

## **DEVELOPMENT & PLANNING AUTHORITY**

### **OPEN PLANNING MEETING AGENDA**

An Open Planning Meeting will be held at **The Reading Room, Les Cotils Centre**, on **Wednesday 22/03/2017** at 9.15am for a 9.30am start.

The following applications will be considered at the Open Planning Meeting:-

#### **Agenda Item 1 :-**

<b>APPLICATION NUMBER:</b>	<b>FULL/2015/3024</b>
<b>APPLICATION ADDRESS:</b>	Le Platon Residential Home, Le Platon, St. Peter Port.
<b>DESCRIPTION OF WORK:</b>	Demolish existing flat roof extensions and buildings and erect 1, 2 and 3 storey extensions to provide additional accommodation, create courtyard with associated landscaping, alter vehicle access and create parking area (protected building).
<b>NAME OF APPLICANT:</b>	Le Platon Residential Home.

#### **Agenda Item 2 :-**

<b>APPLICATION NUMBER:</b>	<b>FULL/2016/2864</b>
<b>APPLICATION ADDRESS:</b>	Extension Vineries, Route Militaire, St. Sampson.
<b>DESCRIPTION OF WORK:</b>	Change of Use of land from Agricultural (Use Class 44) to Storage/Distribution (Use Class 30).
<b>NAME OF APPLICANT:</b>	Mr M R Loveridge.

The agenda for the open planning meeting, along with the planning application reports relating to the applications to be considered, which follow below, are made available five working days before the date of the Open Planning Meeting on the States website and also in hard copy at the Planning Service's offices. The planning application reports below contain a summary of consultation responses and of any representations received on the applications from third parties.



**Application No:** FULL/2015/3024  
**Property Ref:** A302010000  
**Valid date:** 04/12/2015  
**Location:** Le Platon Residential Home Le Platon St. Peter Port Guernsey  
**Proposal:** Demolish existing flat roof extensions and buildings and erect 1, 2 and 3 storey extensions to provide additional accommodation, create courtyard with associated landscaping, alter vehicle access and create parking area (protected building).  
**Applicant:** Le Platon Residential Home

**RECOMMENDATION** - Grant: Planning Permission with Conditions:

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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. Prior to any demolition a Construction and Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Authority. Agreed details shall be carried out as approved unless otherwise agreed in writing by the Authority. The CEMP

shall set out aims for the demolition and construction phase, detailing measures to minimise and control, as far as practicable:

- i. the impact on traffic flow, traffic and pedestrian management and safety and public parking;
- ii. negative impacts on residential and business occupiers nearby; and
- iii. waste management and disposal including demolished and/or excavated material.

The CEMP shall detail:-

- a. hours of demolition and building operations;
- b. noise and vibration control;
- c. site lighting and light pollution control;
- d. dust prevention and management;
- e. construction phasing;
- f. traffic and parking management including the movement and use of large scale plant and machinery and parking for site workers during the demolition and construction phase;
- g. pedestrian and construction access and management of access including maintaining public rights of way; and
- h. additional matters that may need to be addressed during the proposed works.

Reason - To co-ordinate and set out the implementation of construction activities to ensure that the best environmental practice is achieved, reduce the risk of adverse impacts of construction and minimise disturbance and nuisance in the interests of amenity.

5. No development, excluding demolition and site works, shall begin until a landscaping scheme, to include those details specified below, has been submitted to and agreed in writing by the Authority:

- i) the treatment proposed for all ground surfaces, including hard areas;
- ii) full details of tree and hedge planting;
- iii) planting schedules, noting the species, sizes, numbers and densities of plants;
- iv) finished levels or contours;
- v) any screen walls or similar structures;
- vi) any other structures to be erected or constructed;
- vii) functional services above and below ground; and
- viii) all existing trees, hedges and other landscape features, indicating clearly those to be removed.

Reason - To make sure that a satisfactory landscaping scheme for the development is agreed, in order to help assimilate the development into its surroundings.

6. The precise details of the landscaping scheme for the planting areas to the south and east boundaries adjacent to Le Mont as hereby approved shall be carried out only in accordance with the agreed details as specified on Guernsey Gardens drawing no. 2017/2 PP001.

Reason - To make sure that a satisfactory landscaping scheme for the development is implemented in order to help assimilate the development into its surroundings and in the interests of the amenities of the neighbouring occupiers.

7. No materials to be used on the exterior of the buildings 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 - To secure the satisfactory appearance of the completed development.

8. Prior to the commencement of each element on site precise details of the entrance canopy and south facing canopy at 1:20 scale shall be submitted to and agreed in writing by the Authority. The development shall be carried out only in accordance with the agreed details.

Reason - The information provided with the application does not include full details of the proposed feature(s). This condition is imposed to make sure that the building is of satisfactory design and does not have any adverse impact on the character of the area.

9. No development shall be commenced on site before a detailed scheme for the obscure glazing of first floor windows in the north facing elevation onto Little St. John Street has been submitted to and approved in writing by the Authority. The windows required in the approved scheme to be obscure glazed shall be glazed as an integral part of the development with obscure glass which shall thereafter be retained at all times.

Reason - To minimise the effect of the development on the privacy and amenities of nearby residents.

10. The landscaping and planting schemes shall be fully completed, in accordance with the details agreed under the terms of conditions 5 and 6, in the first planting season following the first occupation of any part of the development or completion of development, whichever is the sooner, or in accordance with a programme previously agreed in writing by the Authority. Any trees or plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by trees or plants of a size and species similar to those originally required to be planted.

Reason - To make sure that the appearance of the completed development is satisfactory and to help assimilate the development into its surroundings.

11. The pedestrian access in the north elevation roadside boundary wall fronting onto Little St. John Street shall be blocked up in materials to match the remainder of the roadside wall on the same elevation.

Reason - To secure the satisfactory appearance of the completed development.

12. The 26 car parking spaces along with the allocated Doctor's and disabled spaces as indicated on the approved plans, shall be kept available for the parking of cars or other motorised vehicles at all times. The 26 spaces shall be used solely for the benefit of the residents, staff and visitors of Le Platon Residential Home of which it forms part and for no other purpose and permanently retained as such thereafter.

