

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 buildings and erect building with 8 flats, create vehicle access and associated works.

LOCATION: 41 & 43 Victoria Road, St. Peter Port.

APPLICANT: Mr & Mrs D J Carre

I refer to the application referred to below received as valid on 12/02/2024 regarding the above proposals as described more fully in the application and drawings referred to below.

Date of refusal of permission: 10/05/2024

Drawing Nos: Chateaux Architectural Design: 23-009-03, 04, 05A, 06, 07A, 08

Application Ref: FULL/2024/0220

Property Ref: A304690000+A304680000

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 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.

2. The proposed building by virtue of its height, bulk and relationship with the adjoining dwelling, La Fontaine De Bas, would result in an unacceptable impact on daylight, the creation of a sense of enclosure and a corresponding loss of outlook from ground and first floor windows in the north elevation of this dwelling detrimental to the amenities enjoyed by the occupiers thereof. The scheme fails to comply with Policy GP8 a) good design, d) health and well-being of neighbours and Policy GP9 b) neighbour amenity of the Island Development Plan.

3. The development as proposed does not represent a good standard of design as the development would, by virtue of internal space provision and poor access to daylight due to the single aspect, north facing orientation of units 1, 4 and 7 and unsatisfactory sunlight, daylight and outlook to units 3 and 6 be detrimental to the amenities, health and well-being that the future occupiers could reasonably expect to enjoy. The scheme is therefore contrary to Policy GP8 a. and d. and Annex I of the Island Development Plan.

4. The site lies in a Conservation Area in which it is the duty of the Development & Planning Authority to pay special attention to the desirability of preserving or enhancing its character and appearance. The proposed development, by virtue of the proposed fenestration to the north and south elevations and lack of detail regarding any lift plant/overrun would result in a development that would not make an equal or enhanced contribution to the Conservation Area contrary to Policies GP4, GP8 c. and GP9 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/2024/0220
Property Ref: A304690000+A304680000
Valid date: 12/02/2024
Location: 41 & 43 Victoria Road St. Peter Port Guernsey GY1 1HX
Proposal: Demolish existing buildings and erect building with 8 flats, create vehicle access and associated works.
Applicant: Mr & Mrs D J Carre

RECOMMENDATION - Refusal with Reasons:

REASONS FOR REFUSAL

1. 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.
2. The proposed building by virtue of its height, bulk and relationship with the adjoining dwelling, La Fontaine De Bas, would result in an unacceptable impact on daylight, the creation of a sense of enclosure and a corresponding loss of outlook from ground and first floor windows in the north elevation of this dwelling detrimental to the amenities enjoyed by the occupiers thereof. The scheme fails to comply with Policy GP8 a) good design, d) health and well-being of neighbours and Policy GP9 b) neighbour amenity of the Island Development Plan.
3. The development as proposed does not represent a good standard of design as the development would, by virtue of internal space provision and poor access to daylight due to the single aspect, north facing orientation of units 1, 4 and 7 and unsatisfactory sunlight, daylight and outlook to units 3 and 6 be detrimental to the amenities, health and well-being that the future occupiers could reasonably expect to enjoy. The scheme is therefore contrary to Policy GP8 a. and d. and Annex I of the Island Development Plan.
4. The site lies in a Conservation Area in which it is the duty of the Development & Planning Authority to pay special attention to the desirability of preserving or enhancing its character and appearance. The proposed development, by virtue of the proposed fenestration to the north and south elevations and lack of detail regarding any lift plant/overrun would result in a development that would not make an equal or enhanced contribution to the Conservation Area contrary to Policies GP4, GP8 c. and GP9 of the Island Development Plan.

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

FULL/2022/1313 – Demolition of existing retail unit and dwelling and erect 4.5 storey building (including basement) to create 12 flats – refused

1. Design, scale and mass that does not respect and follow the topography of the locality and does not represent a good standard of design that respects the local built environment harmful to the character and appearance of the Conservation Area
2. Not good design in relation to the health and well-being of future occupiers
3. The vehicular access between Les Petites Fontaines and Victoria Road would be substandard and increase the use of an existing substandard junction with

increased vehicle movements in the narrow, single width part of Les Petites Fontaines.

Pre-application advice was sought in this case. It was noted that permission had previously been granted for a development of 8 units but that the Urban Area Plan has been superseded by the Island Development Plan. Matters relating to the character and appearance of the Conservation Area, residential amenity, access for all, highway safety, parking and cycle parking.

