

THE LAND PLANNING AND DEVELOPMENT (GUERNSEY) LAW, 2005
AND THE LAND PLANNING AND DEVELOPMENT (GENERAL PROVISIONS)
ORDINANCE, 2007

NOTIFICATION OF GRANT OF PLANNING PERMISSION

PROPOSALS: Demolish existing building, erect 16 flats and ground floor office unit with associated vehicle access and parking (Revised Scheme).

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

APPLICANT: Westland Holdings Ltd

This permission is granted under the terms of Sections 15 and 16 of the Land Planning and Development (Guernsey) Law, 2005 (the 'Law').

Date of Grant of Permission: 20/01/2025

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 15/05/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Tyrrell Dowinton Associates: 2239 03.02F, 03.03F, 03.04F, 03.05F, 03.06F, 03.07F, 03.08F, 03.09F, 03.11F, 03.12F, 03.13F, 03.14F, 03.15F, 03.16F, 03.17F, 03.18F, 03.19C, 03.20C, 03.21C.

Application Ref: FULL/2024/0801

Property Ref: A110170000

Conditions and reasons:-

1. All development authorised by this permission must be carried out and must be completed in every detail in accordance with the written application, plans and drawings referred to above. No variations to such development amounting to development may be made without the permission of the Authority under the Law.

Reason - To ensure that it is clear that permission is only granted for the development to which the application relates.

2. The development hereby permitted shall be begun within 3 years from the date of grant of this permission.

Reason - This condition reflects section 18(1) of the Land Planning and Development (Guernsey) Law, 2005 which states that planning permission ceases to have effect unless development is commenced within 3 years of the date of grant (or such shorter period as may be specified in the permission).

3. The development hereby permitted and all the operations which constitute or are incidental to that development must be carried out in compliance with all such requirements of The Building (Guernsey) Regulations, 2012 as are applicable to them, and no operation to which such a requirement applies may be commenced or continued unless (i) plans relating to that operation have been approved by the Authority and (ii) it is commenced or, as the case may be, continued, in accordance with that requirement and any further requirements imposed by the Authority when approving those plans, for the purpose of securing that the building regulations are complied with.

Reason - Any planning permission granted under the Law is subject to this condition as stated in section 17(2) of the Land Planning and Development (Guernsey) Law, 2005.

4. No development, including site works, shall begin on site until the applicant or developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and agreed in writing by the Authority, and no development shall take place except in accordance with the agreed details.

Reason - The application site is located within an area of known archaeological importance and appropriate and satisfactory provision for mitigation measures to avoid damage to the archaeological remains, and/or for archaeological investigation and recording are essential. This condition is imposed to make sure that any features of archaeological interest are protected or recorded.

5. No demolition (or alteration by way of partial demolition) of the buildings hereby approved for demolition shall commence until arrangements have been put in place to secure the redevelopment of the site as permitted under this planning permission, reference FULL/2024/0801, and these arrangements have been agreed in writing by the Authority. The arrangements shall include details of the timescale and timetable for carrying out the hereby approved works for redevelopment of the site. Thereafter, the development shall be carried out in accordance with the agreed details

Reason - To preserve the character and appearance of the Conservation Area and to avoid an unsightly gap in the street frontage in this prominent location.

6. No materials to be used in connection with the standing seam metal roof or external metal cladding shall be placed on the site until such time as samples of those materials have been submitted to the Authority. Only materials agreed in writing by the Authority shall be used in carrying out the development.

Reason - In the interests of visual amenity and to conserve the character and appearance of the Conservation Area.

7. Prior to the commencement of any work in connection therewith details of:

- a) The proposed brise soleil to the east elevation of Block A serving apartment 16;
- b) The height, design and appearance of the terrace balustrades serving Block A, apartments 15 and 16; and
- c) Details of all proposed vehicle and bicycle charging points to be provided across the site,

shall be submitted to and agreed in writing by the Authority.

The balustrades approved under b) above shall be installed prior to the first occupation of the unit to which they relate and shall thereafter be retained at all times and the development in all respects shall be carried out only in accordance with these agreed details.

Reason - In the interests of visual and residential amenity to preserve the character and appearance of the Conservation Area.

8. No occupation of any of the dwellings hereby approved shall take place until such time as the hardstanding has been installed and the parking and turning facilities shown on the approved plans have been completed in accordance with the approved plans (no. 03.03F) and shall thereafter be retained at all times.

Reason - In the interests of residential amenity and to make sure vehicles can enter and leave the site in a forward direction and to provide off-street parking, in the interests of road safety and effective traffic management.

9. Prior to the commencement of any work in connection therewith, details of the appearance and siting of the proposed traffic light system shall be submitted to and agreed in writing by the Authority. No part of the development hereby approved shall be occupied until the approved traffic light system has been installed and made operational. This system shall thereafter be retained at all times.

Reason - To manage traffic movements in the interests of pedestrian safety and the free flow of traffic on the highway.

10. Notwithstanding the submitted details, prior to the commencement of any work in connection therewith a scheme showing the precise layout of the secure and covered cycle parking areas shown on the approved plans for both Block A and B shall be submitted to and agreed in writing by the Authority. No part of the development, hereby permitted, shall be occupied or used until that provision has been made in accordance with the agreed details and those areas shall not thereafter be used for any purpose other than the storage/parking of bicycles.