Reason - To make sure that adequate off-street parking is provided, in the interests of road safety and residential amenity.

13. The bicycle parking to be provided shall be kept available for the parking of bicycles at all times. The spaces shall be used solely for the benefit of the visitors and staff of Le Platon Residential Home of which it forms part and for no other purpose and permanently retained as such thereafter.

Reason - To make sure that adequate bicycle parking is provided, in the interests of road safety and residential amenity.

## **INFORMATIVES**

For the purposes of condition 5, the basic design constituents to be considered in any landscape scheme should include:

### **Landscape design strategy**

- Overall design concept
- Soft landscape elements
- Area and type of hard surfaces, including access and site circulation
- Buildings and relationship to external spaces
- Use/function of different areas
- Contours and levels
- Services - above and below ground
- Land drainage
- Boundary treatments

### **Detailed planting proposals**

- Relate to landscape character of locality and make use of locally distinctive species
- Provide scientific names including species and varieties, numbers, locations, form, size (height, spread, girth, pot size)
- Topsoil/planting medium (depth, finished level, etc)
- Planting specification including site preparation, irrigation and plant maintenance provisions, mulch (depth and material) and supports for trees/shrubs/climbers
- Doors, windows, overhanging eaves, fire escapes of buildings adjacent to planting areas
- Temporary/permanent protection of existing/proposed planting
- Grass/seeded areas
- Remedial surgery pruning to retained trees/shrubs

### **Landscape structures and surfaces**

- Walls, fences, gates, rails
- Surfaces (soft, hard, steps, ramps, drainage falls)
- Seating, bins, bollards, lighting, signing,
- Construction details and specification, noting use of any local materials/building techniques
- Relationship to building form and materials
- Structures for building services (bin stores, etc)

### **Management plan**

- Design concept/objectives
- Provision for long term management
- Maintenance regime (frequency and types of operation for grass, ornamental and native planting, water areas)
- Identify management agency.

In accordance with condition 12, a plan showing the allocated 26 spaces including the Doctor's and Disabled spaces to be used by the Home shall be submitted to and retained by the Authority. Any subsequent change to the allocation of these spaces must be notified to the Development & Planning Authority.

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## **OFFICER'S REPORT**

### **Introduction**

This report is an addendum to the previous planning report dated 16<sup>th</sup> January 2017 which was published prior to the Open Planning Meeting held on 25<sup>th</sup> January 2017. A copy of the previous planning report is attached to this report and the two reports are to be read in conjunction with one another.

This report focuses on the main issues raised during the Open Planning Meeting held on 25<sup>th</sup> January 2017, the responses of the applicant to those matters and any new issues raised within the subsequent letters of representation.

Consideration of the application was deferred at an Open Planning Meeting on 25<sup>th</sup> January 2017 following concerns of Members of the Development & Planning Authority over the potential impact of the development on neighbouring residential properties. The agent was invited to submit additional information to address the reasons for deferral. Amended plans showing the precise landscaping to the south and east boundaries adjacent to Le Mont and additional planting within the terraced garden area, additional shadow analysis plans, a revised drawing showing the external finish to the north elevation of the proposed extension and further justification as to the proposed form and massing of the building have been submitted.

The amended plans and further information has been publicised and further representations have been received. This further information and the content of the further representations are considered in the following report.

### **Representations:**

Following deferral of consideration of the application at the Open Planning Meeting held on 25<sup>th</sup> January 2017, ten further letters of representation have been received, in response to the amended plans and further information submitted. Nine letters oppose the development and one is in support.

Six of the letters of objection are from residents of the local area. Two are from a legal representative on behalf of one of these neighbours. The ninth letter of objection is from

a resident of the Vale and relates to matters concerning the operation of the Home which are not material planning considerations.

The letter of support clarifies that the concerns initially raised were in regard to the tree to the west (now the subject of a Tree Protection Order) and not to the development of Le Platon Home which is supported. The letter comments that the submitted proposals may make the entrance safer for traffic exiting Le Platon.

Several concerns expressed by the representors opposing the application are similar to those considered previously, which are detailed in the attached planning report; however, new issues or concerns raised specifically in relation to the amended proposals and further information are summarised below:

- The significant impacts on the level of residential amenity should have resulted in the application being refused at the previous Open Planning Meeting
- Revised details are not sufficient to show that the development does not impact on neighbours
- It is not clear if the revised proposals for landscaping are sufficient
- The revised plans are ambiguous and as such the burden of proof of amenity protection is still uncertain
- Evidence of the accuracy of submitted plans and information; concerns about the accuracy and results of the shadow analysis
- The need to satisfy all eight tests required under policy GP8
- One person's amenity is as important as that of 'many'
- The application is being considered with a biased view because of the nature of the development
- Comments regarding the conduct of the previous Open Planning Meeting
- Impact on Clifton Villa - The statement from the developers regarding the impact of the building in the north west corner does not adequately consider potential changes of roof design to this element; different roof designs including shallow pitched or flat roofs would be more in-keeping with the original building
- Impact on 21 Sausmarez Street - Loss of outlook and sunlight/daylight to bedroom window, loss of privacy; suggested alternative designs for extension and roofscape, including part-glazed pitched roof or green roof
- Impact on Le Mont - Development proposes a substantial and unnecessary structure built directly adjacent to neighbour's garden; this is overbearing and will overshadow
- Impact on Charter House through loss of privacy; request for further shadow analysis, additional planting and increase in the height of a boundary fence
- The impacts on residential amenity could be removed by alternative design solutions possible given the size of the site
- Increased scale and effect on character
- Traffic impacts, implications for deliveries
- No reference has been made to the current parking/layout arrangements. A number of spaces are currently rented out; if these are removed then it will add to the parking problems in the area
- Too much focus previously on internal traffic movements and car parking rather than the impacts on the surrounding road network.

