

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: Variation to previously approved plans to erect 2 dwellings with associated landscaping and parking - widen vehicle access to create additional parking space and alter landscaping.

LOCATION: Site off, Rue Des Monts, St. Sampson.

APPLICANT: Octopus 1 Limited

I refer to the application referred to below received as valid on 14/03/2024 regarding the above proposals as described more fully in the application and drawings referred to below.

Date of refusal of permission: 02/05/2024

Drawing Nos: Lovell Ozanne & Partners Ltd: AA27-10350-S1-21, 22 & 24

Application Ref: FULL/2024/0437

Property Ref: B00575B000

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 proposal does not provide appropriate levels of car parking in accordance with Supplementary Planning Guidance: Parking Standards and Traffic Impact Assessment, exceeding the maximum standards set out within that guidance, and does not therefore comply with Policy IP7 (Private and Communal Car Parking).
2. The proposal does not provide appropriate levels of bicycle parking in accordance with Supplementary Planning Guidance: Parking Standards and Traffic Impact Assessment and does not therefore comply with Policy IP6 (Transport Infrastructure and Support Facilities).
3. The proposed development, by virtue of the extension of hardsurfacing and consequent displacement of bicycle and bin storage, would impact adversely on the accessibility of Unit 1, the layout and functionality of the site and the provision of landscaping, cumulatively resulting in overdevelopment of the site and failing to achieve a good standard of design and meet the terms of Policy GP8 (Design).

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/2024/0437
Property Ref: B00575B000
Valid date: 14/03/2024
Location: Site off Rue Des Monts St. Sampson Guernsey
Proposal: Variation to previously approved plans to erect 2 dwellings with associated landscaping and parking - widen vehicle access to create additional parking space and alter landscaping.
Applicant: Octopus 1 Limited

RECOMMENDATION - Refusal with Reasons:

REASONS FOR REFUSAL

1. The proposal does not provide appropriate levels of car parking in accordance with Supplementary Planning Guidance: Parking Standards and Traffic Impact Assessment, exceeding the maximum standards set out within that guidance, and does not therefore comply with Policy IP7 (Private and Communal Car Parking).
 2. The proposal does not provide appropriate levels of bicycle parking in accordance with Supplementary Planning Guidance: Parking Standards and Traffic Impact Assessment and does not therefore comply with Policy IP6 (Transport Infrastructure and Support Facilities).
 3. The proposed development, by virtue of the extension of hardsurfacing and consequent displacement of bicycle and bin storage, would impact adversely on the accessibility of Unit 1, the layout and functionality of the site and the provision of landscaping, cumulatively resulting in overdevelopment of the site and failing to achieve a good standard of design and meet the terms of Policy GP8 (Design).
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OFFICER'S REPORT

Site Description:

The application site comprises the north east corner of an overgrown and irregularly-shaped parcel of land which is designated as an Area of Biodiversity Importance (ABI), and is located within a Main Centre Outer Area and adjacent to a Conservation Area under the Island Development Plan (IDP). The site itself has been cleared of all vegetation and a temporary post and mesh fence has been erected along the south boundary, with hedge planted on the southern side. Access to the site is provided from Rue des Monts to the east, and a private drive (Waters Rocque) runs along the north boundary, separating the site from a residential property in that direction. Further

residential properties are located across the open land to the south, set at a lower level than the application site.

Relevant History:

FULL/2022/1906 Erect 2 dwellings with associated landscaping and parking. Approved 21/09/2023

FULL/2021/0016 Erect dwelling, alter existing vehicular access and create new vehicular access (Revised Scheme – Dwelling relocated to rear of site). Approved 22/03/2022 – subject to a planning covenant preventing completion of the development approved under FULL/2017/0669 should the permission granted be implemented.

FULL/2020/0128 - Erect two dwellings. Refused 04-09-2020. Appeal (PAP-001-2021) withdrawn 06/10/2022.

FULL/2017/0669 - Erect a dwelling with associated landscaping and parking (to front of site). Approved 05-05-2017. Previously accepted that physical works sufficient to implement this permission have been carried out.

Existing Use(s):

Residential development site/Undeveloped land

Brief Description of Development:

Permission is sought to vary the previously approved application to erect two dwellings at the site, widening the vehicle access approved in the north boundary from 11.5m across the bellmouth to 14.5m, to create five parking spaces. The parking area would increase from 8.5m in width to 12m, whilst the depth would remain as approved. The bicycle and bin storage previously approved within the parking area would be relocated to within the curtilage of each dwelling.

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

Island Development Plan

MC2 – Housing in Main Centres and Main Centre Outer Areas

GP1 – Landscape Character and Open Land

GP3 – Areas of Biodiversity Importance

GP8 – Design

GP9 – Sustainable Development

GP15 – Creation and Extension of Curtilage

IP6 – Transport Infrastructure and Support Facilities

IP7 – Private and Communal Car Parking

IP9 – Highway Safety, Accessibility and Capacity

Supplementary Planning Guidance

The Strategy for Nature (July 2020)

Parking Standards and Traffic Impact Assessment

Bicycle Parking

Representations:

One letter of representation has been received raising the following points:

- Five parking spaces will make the area look like a car park;
- The aesthetic of the area will be ruined;
- The increased spaces for cars will have a major impact on biodiversity, which was a large reason the proposal was passed in the first place.