Reason - To make sure that convenient provision is made for cyclists having regard to the published Advice Note regarding Bicycle Parking.

11. The development hereby permitted shall be constructed in accordance with the details set out Appendix II: Policy GP9 further explanation set out in the Planning Strategy Assessment (April 2024 revised application) and in accordance with the details shown on the approved plans.

There shall be no occupation of any part of the development until the electric charging points approved under condition 7 c) have been installed and made operational.

Reason - In the interests of sustainable development.

12. No development, including site clearance and demolition, shall take place until an updated version of the Site Waste Management Plan submitted as part of this application has been submitted to and approved in writing by the Authority. The updated Site Waste Management Plan shall take into account any further site surveys or changes to the construction programme, and shall identify an individual with responsibility for regularly monitoring the Site Waste Management Plan. The development shall thereafter be carried out only in accordance with the Site Waste Management Plan so approved.

Reason: To ensure that the development is managed to minimise waste during the demolition of any existing buildings or structures or during construction, that existing materials are reused, recycled or disposed of either on or off site, and that residual waste will be dealt with appropriately, in accordance with the aims and objectives of Policy GP9.

13. No part of the development hereby permitted shall be occupied or brought into use until there has been submitted to the Authority a report providing verification that the development has been carried out and monitored fully in accordance with the Site Waste Management Plan approved under Condition 12 above. Where there has been any variation from the approved Site Waste Management Plan, the report shall highlight and detail the reasons for this.

Reason: To ensure that the development is managed to minimise waste during the demolition of any existing buildings or structures or during construction, that existing materials are reused, recycled or disposed of either on or off site, and that residual waste will be dealt with appropriately, in accordance with the aims and objectives of Policy GP9.

Expiry Date: This permission will cease to have effect on 20/01/2028 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

In relation to condition 7 b), these terrace balustrades, in terms of overall height and design, should have regard to the potential views of the terrace at apartment 15 from apartment 16 and from the terrace of apartment 15 to the amenity space at Bridger.

In relation to condition 10, attention is drawn to the published Advice Note: Bicycle Parking (AN11) which provides information relating to meeting the needs for cycle parking: <https://gov.gg/CHttpHandler.ashx?id=177499&p=0>.

Effect of planning permission:

Section 18 of the Land Planning and Development (Guernsey) Law, 2005 ('the Law') defines the effect of the planning permission hereby granted, namely:

- (1) Planning permission ceases to have effect unless the development permitted by it is commenced within a period of three years immediately following the date on which it is granted (or such shorter period as may be specified in the permission).
- (2) Planning permission enures for the benefit of the land concerned and of every person for the time being having an interest in it.
- (3) Any conditions subject to which planning permission is issued are enforceable in accordance with the provisions of Part V of the Law.
- (4) Planning permission for the erection of a building is only permission to use it for the purpose specified in the permission or, subject to any restriction so specified, for any other purpose for which it is designed.
- (5) Planning permission is only permission to carry out the development specified in it (subject to any conditions so specified), and does not imply the giving of any other approval or consent required under this Law or any other enactment or under any rule of law.

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, on the merits against a decision to grant planning permission subject to conditions (except a building condition), to the Planning Tribunal, which is independent of the States of Guernsey. 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. The official Appeal Notice Forms are available on the States of Guernsey website at www.gov.gg/planningpanel and must be completed with all enclosures in multiples as requested and received within the six months deadline.

Copy of representations made:

In reaching this decision the 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 under section 11 will be included with this decision in accordance with section 19 of the Ordinance.

Other Remarks:

Please note that any work which abuts or affects the public highway requires prior approval by Traffic and Highway Services. Please contact Traffic & Highway Services (highways@gov.gg) for further advice. You must also ensure that any access/es to the development are constructed to meet the existing road/footway levels in accordance with their requirements.

This document is not a Building Licence and confers no approval under the Building Regulations.

A separate Building Control Licence may be required and it is the responsibility of the developer to ensure that ALL necessary consents are obtained and that any pre-commencement conditions are discharged prior to development being commenced.

A J ROWLES

Director of Planning
Planning Service



PLANNING APPLICATION REPORT

Application No: FULL/2024/0801
Property Ref: A110170000
Valid date: 15/05/2024
Location: 15 & 16 Gategny Esplanade St. Peter Port Guernsey GY1 1WN
Proposal: Demolish existing building, erect 16 flats and ground floor office unit with associated vehicle access and parking (Revised Scheme).
Applicant: Westland Holdings Ltd

RECOMMENDATION - Grant: Planning Permission with Conditions:

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c) Details of all proposed vehicle and bicycle charging points to be provided across the site,
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INFORMATIVES

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OFFICER'S REPORT

Site Description:

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

No. 15 Gategny Esplanade has a rendered exterior and sash windows with a captain's dormer in the front roofslope, double pile roof and a flat roof dormer to the rear. Single-storey extensions exist to the rear of this property with a small

courtyard garden area to the west. No. 16 has a mansard roof with sash windows facing the seafront and a substantial mansard roof extension to the rear with external fire escape staircases to either side (north and south). The site also incorporates an area of parking to the rear of the site accessed via a carriage arch at Marina Court (east). The west site boundary is marked by a rendered wall beyond which are currently areas of private parking, to the east and west of the access road, known as Don Street, off Bosq Lane. This car park is the only site close by where the space is not defined by active frontages and it is surrounded by the backs/sides of buildings (mainly blank).