### **Consultations:**

The **Constables of St Peter Port** were consulted on the amended plans and further information. The Constables had no comments to make.

The Office of Environmental Health and Pollution Regulation and Traffic and Highway Services were previously consulted and their comments are set out in the attached planning report dated 16<sup>th</sup> January 2017. These bodies have not been consulted again on the amended plans and further information, as these amended plans and further information would have no implications relevant to highway safety, traffic management or public health matters which are considered in the attached previous planning report.

### **Summary of Issues:**

The application was deferred on 25<sup>th</sup> January 2017 at an Open Planning Meeting to allow the applicant the opportunity to address the concerns and issues raised by the Authority Members at that meeting.

- Impacts of the development in terms of overshadowing
- Whether the development has an overbearing impact on surrounding neighbours
- Potential alterations/changes to the north west corner of the extension to be constructed to the north of the site
- Details of proposed landscaping to the south and east boundary of the site adjacent to Le Mont and within the remaining garden area of the site.

In addition and taking into account the specific issues raised within the letters of representation to the revised plans and further information, the following will also be considered in detail below:

- The current and proposed parking/layout arrangements
- The alleged misrepresentation of scale of the surrounding properties as indicated on the plans submitted by the applicant.

### **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).**

### **Impacts of the development in terms of overshadowing**

Concerns over the impact caused by the massing and form of the proposed extensions were expressed within the letters of representation and by Members of the Authority.

Falling to be considered under Policy GP8, the health and well-being of the occupiers and neighbours of the development is specifically identified as an issue to be considered under criterion d).



As part of the application presented before the Members of the Authority at the Open Planning Meeting on 25<sup>th</sup> January 2017, the application was accompanied by shadow analysis plans which showed the sunlight/shadow analysis for the two solstices and both equinox, at 12 noon and 4pm with the winter solstice showing the most shadow cover. It was concluded within the previous planning report that although some shadowing would occur from the proposed development to Little St. John Street, it was not considered that this would be of greater impact than that arising from the existing building which would be replaced.

However during the Open Planning Meeting, the residents of Clifton Villa noted that the shadow analysis plans did not consider potential levels of shadowing during the morning and it was during this time, given the orientation of the application site to the south of these properties and the increase in height of the proposed building by the replacing of a flat roof with a pitched roof that shadowing would occur.

As part of the further information provided since the Open Planning Meeting, additional plans in relation to shadow analysis have been submitted. The plans show the existing levels of shadowing and the proposed level of shadowing for the two solstices and both equinox, at 9am, in plan form. A plan showing the 3D modelling of the existing and proposed building shadows at 12 noon in relation to the properties on Little St. John Street has also been submitted. The results from the shadow analysis plans have been extrapolated and included on a section plan north-south through the site to include Clifton Villa. Lines that illustrate the scope of shadowing particularly in reference to this property are noted on the plan.

The three additional plans as noted above demonstrate that the impacts arising from the proposed building are limited with the greatest impact being on the 21<sup>st</sup> December when the sun is lowest in the sky.

The analysis carried out for 9am in March and June do show a slight increase in the shadow line but this does not affect the dwellings on Little St. John Street as the shadow falls short of the front of these properties casting shadow over the highway.

By September, as the sun is lower in the sky the analysis plans again show an increase in shadowing between the existing and proposed buildings, however the impact of this affects the site itself with shadows being cast by the rear roof pitch over the front facing roof.

On 21<sup>st</sup> December, some additional shadowing would occur to Clifton Villa but at 12 noon the shadowing created by the proposed building would be over the front door of this property and would cover a small part of the adjacent ground floor window. The drawings show that there would be no impact on first floor windows at Clifton Villa and only a limited additional impact at ground floor level on 21<sup>st</sup> December as a result of shadowing, despite the proposed inclusion of a pitched roof. The set back of the roof 3.2m from the roadside boundary, the 35 degree roof pitch and the distance between the site and Clifton Villa means that the angle of the shadow would not affect any first floor windows.

For 21 Sausmarez Street, the shadow would cover more of the south facing gable wall of the building but there would be no additional impact on the windows within this elevation beyond that currently experienced as a result of the existing situation.

The impacts of the development in terms of overshadowing has been carefully considered and following the submission of the additional information it had been satisfactorily demonstrated that whilst there will be some additional shadow cast over the site itself and the road, the impacts of the development in terms of shading of 21 Sausmarez Street and Clifton Villa would be very limited.

Although concerns of overshadowing have also been expressed by the occupiers of Le Mont and Charter House, the orientation of these properties to the application site means that the proposed development would not cause significant shadowing. The shadow analysis plans submitted initially and those provided more recently do show some element of shadow cast over parts of these sites, but this shadowing is caused by the existing high retaining walls and the existing surrounding buildings.

#### Whether the development has an overbearing impact on surrounding neighbours

Concerns were expressed by the occupiers of two residential properties on Little St John Street, Clifton Villa and 21 Sausmarez Street, and by the occupiers of Le Mont and Charter House in relation to the overbearing impact of the proposed development.

During the Open Planning Meeting held on 25 January 2017, Authority Members noted the external finish of the north facing wall which included two large areas of dark stone cladding whilst attention was also drawn to the infilling by extending the building at first floor level at the north west corner of the site. The occupier of 21 Sausmarez Street additionally raised concerns over the increased massing of the proposed structure to the north east with two storey pitched roof development replacing a single storey flat roof element.

The applicant was given the opportunity to explore potential changes to the roof form or extension at the north west corner and to consider an amendment to the external appearance of the north facing elevation.

The applicant in response has submitted a revised north elevation plan and statement regarding the impact of reducing the building at the north west corner. The changes to the design of the north elevation relate to the omission of the dark stone sections in favour of render but retain the dark stone granite quoin detail and raised parapets to help break up the massing of the building, adding dimension and visual interest to its appearance. The change of the external appearance to predominantly light coloured render has reduced the dominant visual appearance of the structure caused by the proposed use of dark stone, thereby improving its appearance and reducing any impact on the outlook from neighbouring properties.