Existing Use(s):

Retail/warehouse

Brief Description of Development:

The application relates to the demolition of the existing retail unit and dwelling in order to construct a building to create 8 flats. The scheme incorporates parking for 8 vehicles with associated turntable, storage space for units 1, 3 and 6 to the rear of the parking spaces and communal bin and cycle store. Vehicular access is shown to be provided via the lane to the west, part of Les Petites Fontaines.

The scheme comprises two one-bedroom units and one two-bedroom unit on the ground floor, three, two-bedroom units on the first floor and two, one-bedroom units at third floor level within the roofspace.

Materials are to include a render exterior, blue/black slate, and white PVCu windows along with iron railings and 1.1m high obscure glazed balustrades to external terraces. A white, electric sectional garage door is proposed to serve the garage, accessed from the rear/south elevation.

The application has been accompanied by a supporting letter (requesting a minor departure from any relevant policy in the IDP if necessary), Waste Management Plan and Sustainability Statement.

As originally submitted, no east or west elevation drawings had been provided of the area within the balconies; the section drawings do not seem to accurately reflect the floor plans e.g. the lift does not appear to extend to the basement on the floor plans but is shown in section; the east elevation drawing of the front steps does not seem to align with the floor plans.

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:

1 letter has been submitted and raises the following points:

Impact on locality

- The development would be harmful to the conservation area

Impact on residential amenity

- The development would be harmful to residential amenity

Traffic and parking

- There will be 8 parking spaces for 16-24 inhabitants – this will unacceptably impact on parking locally
- The development will increase traffic flow
- There has been significant development in the area over the last 10 – 15 years which has put strain on infrastructure and parking

Other matters

- Strain has been put on amenities in the area with a reduction in value of original properties, deterring shoppers to the Old Quarter

Consultations:

Traffic and Highway Services – 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.

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 and road safety grounds to oppose development.

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 – commented on the 2022 application:

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.

Office of Environmental Health and Pollution Regulation – there are a number of issues of concern that are raised. Looking at the historic records there is indication of a workshop on the site, and OEHPR are unsure of the exact activities undertaken at this workshop so a discover strategy condition is recommended in regards to contaminated land.

In the document Waste Management Plan dated Jan 2024, ref 23/009, submitted as part of this application, Table 3 Options for Hazardous Waste details that contaminated soil could be “*segregated and sent to a licenced contractor in Jersey*”. This process is likely to require Transfrontier Shipment (TFS) Licence, and this can be applied for by contacting the Waste Regulation Officer at The Office of Environmental Health and Pollution Regulation. A TFS licence is not limited the shipments of contaminated soil or hazardous waste.

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 including the amenities of future occupiers 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

41 & 43 Victoria Road, the buildings proposed for demolition, comprise three buildings. Fronting Victoria Road are a single storey ridged building of traditional proportions (No.43 north) and a gable-ended single storey building (No.41). These are chiefly built of brick and corrugated roofing and detract from the Conservation Area. To the south of the ridged building is a 2.5 storey building (No.43 south) of traditional proportions and construction, built by 1787, set behind a brick-capped stone wall. This building makes a positive contribution to the Conservation Area.

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.

Proposed building

The proposal accords with Policies MC6 and MC5(C) in relation to the change of use away from retail/storage uses. The residential development of the site, in a predominantly residential area (limited office/convenience retail found close by) supports the objective of ensuring the Main Centre remains an attractive focal point where the alternative use contributes to the vitality and viability of the Main Centre. Policy MC2 supports proposals for housing development and as the scheme relates to a mix of one- and two-bedroom units in a multi-storey building the scheme makes efficient and effective use of land and offers an appropriate mix of accommodation on the site (GP8/MC2).

The scale and mass of the proposed building is considered appropriate having regard to the character and appearance of the locality within a Conservation Area. The matter of residential amenity is assessed elsewhere in this report.

The proposed replacement buildings take a form and proportions which broadly reflect those of buildings in this part of Victoria Road, including those which are proposed for replacement. They are generally acceptable, as are the proposed materials. Policy GP4 does however, require a replacement building to make an equal or enhanced contribution to the Conservation Area therefore if the application were acceptable in all other respects it may have been appropriate to defer for changes to be made relating to matters such as the close proximity of two doorways (north elevation) and fenestration (south elevation) in order to respect the Conservation Area along with clarification regarding lift plant (although this could potentially be managed by condition).

As submitted, the development does not represent a sufficiently high standard of design that would respect the local built environment and Conservation Area contrary to Policies GP4, GP8 c. and GP9 of the Island Development Plan.