An analysis of the wider area shows that when viewed from the marinas, the buildings developed in the 2000s fronting Gategny Esplanade are of a similar height, then the site and the buildings up Bosq Lane are smaller scale and then there is a step up to the Royal Terrace, a large landmark building. From elevated views, such as the Blue Mountains, the 2000s buildings are defined by large flat roofs, similar in height and with a break down of the street layout to the rear of the site with a reduction in building size before a step up to the Royal Terrace.

Bosq Lane is identified in the Conservation Area Appraisal as an important view corridor, which visually connects the hillside town with the harbours and marinas with the Russel beyond. In Bosq Lane Albany House is a single-storey building situated between the four storey Gategny Chambers to the east and three storey, Seaton House to the west. Seaton House is a domestic-scale three-storey, three bay house of traditional appearance with the third storey within a slate mansard roof with three dormers. The north elevation of Seaton House is blank.

Royal Terrace to the south is six storeys in height, at its tallest and has active frontages all the way around and represents a 'landmark building' as part of a former Planning Brief development site. Royal Garden is more domestic in scale. In Don Street, Marina Court (west) comprises lower buildings and Bickleigh is noted to have a blank gable east façade along with a two-storey wall to the east boundary with the car park.

The Conservation Area Appraisal highlights detractors in the Conservation Area.

A blue plaque has been erected at the site highlighting the existence of the building on the Duke of Richmond Map which was an accurate survey and measurement of the Island. The plaque was issued to celebrate the bicentenary of the Map (1887 – 1987). The site is in the Main Centre of St Peter Port and a Conservation Area and Archaeological Area. Neither building is Protected but are pre-1900 buildings. There are six Protected Buildings directly to the west on Les Canichers.

Relevant History:

Pre-application meetings and advice have been provided in this case.

FULL/2023/1375 - Demolish existing building, erect 18 flats and ground floor office unit with associated vehicle access and parking – refused

Block A – c. 15.5m

Block B – c.21m high

Grounds for refusal were:-

1. Overdevelopment of the site which does not respect the character of the local built environment or achieve a high standard of design in the Conservation Area. The size, scale, height and bulk of both buildings would be obtrusive and incongruous architecturally unrelated to the size and scale of surrounding development and also overbearing to occupiers of adjoining buildings.
2. Not a good standard of design as the occupiers of flats in Block B would be served by unsatisfactory sunlight/daylight and outlook from the windows in the east elevation harmful to amenities/health and well-being.
3. Design and layout of parking garage and pedestrian access through this part of the development does not demonstrate accessibility for people of all ages and abilities
4. Sustainable design information lacking site specific detail.

Existing Use(s):

Offices
02 flats

Brief Description of Development:

The application relates to the demolition of 15 and 16 Gategny Esplanade in order to erect two buildings (block A fronting Gategny Esplanade and Block B adjacent to the rear/west site boundary) containing a total of 16 flats and a ground floor office unit with open parking between the two blocks, access via Marina Court (east), and as amended, serving parking for 11 vehicles (including one accessible space) a bin store, two cycle stores (one in block A and one in block B) for the proposed flats and office. One stair core and a lift serve the five storey (c.15m) block A, and two stair cores and a lift serve the six storey (c. 18m high) block B, as amended one of the two staircores will serve as a means of escape only.

The scheme incorporates 10 x 1-bedroom units, 5 x 2-bedroom units and one 3/4-bedroom unit (including large study).

Access is also retained through the site to the rear of Bridger.

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

The application was deferred so that the applicant could provide further information/drawings in relation to outlook and aspect from Block B and the amenities of future occupiers along with information regarding GP9. Further information and additional plans have been provided.

Following further review, the application was amended further with particular regard to the proposed external materials and details, alterations to the proposed access/parking arrangements and the height and position of the southern staircore to Block B.

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

Island Development Plan policies:

S1: Spatial Policy

S2: Main Centres and Main Centre Outer Areas

MC2: Housing in Main Centres and Main Centre Outer Areas

MC4(A): Office Development in Main Centres

GP4: Conservation Areas

GP5: Protected Buildings

GP7: Archaeological Remains

GP8: Design

GP9: Sustainable Development

IP6: Transport infrastructure and support facilities

IP7: Private and Communal Car Parking

IP9: Highway Safety, Accessibility and Capacity Plan

Appendix VII – Conservation Areas

Conservation Area Appraisal

Parking Standards and Traffic Impact Assessment SPG

Bicycle Parking Advice Note

Representations:

Nineteen letters of representation have been submitted objecting to the application and raising the following points:

Loss of existing buildings

- Object to the loss of another charming old Guernsey building from the St Peter Port seafront that is part of Guernsey's beauty and history
- The blue plaque on the building has been ignored

Office development and Housing Mix

- There is no need/demand for office developments with numerous sat empty
- The inclusion of the office does not make the best use of space

- States Strategic Housing Indicator identifies an overwhelming requirements for 2 bedroom dwellings and MC2 expects developments to provide a variety of dwellings – a mix of 1, 2 and 3 bed flats are proposed and the scheme has not been supported by evidence to demonstrate that there are important economic or social reasons preventing the provision of a mix of dwellings that more closely reflects the current identified need