In relation to the reduction or alteration of the building to the north west corner of the site, the project Architect considers that this would be an unreasonable course of action, impacting on the viability of the scheme. It is noted that the form of the roof as proposed,

a double pile gable, presents the most appropriate building form in relation to its setting within a Conservation Area and to respect the protected building.

The project Architect has also considered a reduction in floor area at first floor level but expresses the view that the creation of an unbalanced building form with a prominent flat roof element would result in a disjointed appearance. The Architect also considers that this corner represents the most prominent part of the site and the loss of the first floor section would be detrimental to the architectural heritage of the Conservation Area.

Based on this conclusion and the potential resulting impact, the Architect considers that the loss of the ground floor would also be necessary but that this would further result in an unsatisfactory building form uncharacteristic to the area.

Notwithstanding the impact on the visual appearance of the proposed form and how this would relate to the setting of the site or the protected building, the removal of a section of the building at first or ground floor level, would result in the reduction of usable floor area and as such the provision of services and facilities proposed. In addition to the loss of administration offices which also double as private meeting rooms the Architect states that two bedrooms would be lost and potentially the hairdressers and a third bedroom as a result of having to reconfigure the internal layout to provide adequate fire escapes and protected stair enclosures to overcome the removal of this element.

The Architect notes that as the number of bedrooms has already been reduced through reducing the massing and bulk of the scheme to the south elevation, the loss of further bedrooms would render the scheme financially unviable.

In considering the omission of this section of proposed building, the Authority has to have regard to the overall design and appearance of the building (IDP Policy GP8) and how this relates to the Conservation Area (GP4) and the protected building (GP5). The impacts in retaining this section to the north west on the amenity of the neighbours and whether this causes an overbearing impact must also be considered.

This section of the building to be infilled at first floor level is limited in area, with the remaining existing building being two storeys in height. The increased massing of the structure to this corner and the inclusion of a pitched roof is not therefore considered to represent a significant increase in the massing or bulk of the existing form. The overall design and appearance of the extension was considered in detail within the previous planning report which concluded that the design and appearance was acceptable in relation to the character and appearance of the Conservation Area and would not have a significant impact on the protected building. The design of the extensions and the retention of the section which contributes to the cohesive form represents a high standard of design acceptable within this sensitive location.

The main issue to be considered when assessing the impacts of the north west section of the building was in terms of whether it would have an overbearing impact on Clifton Villa.

In relation to the relationship of this corner of the development and its impact on the outlook of occupiers of Clifton Villa, the building would be seen from the front elevation windows serving this property. However, the proposed building does not extend across

the entire frontage of Clifton Villa. Outlook from the windows in Clifton Villa would primarily be to the west of the proposed extension with the current outlook in this direction being improved by the proposed reduction of the high roadside wall that presently encloses the site to the corner of Le Platon and Little St. John Street. Having regard to these factors, it is considered that the relationship of the proposed building to the front elevation of this building would therefore not be overbearing in nature.

The concerns raised by the occupier of 21 Sausmarez Street in connection with the increase in height of the building to the north east of the site and the incorporation of a double pitched roof rather than the existing flat roof as existing relates to the overbearing impact of the development to the south facing gable of the property. Although works are proposed to this area of the building and the existing building will be demolished, the photographs enclosed with the representor's letter help demonstrate that although the development will result in an effect on views from their gable window, which serves their bedroom, the proposed extension would not result in the significant loss of light or have an overbearing impact. As can be seen from these photographs, views of the townscape are over the existing flat roof extension, and although the proposed structure will have a pitched rather than flat roof, the roof will be set back into the site and sloping away from the window. The pitch and position of the roof will not be directly in front of this window and although it will change the outlook and views, it will not be overbearing or detrimentally affect the light levels in the room. The use of lighter materials rather than the dark stone to the north elevation of the building will also assist in limiting visual impact.

Occupiers of both Clifton Villa and 21 Sausmarez Street have suggested use of shallower pitched roofs or flat roofs to sections of the northern extension to Le Platon Homes. This is not considered justified on grounds of the effect of the current proposals on the amenity of these properties and would also result in a form of development which would be uncharacteristic within the Town Conservation Area and would detract from the setting of the Protected Building. It is concluded that there is no justification in planning terms for requiring any amendment to the design or form of the scheme as previously proposed beyond that contained in the revised plans relating to the materials to be used on the north elevation.

As noted in the previous planning report, the proposed development within the lower terrace section of the site, which has previously been undeveloped, will affect the outlook from Charter House, the property to the east. Although concerns have been raised by the occupiers of both this property and Le Mont (on lower ground level to the south of the site), the orientation of both of these dwellings on their plots, the interface distances between the proposed building and the existing dwellings and the change in ground level between the site and Le Mont would ensure that the proposed development does not have an unsatisfactory overbearing impact to detrimentally affect the residential amenity of these occupiers.

#### Details of proposed landscaping to the south and east boundary of the site adjacent to Le Mont and within the remaining garden area of the site

Precise details of the landscaping to the south and east boundaries adjacent to Le Mont as well as to the newly created courtyard area were recommended to be required by

planning condition should the application have been approved at the Open Planning Meeting on 25<sup>th</sup> January 2017.

Areas to be landscaped were clearly indicated on the submitted plans and although precise details of the planting could have been satisfactory dealt with by condition, as the application was deferred, and landscaping was indicated as an area of concern among the representors, the opportunity was taken to invite the applicant to consider this in more detail.

In response to this request a planting proposals plan compiled by Guernsey Gardens has been submitted which gives precise details of the species, density and pot size at the time of planting within the planting areas to the south and east boundaries adjacent to Le Mont and includes additional planting from that originally proposed within the remaining garden area of the Le Platon Home between the proposed extension and Charter House. No details of the exact layout or planting of the courtyard area have been submitted for consideration at this time as this will be to a specialist design to offer maximum benefit to the residents. Details of this nature would normally be required by planning condition.

