring properties.*

Principle of housing development

Policy LC2 supports housing development within the Local Centres, providing that each proposal is of a scale that is appropriate to maintain or enhance the character and vitality of the particular Local Centre concerned and will not negatively affect the vitality and viability of the Main Centres or otherwise undermine Spatial Policy; and where able to accommodate a variety of dwellings that they provide an appropriate mix and type of dwellings.

The proposal is of a scale, density and form that is considered to be appropriate in the context of the Forest Local Centre and would not impact on the viability of the Main Centres.

In respect of the type of housing proposed, this accords with the current identified need and, given the relatively low number of units and predominant requirement for this type of housing, there is no need to incorporate a mix at the site.

In terms of general principle, residential development of this scale and form would be acceptable in this location.

Loss of employment premises

A site visit has ascertained that the permission issued under application reference FULL/2022/1178 has been implemented and the use of the buildings which form the subject of this application is for storage by a window company. Policy LC4(B) however relates to change of use away from industrial or storage uses and that policy would remain applicable to the current application.

Policy LC4(B) allows for change of use away from employment uses only where:

- a) *The existing building is no longer required for its authorised use or another employment use and is not capable of being upgraded to meet modern standards; or*
- b) *It can be proven to have been actively and appropriately marketed unsuccessfully for 12 consecutive months.*

The preceding text at para. 13.1.4. sets out the reasoning underpinning this policy requirement, specifically that:

Maintaining and enhancing the existing range of office, industrial and storage and distribution sites will also be important to the vitality of each Local Centre and market demand for other uses, such as housing, could, if unchecked, result in a shortage of sufficient office, industrial and storage and distribution land to meet a range of sectors, especially the small to medium sized local enterprises, which would adversely affect the sustainability of the Local Centre. In order to ensure that the Local Centres retain a sufficient level of services and facilities and maintain an adequate range of employment opportunities, Island Development Plan policies will only support the change of use away from office, industry or

storage and distribution uses where the applicant demonstrates that the existing accommodation cannot be refurbished to meet the modern requirements for employment uses concerned or has been actively and appropriately marketed for a period of twelve consecutive months but has remained vacant.

The previous application for the creation of housing at this site was refused for the following reason: *It has not been demonstrated that the existing buildings are no longer required for their authorised use or another employment use and are not capable of being upgraded to meet modern standards, nor that they have been marketed appropriately, and the application is therefore contrary to the requirements of Island Development Plan Policy LC4(B).*

No information whatsoever has been submitted to address this policy as part of the current application, and the proposal would not therefore overcome the previous reasons for refusal and would not achieve compliance with Policy LC4(B).

Implications of *The Island Development Committee v Portholme* [2002]

In *The Island Development Committee v Portholme* [2002], the Court of Appeal held that “... if a plan allows for development only in certain identified circumstances, by necessary inference, development out with those circumstances is not to be allowed.”

Section 12(1) of The Land Planning and Development (General Provisions) Ordinance, 2007, is also clear that where the Authority has regard to any relevant Plan in determining an application for planning permission for development which would involve a departure from such a Plan then it must refuse the application (unless the applicant has requested that the application be considered as a minor departure), and it need not take into account any other matter to which it is required to have regard under the Law.

Given the identified conflict with Policy LC4(B), the only lawful decision that can be reached is that planning permission be refused.

Notwithstanding this conclusion, in this case further assessment of other relevant matters is set out below.

Design and impact on the character of the area and setting of adjacent protected buildings

The application site is located on the west side of Rue de Auberts and is visible primarily in views from the immediate vicinity of the junction with Le Bourg. Glimpsed views are possible from Le Bourg to the south-east, however the buildings are read amongst the surrounding development and do not impact significantly in those views. Furthermore, permission has recently been granted for the erection of new dwellings on the land between Le Bourg and the application site and this development, if implemented, will further obscure the buildings in views from this road.

Development in the immediate vicinity of the site is generally characterised by traditional buildings within the Conservation Area to the south east, south and south west, and more modern properties outside that area (including extensive commercial buildings associated with the airport complex).

Unit 3 proposes the conversion of an existing building and would result in the domestication of the existing building, including the rendering of the walls, replacement of the roof covering and alterations to fenestration. The materials used would however draw from the surrounding development and the proposed conversion would not significantly alter the impact on the character of the area.

The scale and form of the proposed new dwellings (Units 1 & 2), together with their positioning on the site and orientation relative to the road, draws from and respects both the existing pattern of development on the site and surrounding development. The detailed design of the dwellings, incorporating split-eaves dormers, coupled with smaller and lower first floor windows on the front elevation, together with the wholesale cladding of the buildings, is however out of character in this area and no justification has been provided to support the selected design.

In respect of the protected building at the site, and those in the vicinity, taking into account the existing development at the site and the positioning of that proposed under this application relative to those buildings, it is considered that the proposal would not have an adverse impact on the setting of adjacent or nearby protected buildings.

No information is provided to demonstrate that the proposed accommodation would be accessible for people of all ages and abilities.