Design

- The density is too great for the site, there is a lack of space – the development is crammed in, this is an overdevelopment of the site (such a limited reduction in numbers)
- The development has not significantly altered from the previously refused scheme – the changes are superficial
- The proposed development is unproportional and inappropriate – it would appear as a monolith on the eastern coastline
- The height, shape and style of the rooftop is not in keeping with surrounding properties
- The development is out of scale, too tall, large, ugly and out of keeping – this is not a development that would make an equal or enhanced contribution to the Conservation Area
- The building is too close to Marina Court

Residential amenity

- The development does not respect the surrounding low lying properties and the change in land levels between Gategny Esplanade towards Don Road – the drawings are misleading
- The 5-storey block B will block light from properties to the west and has not been amended sufficiently to address the previous reasons for refusal – too high by two floors at least
- Although no view is “owned” the development would darken and eliminate open sky area to the southeast of the Les Canichers properties
- The development will create a solid and claustrophobic block
- The development will be oppressive, it will create overlooking and overshadowing of the central courtyard and neighbouring flats at Marina Court and have an adverse impact on the amenities of Bridger in terms of overlooking and loss of privacy
- Will the development overlook the nursery playground? Block B and the upper flats and terrace will overlook and overshadow the nursery and playground

Living environment of future occupiers

- The size of the flats do not meet the Guernsey Technical Standards of 50sqm and below the DCLG minimum sizes – the scheme does not comply with Policy GP8 d.
- Only small flats are proposed and internal space, including storage will be compromised

- Block A flats would have a magnificent view and seem to comply with the building requirements
- The rear block will have no sunlight for much of the day and overlook a carpark and stairs
- The application has not been supported by any verifiable analysis in accordance with best practice guidance e.g. Daylight in Buildings and Daylighting – a guide for designers

Character/Conservation Area

- The development will not enhance the Conservation Area or accord with Policy GP8
- The development will stand out from the surroundings and have a detrimental impact on the St Peter Port skyline
- The town would be marred by the development
- The development will block seaward views from many points in the town – views of the other islands will be compromised
- This development is not appropriate in this location, it may be more appropriate near Admiral Park
- The development will still have an adverse impact on the Blue Mountains – the development will be entirely visible, whatever the number of storeys proposed
- There are no compensating open spaces allowing vistas to the sea or back to the woods at Les Cotils
- The development will compete with existing landmarks and dwarf them
- Neighbouring developments sit comfortably on their plot and do not interfere with the unbroken horizon and waterfront line of the harbourfront – proposal would be crammed in and appear oversized compared to its neighbours
- The development will add to the “detractors” in the Town Study, the development ignores the recommendations from the Hillside Town Study
- There is an incremental loss of vistas and walkways in the Hillside Town

Traffic and highway matters

- THS should be consulted on the application
- There will be traffic management issues – the access is narrow and potentially dangerous with access onto a very busy road and crosses a major footpath
- There will be an additional access
- The number of occupants and associated vehicle movements will cause congestion for traffic heading north
- There is insufficient parking proposed on site which will cause pressure for on-street parking in the locality
- During development there will be safety issues with traffic associated with the site and people, including children from the nursery using the roads, where paths are not always present, Bosq Lane is particularly busy at school drop off and pick ups

- There will be difficulties with deliveries, waste management and emergency access in the event of a fire
- How will the fire brigade access the building to rescue people in the event of a fire?
- Refuse lorries need easy access and there is no provision for a communal bin store, large quantities of waste left out will attract vermin. There are currently 12 refuse trucks per week using Don Street
- The development will put more strain on the local roads
- The development does not prioritise pedestrians who will be crossing the site, vehicle movement dominate – the only way to prioritise pedestrians is to eliminate parking and there are alternative methods of transport to cars available in the area
- Damage will be caused and changes made to the public highway and surface water run-off must not be discharged to the highway – there is no highway approval for changes to the road surfaces/pavements etc.

Flooding

- Flooding is and will be an issue in the future and the scheme makes no reference to ways to mitigate against potential flooding

Sustainable Development

- The submission makes no reference to net zero as part of the Island's resilience to making first steps to the blue and green economy, the Electricity Strategy states the intention to reduce carbon footprint
- There is no reference to electric charging points
- Sustainable development information is extremely limited and does not overcome the previous reason for refusal

Other matters

- The Authority previously failed to address Policy GP10 in relation to the previous scheme – the development of this site would compromise the ability to comprehensively develop or redevelop the adjacent land and buildings if it were deemed necessary or desirable in future and the most appropriate, effective and efficient use of land could only be made by way of a comprehensive redevelopment of the group of properties on the corner of Gategny Esplanade with a Development Framework or Local Planning Brief
- The latest Government Work Plan states that priority will be to evaluate and implement actions to address the capacity, affordability of the private housing market and address key worker housing – the development would not meet the intentions of the Government Work Plan and would run contrary to it, ignoring the need for affordable housing
- There are impracticalities of constructing a large building on this site – the area is difficult to negotiate at times
- There will be safety and security issues associated with the development and general disruption in the area and for people living and working close by whilst work is carried out on this major development – Noise and dust nuisance during construction

- Damage to the attached buildings/undermine foundations
- How will the construction phase impact on the children at Petite Ecole, will they have to be kept inside?
- The relationship with Marina Court will make maintenance and repair difficult – a wider space for scaffolding must be left
- The local infrastructure e.g. drainage cannot cope with this development, including during the construction phase
- The drawings do not accurately portray the relative height difference because of the use of misleading topography and angles
- There is no analysis of the existing situation to establish a baseline in terms of sunlight/daylight and the Sun Path Analysis have not been prepared in accordance with recognised best practice guidance

Constables and Douzaine of St Peter Port – object to the application. It is still too high and extensive, far too near Marina Court (only 1m for access/maintenance). Scaffolding for this existing building requires 2m to erect.