Concerns over the landscaping as proposed have been raised in the latest letters of representation. The representors consider that the plans are ambiguous with no indication of where the proposed sleeper planter will be located on site. In addition it is noted that the heights of the plants are not clearly indicated and concerns are raised that as the Authority is relying upon the landscaping to the north and west of Le Mont to make the application acceptable in terms of residential amenity, these details are critical. In the absence of these details therefore, it is requested that the application be refused.

However, the suggestion that there is a reliance on landscaping to the south and east boundaries adjacent to Le Mont to protect the amenity of that property and make the scheme acceptable is not accurate. The landscaping of a site and the benefit that can result from planting is referenced in IDP Policy GP8: Design, specifically in criterion e) which recognises that where soft landscaping can reinforce local character and distinctiveness and/or mitigate the impacts of development landscaping will be expected to be provided. The preceding text to this policy notes that areas designed for landscaping should be considered as an intrinsic part of the design process. Landscaping can help contribute towards the overall appearance and design of the scheme and should not be used to screen or hide an unacceptable development.

The use of landscaping, particularly to the south and east boundaries adjacent to Le Mont will contribute to local character and distinctiveness and help to assimilate the development within its setting. In addition the planting area to the south significantly improves the existing levels of residential amenity of the occupiers of Le Mont by providing a buffer between the application site and their garden.

As clearly indicated on the submitted plan the proposed section of the sleeper planter (0.8m high) will be constructed 1.2m north of the separating retaining wall between Le Platon and Le Mont with trees (2m high at time of planting) and shrubs planted between the retaining wall and the sleepers. The planter will be constructed along the entire south boundary providing significant benefit to the occupiers of Le Mont. The erection of the raised planter will ensure that direct overlooking as currently experienced will not be

possible from the application site into their garden area. The set back of the raised planter 1.2m from the edge of the site will mean views out from the garden area of the site will be above this house and garden area.

The planting to the boundary between the proposed car parking area and the garden area of Le Mont is proposed to be border planting inside of the site and the existing fence. The existing timber fence and trellis on top of the retaining wall to the west will be retained, the landscaping sited to the inside face of this fence. Although the indicated planting consists of shrub rather than tree planting, the omission of trees within this border area is not considered critical. Trees are proposed within the car parking area to help soften and integrate the introduction of hard surfacing in this area. The retention of the existing fence will protect the amenity of the residents of Le Mont and would not change the existing boundary situation. The proposed car parking spaces would be set back from the boundary as a result of the proposed border planting.

The planting of new trees within the existing south section of the remaining garden area between the proposed development and Charter House to the east will also help assimilate the development within its setting. As previously noted the outlook from Charter House would be altered by the erection of buildings in this previously open garden area and although this would not be so significant to detrimentally affect residential amenity, the planting of additional trees will help soften this impact. It is proposed to plant fruit trees within this area respecting the historic use of part of this site as a small fruit orchard. Elements of the landscaping will be glimpsed from some long distance views again reinforcing the local character and distinctiveness.

The use of landscaping is not therefore relied upon to make the development acceptable, but does provide significant benefits to the neighbouring dwellings, by increasing levels of privacy from that currently experienced and providing a soft natural backdrop.

#### The current and proposed parking/layout arrangements

As part of the application following the initial deferral of the scheme a Traffic Assessment containing information regarding existing and proposed car parking provision, vehicle trips, expected levels of traffic movements, proposed road improvements and traffic accident data was submitted to overcome initial concerns of Traffic and Highway Services. As part of the assessment and as noted in the previous planning report the existing car parking arrangements and those as proposed are considered within this assessment.

The existing car parking provision is split over three locations - within the site itself, both sides of the internal access road and to the south of the main entrance. In total 66 car parking spaces are provided, 45 of which are rented spaces with the remaining 21 shared by staff, visitors and deliveries/tradespersons.

A concern has been raised by a representor as to the re-allocation of the proposed car parking spaces and the potential, should car parking spaces not be rented out as part of the new proposals, to have significant impact, coupled with that also argued will occur in the course of construction, on the surrounding road network.

As part of the development, three parking areas are proposed within the site providing in total 63 spaces, 2 of which are designated disabled spaces and 1 designated for doctor's parking. The doctor's and disabled spaces along with an additional 3 unallocated spaces are sited adjacent to the proposed access. 29 further spaces would be provided to the south west of the proposed building on a lower terrace, served by a separate access off Le Platon. The remaining 28 spaces are located to the east and west of the road (Le Platon) and served directly off the highway.

As part of the Traffic Assessment levels of proposed car parking have been identified as 6 visitor spaces, 18 staff spaces and 2 trades/service spaces with no requirement given the nature of development for any residents' parking. Although it has also been identified that doctor's and disabled parking would be required, these have been specifically allocated within the site adjacent to the main entrance. Therefore, out of the 60 available spaces, 26 would be directly allocated to the home with the remaining 34 spaces made available for renting out to surrounding residents and businesses.

Although this would result in a reduction of 11 rented spaces, this has not been raised as a significant concern by Traffic and Highway Services. A condition requiring the retention of 26 car parking spaces to serve the requirements of the Le Platon Home is considered reasonable.

#### Whether the scale of the surrounding properties is misrepresented on the plans submitted by the applicant

Concerns are raised by the occupiers of Le Mont that their property and Charter House are misrepresented on the submitted plans in terms of the size of the existing footprint. It is argued that the size of the actual buildings is larger than portrayed so the true impacts on the levels of residential amenity cannot be satisfactorily assessed.

The plans as submitted by the agent and the representation of the surrounding properties have been compiled using data from Digimap with the application site itself having been accurately surveyed. In utilising this method the agent has portrayed the site and its surroundings in the most accurate way possible and available to them without necessitating the need to access and survey the adjacent sites. The portrayal of the surrounding properties in this manner is an accepted method used when submitting planning applications.