Effect on adjoining properties

The proposal differs from the previous application in that La Fontaine De Bas now falls outside the site and is to be retained where it has previously been shown to be demolished. This property is situated to the immediate south of the site. The proposed development, and its increased height compared to the existing single-storey building with shallow pitched roof and gable facing La Fontaine De Bas will impact on daylight to windows in the north elevation of La Fontaine De Bas and would have a detrimental impact on outlook due to the increased height of the eastern part of the proposed development, adjacent to the north boundary, given the close relationship between the two buildings. In this regard therefore, the scheme fails to comply with Policy GP8 a) good design, d) health and well-being of neighbours and GP9 b) neighbour amenity of the Island Development Plan.

The scheme would not 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. The development would not result in unacceptable harm to the amenities of La Fontaine Flats because the area to the rear/south is used for off-road car parking. The amenity space for this neighbouring site is situated adjacent to the south boundary wall, further from the proposed development, and 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. High level windows serving the lounge/dining area of units 3 and 6 will ensure that overlooking and loss of privacy to the multiple windows in

the north elevation of La Fontaine De Bas does not occur. The development will introduce multiple windows in the south elevation facing properties in Les Petites Fontaines however, these properties are situated at a higher level than the application site and with c. 15m between the proposed south elevation and north elevation of the terrace of properties to the south so will not generate unacceptable overlooking and loss of privacy in this urban location. Although two patio areas are proposed at ground and first floor levels, these are situated between the two different elements of the building and are very limited in size, these are not considered to result in areas that would generate unacceptable overlooking or loss of privacy to existing, adjoining residents.

Fenestration facing west from the proposed development is limited and 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.

Parking is proposed at basement level, which would be likely therefore, to provide a degree of enclosure and sound attenuation for surrounding residential neighbours. Although the development would result in the loss of open space on the site the garden areas are visible to the public but are private and do not make a contribution to physical access to open space. An area of amenity space, around the proposed vehicular access would still offer an element of visual access to open space when considering the aims of Policy GP8 e).

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. It 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.

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

- Aspect/Outlook

- Daylight/Sunlight

Units 1 and 4 – largely single aspect (north facing) although one secondary west facing window proposed

Units 2, 5 and 8 – single aspect (south facing)

Units 3 and 6 – dual aspect (north and south). Units 3 and 6 also have patio doors facing west however these are just 2.7m from the blank gable of the adjoining part of this development

Unit 7 – single aspect (north facing)

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.

Provision of sunlight to flats 1, 4 and 7 which are all north facing would be limited to very restricted times of day i.e early morning during the summer. Having regard to the Annex therefore, this shortfall must be weighed up against the other amenity aspects of the scheme. The orientation of the development does, therefore, also result in a shortfall in sunlight to these three flats (1, 4 and 7). It is outlined elsewhere in this report that these units meet but do not significantly exceed the internal space standards set in the current Building Regulations.

Although units 3 and 6 would be dual aspect the primary living accommodation would have poor outlook from the proposed lounge/dining area due to high level windows in the south elevation and the relationship of the west facing patio doors to the adjoining apartments building. Daylight and sunlight to these units would also be correspondingly poor, particularly to unit 3, because the floor of the patio for unit 6 would overshadow the patio below and primary doors to the principal living accommodation. The combination of poor sunlight and daylight and restricted outlook from primary living accommodation would not satisfactorily address the health and well-being of future occupiers of these units.

Units 2, 5 and 8 are largely single aspect but are south facing offering good levels of sunlight and daylight and would benefit from reasonable aspect and outlook.

Nonetheless, given the deficiencies of flats 1, 4 and 7 along with 3 and 6 the scheme does not accord with Policy GP8 a. and d. and 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 windows and patios of the south elevation of the new development would have oblique but close views from habitable rooms and amenity space associated with La Fontaine De Bas. The interface between La Fontaine de Bas and the rooms of Flats 2, 3, 5 & 6 and overlooking from Flats 2, 5 & 8 (over three floors in the western part of the development) would result in unacceptable harm to the amenities of the occupiers of this property contrary to Policy GP8 a) good design and GP9 b) amenities along with the material planning considerations.

The relationship between units facing north onto Victoria Road and south to Les Petites Fontaines 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.

- *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 the majority of flats will not benefit from access to amenity space and the open space available on site is not considered satisfactory in its own right 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.

The site is within walking distance of several bus routes and the town centre. Gradients within the development are not flat but appear acceptable and a ramp is proposed to provide access to the ground floor front (north) door in line with the aims of Policy GP8 f.