The existing buildings (no.15 has a blue plaque) is an important part of the landscape; when travelling towards the Bridge they form part of the heritage of the old town. Other buildings may be severely damaged if separated after all this time.

It is also completely out of character in the area. Up to 6 stories is far too high, far higher than any adjacent buildings and it would dwarf the site. The development does not accord with Policy GP4.

Block A would have a magnificent view but see comments below regarding roads and pavements.

Block B will have no sunlight for much of the day and overlook a car park/stairs.

The development will overlook a children's nursery and overshadow its play area.

The proposal is contrary to the Development Plan as the latest Government Work Plan states that priority will be to evaluate and implement actions to address private housing market and key worker housing (capacity and affordability) and the flats should address the private market.

The application makes no reference to net zero as part of the Island's resilience to making first steps to the blue and green economy. The Electricity Strategy states very clearly the intention to reduce carbon footprint. The scheme makes no reference to electric charging points, bicycle sheds or parking.

The building is not big enough for more than very small flats (c. 47.82sqm) which is below the Guernsey Technical Standards of 50sqm (for two people).

Access for potentially 32 cars (multi-car households) would be excessive at peak periods and cause congestion at any time for vehicles using the narrow in/out

access. Adjoining streets are already busy (Bosq Lane/Don Street) due to residents, gym and offices. Refuse vehicles are also challenged as they have to back into the road as are other delivery vehicles (FerrySpeed, shredding lorries etc). There is no overspill if the car park is full.

How will refuse storage be managed as each flat has a bin store. Other flats/properties have communal storage requiring one refuse vehicle to visit minimising access and noise. If waste is set out on the public road this will be in large quantities and attract vermin.

How will emergency services/fire service access the upper floors?

Flooding is and will be an issue in the future. There is no mention of this in the application or how this will be mitigated.

In addition, THS and the Constables are mandated to maintain the Island's roads and should always be consulted when any proposed works could damage or alter the public highway (road or footpath). The new access might impact on the road and its integrity, creating hardstanding could impact on surface water run off which must not be discharged onto the highway and new services may require the highway to be dug up. This application has not applied for permission for disruption to the highway.

Various 'conditions' have been recommended should permission be granted.

Consultations:

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

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

In view of the potential archaeological significance of this site I would like to request that the developers allow for a period of archaeological excavation following the demolition of the existing structures. The finer details of this process can be discussed in due course, but a period of approximately four to six weeks should

suffice. It would also be possible to investigate different areas at different times (e.g. removal of the tarmac in the car-park would enable archaeological investigation prior to the demolition of the buildings). I would of course be happy to discuss this in more detail with the applicants.

Summary of Issues:

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

Assessment against:

1 - Purposes of the law.

The objectives set out in Section 1(2) of The Land Planning and Development (Guernsey) Law, 2005, 'the Law', have been considered and this report forms part of the assessment, with policy issues set out in Section 2 below.

2 - Relevant policies of any Plan, Subject Plan or Local Planning Brief.

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

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

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

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

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

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

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

2 - Relevant policies of any Plan, Subject Plan or Local Planning Brief.

Principle of redeveloping the site

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

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

Existing buildings

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

Protected Buildings

Consideration must be given to the impact of the development on the setting of Protected Buildings. There would be a slight detrimental effect of the proposed

development on the setting of Protected Buildings as the scheme would harm/interrupt the views to and from them. This would not however warrant the refusal of planning permission and Policy GP5 has been satisfactorily addressed.

Height, Scale, Mass and Design

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

The Conservation Area Appraisal sets out that such buildings will need to have a very high standard of architectural design. In the Conservation Area Appraisal (CAA) the buildings along Gategny Esplanade have been described as ‘French style’ in that they are large 4 or 5 storey blocks of a scale which is more common in France, and they are in a general Regency style based on classical proportions with a similar window to wall ratio and a verticality in the windows. These buildings have been carefully designed, with active frontages.

The neighbouring buildings to the south of the site are remnants of the smaller scale developments of the town as it was in the 18th and 19th Centuries and form part of the view corridor identified in the Conservation Area Appraisal. These have been followed by the larger scale offices that now surround the site and which were developed in the early 2000s. These neighbouring buildings are all smaller and domestic in scale (1, 3 and 4 storeys) and both Blocks A and B are taller, being 5 and 6 storeys in height. Both buildings have been reduced in height since the previous refusal scheme with changes made to the design and appearance of both buildings.

The undeveloped car park to the rear of the site is a break in the existing urban form and development pattern, which has ‘closed’ frontages around it. It is an open and undeveloped site surrounded by the backs of buildings. Although reference is made to the need for comprehensive development the adjoining carpark falls outside the applicant’s ownership and control and the adjoining site cannot prevent the sites at 15 and 16 Gategny Esplanade from coming forward for redevelopment.

Block A

The main façade of this building is the east elevation, facing the sea front. It has been designed as a four bay, five storey building, the top storey being a dark clad pavilion style which is similar to that at Gategny Court. To the rear there is a one bay, three storey wing which connects with Bridger and has a flat roof balcony over. The building as now proposed steps down between the large buildings to the north and smaller to the south. Although the parapet wall is higher than Marina Court, the ridge is very similar and given the size and variation of buildings facing onto Gategny Esplanade the scale is now considered acceptable.