Notwithstanding this, however, the claims of the occupiers of Le Mont have been carefully considered in the assessment of the application taking into consideration relevant information available with regard to the position of these properties relative to the application site. Having regard therefore to the orientation of Le Mont on its own site, the significant difference in ground level, the sun path and the existing features in the area it is clearly demonstrated that the shadows experienced by Le Mont and Charter House are caused by existing features or buildings within the site and surrounding Le Platon Site. A significant amount of the shadow as indicated on the shadow analysis plans experienced by Le Mont at present is caused by Charter House and the surrounding retaining walls. As no works are proposed to these features/properties the situation will remain unchanged. The position of the proposed extensions to the north of Le Mont and the distance of the built form from Charter House along with the fall in ground levels and orientation of the

dwelling on their site means that it is not possible that significant shadows to detrimentally affect levels of residential amenity can be cast by the proposed development over these two dwellings.

Should the neighbouring properties not be adequately portrayed in terms of their size on the plans submitted, for the reasons above, this would have no relevance to the outcome of the application. Detailed consideration has been given to this issue and it is not considered to affect the validity of the current application or of any decision of the Authority thereon.

### Conclusions

This report is an addendum to the previous planning report dated 16<sup>th</sup> January 2017, which was published prior to the Open Planning Meeting held on 25<sup>th</sup> January 2017. Both of these reports and the matters referred to therein are to be considered by the Authority in determining the current planning application.

Following the deferral of the application at that Open Planning Meeting, the applicant was invited to address the issues raised by the Authority at that meeting and as a result amended plans and further information were submitted for consideration.

Subsequent to the submission of the latest plans and information previous representors were given the opportunity to view the plans and to make further representations based on those amendments and further information. A number of further representations have been received and although some of the issues and concerns have been repeated, where relevant new concerns or issues raised with regard to the latest information have been considered within this addendum report.

Having carefully considered the amended plans and further information submitted by the applicant in addition to that forming part of the original application, in the light of the reasons for deferral of the application and points raised at the Open Planning Meeting, it is considered that these concerns have been adequately addressed by the applicant. The further representations and comments received in response to the amended plans and further information are, where relevant, addressed in this report.

For the reasons contained within this report, it is considered that the amended plans and further information along with the relevant details forming part of the original application demonstrate that there would be no significant impact on the residential amenity of the neighbouring occupiers by reason of overshadowing or overbearing impact arising from the proposed development. Subject to the use of obscure glazing in some north elevation windows, there would also be no impact on privacy or through overlooking, as previously assessed.

The implications of changing the design and form of the scheme and the detrimental impacts this would have to the character and appearance of the Conservation Area and the Protected Building have been addressed in the further information received. It is concluded that there is no justification in planning terms for requiring any amendment to the design or form of the scheme as previously proposed beyond that contained in the revised plans relating to the materials to be used on the north elevation.



The submitted details of the proposed landscaping to the existing garden area and the south and east site boundaries with Le Mont are considered acceptable and would enhance the level of residential amenity currently experienced by the occupiers of that property, which is at present significantly overlooked from within the Platon Home site.

Concerns that neighbouring properties are not accurately portrayed in terms of their size on the submitted plans have been considered; however the application has been prepared using conventional methodologies and any inaccuracy concerning the footprint of a neighbouring property as alleged would have no impact on the matters considered above or on the validity of the current application or of any decision of the Authority thereon.

Having regard to all of these matters along with all further matters addressed in detail in the previous planning report, the application is recommended for approval subject to conditions.

#### Conditions and informative

The majority of the planning conditions and informative notes as detailed in the previous planning report remain relevant and are considered necessary. However, subsequent to the additional plans and information submitted, changes are proposed to the wording of previously recommended conditions 6 and 12.

Condition 6, which previously related to the submission of precise details of the proposed landscaping to the south and east boundaries adjacent to Le Mont has been amended as these details have now been submitted. Condition 12 which previously referred to the use of the proposed car parking spaces has been amended to reflect the number of spaces needed to serve Le Platon Home and the use of these spaces for cars or other motorised vehicles; i.e. motorbikes. An informative is also suggested requiring that the applicant submits a plan of the car parking allocation arrangements, identifying the 26 spaces to be utilised by the Home and the remaining spaces which are to be rented out.

**Date:** 14<sup>th</sup> March 2017

**PLANNING APPLICATION REPORT**

**Application No:** FULL/2015/3024  
**Property Ref:** A302010000  
**Valid date:** 04/12/2015  
**Location:** Le Platon Residential Home Le Platon St. Peter Port Guernsey  
**Proposal:** Demolish existing flat roof extensions and buildings and erect 1, 2 and 3 storey extensions to provide additional accommodation, create courtyard with associated landscaping, alter vehicle access and create parking area (protected building) (Revised).  
**Applicant:** Le Platon Residential Home

**RECOMMENDATION - Grant: Planning Permission with Conditions:**

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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. Prior to any demolition a Construction and Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Authority. Agreed details shall be carried out as approved unless otherwise agreed in writing by the Authority. The CEMP

shall set out aims for the demolition and construction phase, detailing measures to minimise and control, as far as practicable:

- i. the impact on traffic flow, traffic and pedestrian management and safety and public parking;
- ii. negative impacts on residential and business occupiers nearby; and
- iii. waste management and disposal including demolished and/or excavated material.

The CEMP shall detail:-

- a. hours of demolition and building operations;
- b. noise and vibration control;
- c. site lighting and light pollution control;
- d. dust prevention and management;
- e. construction phasing;
- f. traffic and parking management including the movement and use of large scale plant and machinery and parking for site workers during the demolition and construction phase;
- g. pedestrian and construction access and management of access including maintaining public rights of way; and
- h. additional matters that may need to be addressed during the proposed works.

Reason - To co-ordinate and set out the implementation of construction activities to ensure that the best environmental practice is achieved, reduce the risk of adverse impacts of construction and minimise disturbance and nuisance in the interests of amenity.

5. No development, excluding demolition and site works, shall begin until a landscaping scheme, to include those details specified below, has been submitted to and agreed in writing by the Authority:

- i) the treatment proposed for all ground surfaces, including hard areas;
- ii) full details of tree and hedge planting;
- iii) planting schedules, noting the species, sizes, numbers and densities of plants;
- iv) finished levels or contours;
- v) any screen walls or similar structures;
- vi) any other structures to be erected or constructed;
- vii) functional services above and below ground; and
- viii) all existing trees, hedges and other landscape features, indicating clearly those to be removed.