Internally, individual flat entrances are level and door widths/bathrooms have been designed with accessibility in mind. Access to each floor is via a staircase or lift (for flats 1, 2, 4, 5, 7 and 8) having regard to access for all. Future internal alterations to flats would not require planning permission but it could be possible to add stair lifts, install hoists or to alter the access arrangement between the bedroom and bathroom and internal doorways, hallways and circulation spaces to address the aims of Policy GP8 g. in relation to responding to people's needs over time.

- internal space provision

All units meet internal space provision for Part G of the Building Regulations which is the minimum requirement for such developments. Flats 1, 2, 4, 5 & 7 do not meet the minimum area requirement as set out by the DCLG however, this is guidance only and cannot be rigidly applied. Nonetheless however, consideration must be given to the balance between just satisfactory internal space provision rather than accommodation that seeks to exceed these.

Minimum requirements for built-in storage are not met for the majority of the flats although there may be scope to incorporate additional built-in storage, for example as built-in wardrobes.

Conclusions relating to amenity for occupiers

In the Annex sunlight and daylight are not said to be a determining factor however, the different amenity objectives must be balanced with the objective of seeking to make maximum use of urban developments. Whilst the development is within a tight urban location, units 1, 4 and 7 fail on a number of factors (sunlight/daylight combined with internal space provision) that cannot reasonably be balanced by reasonable aspect/outlook, access to external open space nor making maximum use of sites in urban areas. Furthermore, units 3 and 6 would be unsatisfactory in terms of aspect, outlook and sunlight.

The combined effect leads to units of residential accommodation that have not satisfactorily considered the health and well-being of future occupiers.

The scheme does not therefore, represent a good standard of design and is contrary to Policy GP8 criteria a. and d. and Annex I of the IDP.

Access, road capacity and parking

Although reservations have been raised through the public 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.

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 however, 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 THS have referred to the loss of on-street parking/unloading bay to facilitate visibility for drivers exiting Les

Petites Fontaines this has also been highlighted as a concern given that demand for on-street parking here is so high.

The scheme incorporates cycle storage to enable people to travel by alternative modes of transport and this is welcomed having regard to Policy IP6. This space is however, shared with refuse storage and may result in insufficient space for all bins/recycling and cycles thereby undermining the quality of the development (GP8). It is acknowledged however, that three units have an area of designated storage incorporated into their own parking area which would alleviate pressure within the communal cycle/bin store area. Although designated motorcycle storage is not proposed there would be scope to use the designated underground parking for this purpose. Overall the scheme is considered satisfactory in relation to Policies GP8 and IP6 of the IDP in relation to cycle parking provision.

There may also be conflict between the dual use of the cycle/bin store from a fire safety perspective however, given the other fundamental issues with the scheme formal consultation has not been carried out with Guernsey Fire and Rescue Services. The applicant/agent could liaise directly with the Fire and Rescue Service regarding the proposals in order to address any reservations from the outset of any revised proposal.

Sustainable Development

The application has been accompanied by a sustainability Statement which sets out that the development will meet or exceed the appropriate statutory requirements of the Building Regulations, will have full insulation for internal and external walls and double-glazed windows with regard to energy efficiency and passive energy. The development is indicated to utilise existing surface water drainage for the site. The scheme makes reference to low consumption technology, low rate flush toilets and that rainwater harvesting and solar panels will be explored at a later date.

Little reference is made to hard and soft landscaping within the submission other than to explain that the driveway would be paved and planting undertaken adjacent to this. It is not clear whether it is proposed to utilise a SUDs approach. Nonetheless, a requirement for permeable paving may be managed by planning condition and subject to a condition relating to aspects of the Sustainability Statement the development would comply with Policy GP9.

It is also noted that soft landscaping can be managed by condition.

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.

Conclusions

In view of the above it is recommended that permission is refused for the proposed development given the road safety concerns resulting from poor sightlines for vehicles exiting Les Petites Fontaines and traffic management concerns relating to the increased vehicle movements in the narrow part of Les Petites Fontaines.

The scheme does not comply with Policy GP8 a. and d. and GP9 b. having regard to privacy, aspect/outlook, sunlight/daylight to neighbours and to future residents of the development.

Furthermore, as submitted the replacement building does not make an equal or enhanced contribution to the character of the Conservation Area but could be amended to achieve this to comply with Policies GP4 and GP8 a. and c. of the Island Development Plan.

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: 10/05/2024