Block A includes architectural detailing such as stripes of render, window and door surround detailing and, as amended, Juliet balconies set inside the window reveals and this helps to ground the building whilst the fenestration is of a similar style to other post 2000s buildings. The proposals as amended better respect the aesthetic of the surrounding buildings and represent a high standard of design and thereby preserve the character and appearance of the Conservation Area. In this regard the scheme accords with the aims of Policies GP4, GP8 and GP9 of the Island Development Plan.

The west elevation is utilitarian with windows set out according to need, the stair core and bin store. This façade looks into the site with only glimpsed views from Bosq Lane so has no impact on the surrounding Conservation Area and accords with the relevant policies in the IDP. Consideration of the effect of this façade on outlook and amenities of occupiers in proposed Block B is considered elsewhere.

Block B

The Conservation Area Appraisal incorporates reference to new 'landmark buildings' i.e. designed to stand out from other buildings, including at night and places an expectation on such developments to be of a very high standard of architectural design.

The main façade of Block B is the east elevation which looks into the courtyard of the site. The building has a façade which is split into three blocks as the central two bays project forward slightly and the amendments have sought to increase the setback to provide more definitive vertical breaks across the façade.

The staircores to either end are set back and also incorporate fenestration. Following the deferral of the application the southern staircore has been amended so as to be used for emergency access only and its height has been reduced by 500mm with adjustments made to its position. The first-floor flats have balconies/terrace areas whilst those above have smaller balconies with glazed balustrades. The top floor has a smaller 'pavilion' style structure that extends across two of the bays to the north, the third bay serves as a terrace/external space.

Considering the impact of this part of the development on the wider Conservation Area, when viewed from the marinas to the east the east façade of Block B will be visible but is not considered to cause unacceptable harm to the character of the Conservation Area as it will appear to be a tier of the terraces that work up the hill behind. It is noted however, that due to its size, and the smaller scale of buildings to the immediate south, the building will be visible when looking up Bosq Lane and will impact on close views in the Conservation Area/view corridor. Given this impact it is important to ensure that high quality materials are used in the development and through the course of the application the proposed materials have been amended and improved. This remains a matter that can be managed by planning condition where necessary.

Through this revised scheme, Block B would not generally appear out of scale compared to many of its neighbours, as a result of changes to its height and a reduction in the floor area of the uppermost floor. The overriding character of the locality is now more of the taller, larger modern developments than of the more modest and domestic scale developments, the remnants of which exist on the corner of Gategny Esplanade and Bosq Lane. It is noted that the staircore to the south of Block B would sit tight to the rear of Seaton House and is blank apart from render bands, it is also taller than Seaton House however, it is noted that the rear of Seaton House is blank. The reduction in height and adjustment to position have been beneficial, particularly with regard to Seaton House. Overall, the impact of this element, as amended, on the character and appearance of the Conservation Area is not so significant as to justify the refusal of planning permission.

The west elevation of Block B faces the undeveloped carpark to the west which, as noted elsewhere, is a break in the general pattern of development comprising active frontage on active streets. This elevation extends across the whole width of the site and the uppermost floor, the 'pavilion' is approximately one storey taller than Marina Court and in this view would likely represent a new landmark, particularly when considering the corridor view of Bosq Lane identified in the Conservation Area Appraisal.

Following the deferral of the application this rear elevation of Block B has been amended to address concerns about the different breaks/setbacks between the bays, different patterns of fenestration and window widths across this façade. The submission as amended confirms that widths are equal on the north and south side of the west elevation with equal window widths introduced. Render bands have also been incorporated to improve the quality and appearance of this aspect of the development.

The west elevation will be dominant when viewed from areas identified in the Conservation Area Appraisal (Blue Mountains, Les Canichers and Les Cotils). This revised scheme represents an improvement since the earlier refusal and it is noted that Policy GP4 does not prevent development occurring in Conservation Areas but rather seeks to ensure that such proposals conserve (and where possible, enhance) the character and appearance of the particular Conservation Area concerned. Following amendment, the development, subject to conditions, is considered acceptable when considering and balancing the aims of the IDP and other States' strategies in terms of its effect on the Conservation Area.

The revised scheme proposed, with the more traditional design and the wall to window ratio proposed, and a shift away from the glazed staircore, results in buildings that will not appear unduly noticeable at night in the Conservation Area setting. The fenestration to this façade serves access corridors/staircores rather than habitable accommodation and the proposed arrangement would not preclude development of the adjoining car park site if proposed at some later date.

The ground floor serves as the parking garage for the site and following amendment the entrance doors for Block B have been focused to one point, with the second staircore being for emergency purposes only. The revised location of the cycle store and changes to parking layout are such that the entrance for residents and visitors is more clearly defined and inviting. Given that this is a backland building, with development either side and there is no way for the development to incorporate or access onto the surface carpark beyond it is not possible for the building to have an active frontage to the street. The revised layout of the ground floor area represents an improvement in terms of the design and layout for residents for access when considering the aims of Policy GP8 of the IDP.