Reason - To make sure that a satisfactory landscaping scheme for the development is agreed, in order to help assimilate the development into its surroundings.

6. No development shall begin on site until precise details of the proposed planting areas to the south and west boundaries adjacent to Le Mont have been submitted to and agreed in writing by the Authority. The development shall be carried out only in accordance with the agreed details.

Reason - To secure an acceptable form of development in the interests of the amenities of the neighbouring occupiers.

7. No materials to be used on the exterior of the buildings 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 - To secure the satisfactory appearance of the completed development.

8. Prior to the commencement of each element on site precise details of the entrance canopy and south facing canopy at 1:20 scale shall be submitted to and agreed in writing by the Authority. The development shall be carried out only in accordance with the agreed details.

Reason - The information provided with the application does not include full details of the proposed feature(s). This condition is imposed to make sure that the building is of satisfactory design and does not have any adverse impact on the character of the area.

9. No development shall be commenced on site before a detailed scheme for the obscure glazing of first floor windows in the north facing elevation onto Little St. John Street has been submitted to and approved in writing by the Authority. The windows required in the approved scheme to be obscure glazed shall be glazed as an integral part of the development with obscure glass which shall thereafter be retained at all times.

Reason - To minimise the effect of the development on the privacy and amenities of nearby residents.

10. The landscaping and planting schemes shall be fully completed, in accordance with the details agreed under the terms of conditions 5 and 6, in the first planting season following the first occupation of any part of the development or completion of development whichever is the sooner, or in accordance with a programme previously agreed in writing by the Authority. Any trees or plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by trees or plants of a size and species similar to those originally required to be planted.

Reason - To make sure that the appearance of the completed development is satisfactory and to help assimilate the development into its surroundings.

11. The pedestrian access in the north elevation roadside boundary wall fronting onto Little St. John Street shall be blocked up in materials to match the remainder of the roadside wall on the same elevation.

Reason - To secure the satisfactory appearance of the completed development.

12. The car spaces to be provided shall be kept available for the parking of motor vehicles at all times. The car spaces shall be used solely for the benefit of the residents, staff and visitors of the Le Platon Residential Home of which it forms part and for no other purpose and permanently retained as such thereafter.

Reason - To make sure that adequate off-street parking is provided, in the interests of road safety and residential amenity.

13. The bicycle parking to be provided shall be kept available for the parking of bicycles at

all times. The spaces shall be used solely for the benefit of the visitors and staff of Le Platon Residential Home of which it forms part and for no other purpose and permanently retained as such thereafter.

Reason - To make sure that adequate bicycle parking is provided, in the interests of road safety and residential amenity.

## **INFORMATIVES**

For the purposes of conditions 5 and 6, the basic design constituents to be considered in any landscape scheme should include:

### **Landscape design strategy**

- Overall design concept
- Soft landscape elements
- Area and type of hard surfaces, including access and site circulation
- Buildings and relationship to external spaces
- Use/function of different areas
- Contours and levels
- Services - above and below ground
- Land drainage
- Boundary treatments

### **Detailed planting proposals**

- Relate to landscape character of locality and make use of locally distinctive species
- Provide scientific names including species and varieties, numbers, locations, form, size (height, spread, girth, pot size)
- Topsoil/planting medium (depth, finished level, etc)
- Planting specification including site preparation, irrigation and plant maintenance provisions, mulch (depth and material) and supports for trees/shrubs/climbers
- Doors, windows, overhanging eaves, fire escapes of buildings adjacent to planting areas
- Temporary/permanent protection of existing/proposed planting
- Grass/seeded areas
- Remedial surgery pruning to retained trees/shrubs

### **Landscape structures and surfaces**

- Walls, fences, gates, rails
- Surfaces (soft, hard, steps, ramps, drainage falls)
- Seating, bins, bollards, lighting, signing,
- Construction details and specification, noting use of any local materials/building techniques
- Relationship to building form and materials
- Structures for building services (bin stores, etc)

### **Management plan**

- Design concept/objectives
- Provision for long term management
- Maintenance regime (frequency and types of operation for grass, ornamental and native

planting, water areas)  
- Identify management agency.

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## **OFFICER'S REPORT**

### **Site Description:**

The application site is positioned on the upper escarpment of St Peter Port. Sited on a corner the site has two road frontages, Clifton/Constitution Steps and Little St John Street/Le Platon. The site has significant changes in ground level dropping from the north/north west to the south/south west. The garden area to the south east is terraced. The site is primarily surrounded by residential dwellings.

The existing building comprises a traditional 2½ storey double-piled section facing east with a two storey flat roof element projecting along the north boundary. A single storey flat roof element also projects along the south elevation within the existing courtyard. Parking for the premises is provided within the courtyard and within parking areas to the west of the building.

The main building is Protected and the site is within a Conservation Area within the Main Centre Outer Area of the Island Development Plan.

### **Relevant History:**

There were pre-application meetings prior to the submission of this application.

FULL/2011/0492 – Alterations to roof to extend existing lift shaft - Protected Building.  
Approved – 07/04/2011

PAPP/2007/2579 – Alterations to roof and install two dormer windows.  
Approved – 20/08/2007

PAPP/1995/5123 – Demolish outbuildings, extend and alter premises, extend boundary wall and re-locate vehicular access.  
Approved – 12/01/1996

### **Existing Use(s):**

Residential Care Home - Residential Use Class 8

### **Brief Description of Development:**

The application is for the demolition of the existing flat roof extensions to the north and south of the main building and erection of new extensions which are three, two and single storeys in height. The proposals also include the creation of a courtyard with associated landscaping, alteration of the vehicle access and creation of parking areas. The extensions

will provide additional accommodation comprising 37 residents' bedrooms, dining room and associated facilities. 12 residents' rooms would remain in the main building.