Consultations:

None undertaken.

Summary of Issues:

Provision of car parking;

Provision of bicycle parking;

Impacts on: site layout and design; accessibility; amenity of the approved units; provision of soft landscaping and biodiversity enhancements.

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).**

In considering the provision of parking for new developments, Policy IP7 directs the Authority to take into account Supplementary Planning Guidance: Parking Standards and Traffic Impact Assessment (SPG). The site which forms the subject of the current application is located within the Main Centre Outer Area in the Island Development Plan, and each of the approved dwellings comprises 4 habitable rooms. In respect of the approved development, the guidance therefore sets out a maximum provision of 2 spaces for each dwelling.

In considering the provision of bicycle parking, Policy IP6 also directs the Authority to take into account the Parking Standards and Traffic Impact Assessments SPG. That guidance states that residential developments of 3 or more habitable rooms will usually be required to provide 2 secure covered cycle spaces per dwelling, and 1 additional space for visitors. Although not available at the time at which the previous application was approved, or upon submission of the current application, further additional guidance in respect of Bicycle Parking has now been published (Planning Advice Note 11).

The approved scheme proposed parking for small cars, and the proposed parking area would have been just wide enough to allow for 3 such vehicles to park. In assessing the previous application, it was not however considered reasonable or necessary to limit the use of the area to small cars and the area would have been of sufficient size to allow for up to 2 standard sized vehicles to park. The approved parking provision was in accordance with the Parking Standards and Policy IP7. A condition was however applied to the decision which would limit any expansion of the parking area (Condition 18 of FULL/2022/1906), in view of the sensitive nature of the site. It is worth noting that any exemption rights would not yet have been applicable at this site in any case as there are no dwellinghouses existing.

The bicycle storage proposed under the previous application was located to either side of the parking area and it was noted that, whilst potentially of adequate size, access to the storage was likely to be obstructed by parked vehicles. The submitted plans however demonstrated sufficient space to provide adequate parking and bicycle storage to serve both dwellings and the application was therefore approved subject to a condition requiring submission of a scheme for the provision of bicycle storage (Condition 6 of FULL/2022/1906).

The current proposal is to extend the parking area to provide 5 small car spaces, although the area of hardsurfacing would just be large enough for the parking of the same number of standard sized vehicles. The proposal for 5 spaces at this site would exceed the maximum standard set out within the Parking Standards SPG, and no justification is provided to support the additional provision. The proposal would not therefore take into account the SPG, and would not accord with Policy IP7.

The proposed extension of the parking area would require the relocation of the bicycle parking on the site. The revised provision indicated on the submitted plans would be for a single bicycle for each dwellinghouse, which would not be sufficient to meet the standards set out within the Parking Standards SPG. Furthermore, the store serving Unit 1 does not appear to be accessible, as the bicycle could not practically be put into or taken out of the store from the narrow end and the longer side is located too close to the boundary to allow for access. The provision of bicycle storage therefore fails to take into account the requirements of the SPG, is not adequate to serve the approved dwellings, and would not accord with Policy IP6.

In addition to the above, the extended parking area and revised location of the bicycle storage, together with that of the bin storage, would place increased pressure on the limited domestic curtilages of the approved dwellings resulting in a congested form of development which emphasises the extremely constrained nature of this site. The report for the previous approval concluded that the issues in respect of the development were finely balanced, particularly in relation to the density of development at the site and potential impacts on the Area of Biodiversity Importance. The revised layout proposed under this application would impact on the accessibility of Unit 1, with the only access being obstructed when a vehicle is parked in the space nearest to that unit. Parking of vehicles in either of the end spaces would also obstruct access to the gates on to the Area of Biodiversity Importance on the southern part of the site, however as that land would only need to be accessed on a temporary and

occasional basis and does not form garden area this is not a significant concern. The positioning of the limited bicycle storage proposed, together with the revised positioning of the bin storage, would block pedestrian routes around the building and this issue would only be further exacerbated by the provision of additional bicycle parking as identified above. Finally, the extension of the parking areas and consequent relocation of the bicycle and bin stores would encroach on to previously landscaped areas, reducing the already balanced provision proposed to offset the impacts of the development. The proposal would not therefore achieve a good standard of design and would be contrary to Policy GP8.

As the revised plans submitted under this application do not demonstrate that appropriate bicycle storage could be provided at the site without detriment to the layout or functionality of the site, accessibility and amenity of the approved units or provision of landscaping, it would not be reasonable in this instance to manage the provision of bicycle storage by condition.

The proposal would also result in the removal of 14.5m of the north boundary. Whilst this would result in a notable gap in the boundary treatment, taking into account the nature of that boundary, the position of the parking on site, the approved boundary treatments and the surrounding context, any visual impacts arising from the extended opening and parking area would be limited to a short section of the private road to the north and would not have significant adverse effects on the wider character of the Conservation Area. In the context of the approved development any such impacts would not be significant.

Whilst any impact on the character of the wider area is not considered significant, the proposed car and bicycle parking do not meet the terms of policy and, cumulatively, the issues highlighted above indicate that the provision of additional parking would go beyond the level of development which could be accommodated at the site and would comprise overdevelopment of the site, contrary to the policies outlined above. It is therefore recommended that the application be refused.

Date: 01/05/2024