Blocks A and B

As outlined elsewhere in this report, in relation to recent large-scale developments in the area, the quality of the materials can improve the contribution a building and development makes to the character of the area. The reservations highlighted through the course of the consideration of the application have been addressed and amendments have been proposed to ensure these are of an appropriate quality for the scale of buildings proposed and given their prominent position. These changes will improve the quality of the development to ensure that the scheme contributes to the character of the Conservation Area.

In terms of hard landscaping around the site, which as required by the IDP is expected to help reinforce local character, although the car parking area is utilitarian this does not preclude the introduction of good quality materials to contribute to overall design quality. Adjustments have been made to the scheme in this regard and the matter of hardstanding can be controlled by planning condition.

Conclusions - Height, Scale, Mass and Design

The reduction in the number of units, height and design changes proposed since the earlier refusal ensure that the revised scheme no longer represents an unacceptable overdevelopment of the site. Subject to appropriate planning conditions relating to external materials/details the scheme is considered appropriate in the Conservation Area having regard to its impact on the character and appearance of the locality. The scheme complies with the Strategic Policies in the IDP along with Policies GP4, GP8 and GP9 of the Island Development Plan.

Residential amenity

There are no windows in the rear elevation of Seaton House (in residential use) nor its single-storey neighbour, Albany House (commercial premises). It is noted that Seaton House adjacent to the site incorporates a single-storey pitched roof element close to Block B. It is also noted that permission has recently been granted for that part of the dwelling to be utilised as a garage which, once complete, would further separate Block B from the residential accommodation at this property, which is single aspect to the street.

There is a single upper floor window in the west elevation of Gategny Chambers which is a mixed-use building comprising offices and flat(s). There is also a dormer in the north elevation of this building facing Block A which would likely be affected by the proposed roof terrace serving flat 15 and the south facing windows of flat 16 (bedroom and secondary living room window). The close-knit arrangement of developments in central locations such as this means that there is frequently an element of overlooking/mutual overlooking between properties. In this case, views down to the amenity area of Bridger may be possible but will be limited and can be further managed through the type of balcony balustrade to be used in connection with the wall enclosing the proposed terrace. Such an approach may help direct views east to the sea and away from neighbouring windows and this matter can be managed by planning condition. With regard to Block B, the submission has been amended to include obscure glazed balcony balustrades in order to reduce the perception of overlooking.

Fenestration to the west of Block B provides light to corridors and access hallways only rather than to residential accommodation where the potential for overlooking and loss of privacy from living accommodation may be greater. The windows will face across the adjoining carpark with adequate distance separation to ensure no unacceptable overlooking of properties to the north, and with c. 40m between the site and Le Petite Ecole nursery.

The scheme is therefore considered satisfactory in this regard in relation to Policy GP8 and Policy GP9 of the IDP.

Health and well-being of occupiers

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

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

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

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

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

- Aspect/Outlook
- Daylight/Sunlight

Block A offers dual aspect accommodation and is considered satisfactory in terms of the above amenity considerations.

Block B accommodation generally remains single aspect which will, from a build perspective require further consideration as properties cannot make use of cross ventilation and in order to minimise possible ventilation issues.

Although the podium deck has now largely been omitted an element of parking is garage space below Block B thereby reducing the level of visible, surface level parking when considering aspect and outlook from these units. The top floor will benefit from a sea view, with some views possible from the floor below.

Concerns were also raised during the course of this revised application regarding shading to the lower units during the afternoon. There is a distance of c. 17m between the two blocks, and a sun-path analysis has been provided. However, an element of shading remains.

- Privacy

The Annex states that development will be expected to be designed with windows an adequate distance apart and / or suitably orientated to ensure that the level of privacy that could reasonably be expected to be enjoyed by an occupier is not adversely affected and that the use of obscure glazing alone to achieve privacy will not, normally, be considered acceptable. In this case, there would be a satisfactory distance between the front of Block B and the rear of Block A to ensure that privacy remains within acceptable limits given the urban setting of the site.

- Access to external open space

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

The revised scheme has omitted the podium level above the parking area thereby reducing access to on-site amenity space. The accommodation in Block B would be served by small balconies with limited outlook but apartment 9 being served by a more substantial roof terrace, due to its position in the block/height and sea views. Only flats 15 and 16 in Block A would have access to terraces; the remainder of the units would have no individual or communal space on site to use.

Nonetheless, the site is close to public amenities and the coast which would address the on-site shortfall in amenity space provision which is considered to offer suitable access to external open space in this instance.

- Internal space provision

The accommodation addresses the requirements of the Building Regulations and the majority of the units also meet the DCLG space standards which is published on the States' website however, this is good practice guidance only and cannot be used as the minimum space standards for all new developments. Meeting, or in this case, exceeding the requirements of the Building Regulations ensures that the development would be satisfactory in this regard.

- Accessibility and flexible accommodation

The development would be accessible via stairs and lifts and on the whole, apartments would be on a single level. Internal layout changes could be made at a later date in order to meet the changing needs of occupiers. This aspect of the scheme complies with Policy GP8 f. and g.

- Other matters

As outlined elsewhere in this report the level of off-road car, motorcycle parking/cycle parking meets the SPG in order to provide a high-quality development that best encourages occupiers to travel by alternative modes of transport.

The revised scheme offers more clearly defined pedestrian routes into the site and parking area, laid out in order to reduce potential conflict between pedestrians and vehicles using the site. As the second staircore serving Block B will be utilised for emergency purposes only all residents and visitors will access via the main entrance lobby which has a more open aspect (surveillance/policing) with the cycle store repositioned on the site and represents an improvement in design when considering Policy GP8.