There is very limited provision of soft landscaping proposed as part of the application, however it is noted that the site is predominantly hardsurfaced at present and the proposal would not result in any loss of biodiversity. The provision of soft landscaping in isolation would not be sufficient to mitigate the issues identified above.

In light of the above, whilst the proposal would be unlikely to raise objections under Policy GP5, the application does not meet the requirements of Policy GP8.

Residential amenity

Unit 3 would meet the best practice standards set out within the Technical Housing Standards – Nationally Described Space Standard, however Units 1 & 2 would fall short of that standard. The units would however meet the minimum space requirements of the Building Regulations. It is noted that the cill heights and positioning of the first floor windows to the east elevation are different and it is not clear how this would work with the internal layout, however this is not a significant concern in respect of planning policies.

The proposed Block Layout Plan, whilst drawn at a recognised scale of 1:500, is small to enable an accurate assessment for this form of development. Measuring from that plan, the garden areas for each unit however appear to be approximately 33sqm,

25sqm, 69sqm and 56sqm respectively. Whilst limited, this space would be just adequate to serve the properties proposed. It is however noted that no cycle storage is proposed to serve the dwellings and it is likely this would need to be provided within the rear amenity spaces of Units 1 & 2, which would further limit the amenity space associated with those units. Furthermore, the rooflights proposed within the north roofslope of Unit 3 would overlook the amenity space associated with Unit 2, diminishing the privacy of that unit. It is therefore considered that the proposals fail to consider the health and well-being of the occupants by means of providing adequate private amenity space, and would not therefore comply with the requirements of Policy GP8 or Annex I to the IDP as they relate to residential amenity.

The site is bounded by residential properties to the north and south, and across the road to the east.

The positioning of the proposed dwellings on the site, and the location of the proposed fenestration, would prevent any impact on the amenity of the existing or approved dwellings at the site, or the adjoining dwelling to the south. Equally, the distance to the boundary to the property to the east would prevent any significant impacts on the amenity of that property.

Unit 1 would be built immediately abutting the boundary with the private amenity space associated with the property to the north. Whilst it is noted that the existing warehouse also abuts the boundary no details are provided regarding the relative heights and no shadow analysis is provided to demonstrate whether there would be any additional overshadowing of the adjacent property as a result of the proposed development. No fenestration would face into that property and there would be no additional overlooking of the property.

The proposals therefore fail to demonstrate that there would be no impacts on the provision of daylight and sunlight to the adjacent property, and it is not possible to fully assess whether the proposal would comply with the requirements of Policies GP8 and GP9 in respect of the amenities of neighbouring properties.

Vehicular access and parking

The proposed development includes appropriate levels of vehicle parking for all of the existing, approved and proposed accommodation at the site, in accordance with Policy IP7. The proposal does not however demonstrate provision of cycle storage, and such provision would be likely to further constrain amenity space for the units. The proposal does not therefore accord with Policy IP6.

The existing vehicular access would only serve one of the proposed dwellings, and this is likely to represent a reduction in use over the existing use of the site and would not give rise to highway safety or neighbour amenity concerns.

The provision of parking for Units 1 & 2 would result in the removal of approximately 10.5m of roadside boundary treatment. Taking into account the location of this site and the limited public use of the adjacent lane, it is considered, on balance, that this

removal would not impact significantly on the character of the area. The resulting parking area would not however include on site turning and sightlines would be constrained by the boundary treatment to either side of the parking area. Traffic and Highway Services have previously commented on the provision of similar access to this site as set out above and, notwithstanding the relatively light use and dead-end nature of the road, raised concerns in respect of sightlines from the accesses. There would therefore be road safety concerns regarding the proposed access and parking areas for Units 1 & 2, and the proposal would not comply with Policy IP9 or the material considerations in respect of roads.

The vehicle movements associated with three dwellings would not have a noticeable impact on highway capacity in this area.

Sustainable development

No sustainability statement is provided as part of the submission. The submitted plans include the following sentence: *"We have taken into consideration the insulation, drainage, water efficiency, materials, waste storage and disposal, together with the conservation of fuel and power"*. The proposal does not however demonstrate how the development has been designed having particular regard to the location, orientation and appearance of the building, the form of construction or the materials to be used and does not therefore address the requirements of Policy GP9.

Other matters

Cumulatively, the assessment above indicates that this is a constrained site, resulting in a form of development which does not achieve a good standard of design or meet Plan policy. This is further confirmed by the apparent requirement to provide offsite drainage, shown on the agricultural land to the north-west of Units 1 & 2 on the submitted Block Plan.

Conclusion

The proposed development is for 3no. two bed dwellings. This form of development is consistent with the density and residential character of the area and would accord with the identified requirement for housing in the Island. The application would therefore comply with Policy LC2.

It has not however been demonstrated that the existing buildings are no longer required for another employment use and are not capable of being upgraded to meet modern standards, nor that they have been appropriately marketed. The application is therefore contrary to the requirements of Policy LC4(B) and the application must therefore be refused.

Furthermore, the detailed design of the scheme is not considered to accord with the aims and objectives of Policies GP8, GP9, IP6 or IP9, as set out above.

Date: 22/05/2024