The access arrangements for Block A would be between, rather than past, the bike and bin store and the refuse store doors have been directed away from the primary entrance for residents and visitors, this is an improvement over the refused scheme and overall, in terms of concepts such as 'Secure By Design' would not warrant the refusal of planning permission.

Conclusions - Health and well-being of occupiers

The amenities of the future occupiers of Block A would be satisfactory in line with the requirements of the IDP.

The different amenity objectives must be balanced with the objective of seeking to make efficient use of urban sites and developments. The Annex sets out that sunlight/daylight alone will not be used as a determining factor where the other amenity objectives are appropriately addressed. It remains the case that there would be an element of deficiency to occupiers of apartments in Block B in terms of sunlight and daylight. The scheme as amended however, has sought to demonstrate that aspect and outlook would not be unsatisfactory with an element of parking provided beneath the building and with balcony features proposed. When balancing these factors against good internal space provision, the sustainable location of the site with good access to services and public amenity spaces and reasonable levels of privacy for occupiers the revised scheme is considered to overcome the earlier refusal in terms of the amenities, health and well-being of future occupiers in terms of Policy GP8 and Annex I of the Island Development Plan. Furthermore, the design and layout of the garage parking and pedestrian access through, as now proposed, is accessible for people of all ages and abilities in accordance with Policy GP8 thereby overcoming the previous relevant reason for refusal.

Access and parking

Maximum parking standards apply in this location which is in a highly sustainable location on the sea front within easy walking distance of public car parks, cycle parking and public transport.

The level of off-road parking is considered satisfactory and accords with the requirements of Policies IP6 and IP7 in relation to car, motorcycle and cycle parking. Furthermore, the allocated parking provision enables occupants to use the spaces in a way that suits their needs, and the parking spaces could be utilised by motorcycles or cars.

There is an existing vehicular access serving the rear of the site and approximately 16 spaces (as per the application form). As originally submitted the scheme proposed 13 spaces but as amended this would reduce to 11 car spaces on site. The site currently serves a mix of residential and office development although the balance is currently towards office parking provision. Given the change in the nature of use on the site there would likely be more vehicle movements to and from the site however, these would enter and exit in a forward gear and would not have an unacceptable impact on the free flow of traffic. It is also noted that a traffic light system is proposed to avoid conflict between vehicles entering and exiting the site. Whilst the comments received through the public consultation process regarding vehicular access to the site, impact on the free flow of traffic etc. are noted as set out above, the scheme would comply with all relevant areas of the IDP.

The revisions to the proposals to improve pedestrian access to Block B has impacted on the position of cycle storage so that it is further from the site entrance when considering the aims of the published Advice Note. On balance however, the improvements to the pedestrian access to Block B outweighs the repositioning of the cycle store to elsewhere on the site.

The Bicycle Parking Advice Note highlights the issue of storage where it is difficult to manoeuvre cycles into the designated space or the location is inconvenient resulting in underused parking which discourages cycle use and/or cycles being left nearer entrances/attached to railings etc which may cause an obstruction. Furthermore, the Advice Note states that all cycle parking within residential developments should be suitable for a standard size electric cycle. The fire safety aspects of charging cycles must be noted however, a development proposal should seek to recognise that this is likely to be a requirement of users in terms of layout/design.

There are two designated cycle stores within this development, one relatively close to the site entrance within Block A and one within the parking area, attached to Block B. These would both offer secure and covered storage for users. In this case, there may be an element of sharing between office users and Block A residents (unless the four frontage spaces are available for the office only).

The indicative style of cycle rack in Block B could be tight for users if all spaces are occupied. The drawings appear to show butterfly wall racks in the Block A store which would not be recommended, and it is reasonable and necessary for a planning condition to be imposed to ensure that the scheme is designed having regard to this published guidance (shared cycle parking and space for ease of use with appropriate types of cycle parking to serve the needs of users) particularly when some units are sufficient in size for occupation by families.

The individual stores at the rear of the building could also be utilised for cycle parking but will be harder to access given the fire doors that separate the communal cycle store and pedestrian access to staircore 1 from these individual stores. This may make them less convenient but as the individual stores are not the only cycle parking available this is not considered unacceptable and would offer occupiers an alternative, dedicated storage area for other household items.

Sustainable Development

The application submission does incorporate information that seeks to address the requirements of Policy GP9 and flooding.

The application includes a Waste Management Plan and this matter could be further controlled by planning condition.

Other matters

The scheme has been designed to work around the existing chimney stack at Bridger. If this is live then smoke could impact on the use of the proposed balcony and various windows/doors at Block A however, it is unclear whether this chimney is used and would be a matter addressed through Building Control and Environmental Health.

3 - General material considerations set out in the General Provisions Ordinance.

In addition to the consideration of policy issues, Section 13 of the Land Planning and Development (General Provisions) Ordinance, 2007 identifies other material planning considerations which could be relevant. These include; the appropriateness of the development in relation to its surroundings in terms of design, layout, scale, siting and materials; the likely effect on the character and amenity of the locality; any possible fall-back position by way of extant planning permissions or exempt development; the likely effect on the reasonable enjoyment of neighbouring properties. These issues where relevant are considered above.

4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).

The proposal would have no adverse impact on protected trees or sites.

Date: 20/01/2025