The application was deferred during the course of consideration following significant concerns raised by consultees and through public representations. Amended plans were subsequently received which reduced the massing, bulk and height of the proposed development to the south east elevation. The application was deferred further to incorporate additional landscaping to the south east and east boundaries resulting in minor alterations to the car parking layout proposed to the east of the site.

The application has been accompanied by a Planning and Design Statement, tree survey and traffic assessment. During the course of consideration of the application the Island Development Plan was approved and in line with the revised policy requirements additional information was requested in respect to Policy GP9: Sustainable Development which, given the scale and size of the proposed development, required the submission of a Waste Management Plan. The agent has submitted a statement to address the constructional efficiency, quality and sustainability of the materials proposed, a review of energy supplies by a consultant engineer and a letter from a quantity surveyor addressing how the materials resulting from the demolition will be re-used in the construction process.

A letter from the Committee *for* Health & Social Care which summarises the care and services provided at Le Platon Residential Home is submitted with the revised application, along with a number of letters in support of the proposal including from the former Health and Social Services Department, relatives of current residents and Guernsey Alzheimer's Association.

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

##### Island Development Plan, November 2016

Plan Objective 4: Support for a healthy and inclusive society

S2: Main Centres and Main Centre Outer Areas

MC3: Social and Community Facilities in Main Centres and Main Centre Outer Areas

GP1: Landscape Character and Open Land

GP4: Conservation Areas

GP5: Protected Buildings

GP8: Design

GP9: Sustainable Development

GP10: Comprehensive Development

IP6: Transport Infrastructure and Support Facilities

IP7: Private and Communal Car Parking

IP9: Highway Safety, Accessibility and Capacity

#### **Representations:**

The application as originally submitted received 27 letters of objection, from 19 different parties including companies and 2 States Deputies. The issues raised in these letters are summarised below:

- Effect on traffic and the road network; congestion, parking issues, pedestrian safety; the roads are too narrow to accommodate increased traffic and construction vehicles/machinery
- The increased traffic will make the roads dangerous and inhibit access for emergency vehicles; school traffic; vibration and noise from traffic
- Loss of an orchard/green space and effect on natural beauty/landscape quality
- Requests made to protect Lime tree
- Adverse effect on the St. Peter Port skyline
- Overlooking, overshadowing and overbearing impacts; loss of light.
- Loss of privacy, outlook and enjoyment of properties (including impact on existing private views which is not a material planning consideration in this case).
- Effect on retaining walls/possible subsidence
- Loss of hedges; boundary issues
- Increased light and noise pollution
- Density, bulk and massing, size; too large and imposing
- Scale and design inappropriate for the locality; impact on the surrounding visual quality
- Effect on conservation area; impact on protected building
- Better if built on the existing footprint of Le Platon Home
- Proximity of plant room
- Effect on sewers
- Consistency of planning decisions
- Request for site poles/site visit/environmental impact assessment
- Concerns regarding the accuracy of submitted plans/information
- Questioning of need for the development
- Disruption and possible damage during construction phase; vibration from construction vehicles and work will damage properties; previous disruption from construction works in the area.

Following the submission of revised plans as described above and re-advertisement of the application, 11 letters of objection have been received from 8 different parties, 1 of which did not previously make a representation.

Generally the concerns expressed by these representors are similar to before, including concerns regarding traffic, neighbour amenity, the scale, bulk and form of the development, impact on the conservation area, the accuracy of submitted plans and images and the impact of construction traffic and disruption during building work. A number of the letters acknowledge that the altered plans are an improvement but are not such an improvement that would overcome the original objections.

Specifically in relation to the amended proposals:

- Altered locations of windows and new windows would still create overlooking.
- A number of the letters request that in the event of planning permission being granted a Construction Environment Management Plan is required before work is commenced.
- The traffic survey was not completed in a way that provides reliable information
- The erection of scaffolding is still highly recommended.



## Consultations:

### **St. Peter Port Constables – Comments on original scheme**

- Concerns regarding; the scale of development, effect on the enjoyment of neighbouring properties, increased traffic and congestion in the narrow lanes, the architectural design, and lack of parking.

### **St. Peter Port Constables – Comments on revised scheme**

- Generally accepting of the proposals and changes, notwithstanding previous comments.

### **Office for Environmental Health and Pollution Regulation – Comments on revised scheme**

- Do not wish to raise any objections to the proposals.

### **Traffic and Highway Services – Comments on original scheme**

A site visit has been undertaken by a Traffic Services Officer and the following observations have been made as a result.

Currently there are 3 access points serving varying areas of the site, each of these has been assessed in turn as follows:

#### **Access #1 - main access off Little St John Street, serving Le Platon Residential Home, Clos St Jean & Notre Dame du Rosaire/Mont Plaisant**

Vehicles approaching this access would do so from the section of Little St John Street that runs north to south (one way direction only) and from the private section of roadway that runs westwards from the access/Little St John Street junction, which serves several dwellings and a private parking area (approx capacity – 20).

In the case of vehicles approaching from Little St John Street, forward visibility was observed as being in excess of the 20 metre minimum standard.

Visibility of vehicles approaching from the west along the private section of roadway would be restricted by the adjacent high (in excess of 3 metres) stone roadside wall that forms the western side of the access; as a consequence, the sightline was observed as being 4.5 metres. In view of the significantly sub-standard sightline observed in this direction, road safety concerns are raised in this regard. Whilst the numbers of vehicle movements from the west could be considered to be relatively low, the numbers of vehicles exiting via access #1 in connection with the various facilities within the site in general, would require that minimum standards are met wherever possible.

It should be noted however, that the traffic priorities at the junction of the private roadway with Little St John Street have been recently identified as requiring clarification; therefore, instructions have been given to install a yellow 'Stop' line across the private roadway, so as to establish a clear priority in respect of vehicles approaching from the north, down Little St John Street. Once these works have been undertaken, the level of concern regarding the sub-standard sightline will be mitigated to a satisfactory level.

The access width and design facilitate good access and egress; however, the internal access road width varies along its length, between a minimum of 4.2 metres and a maximum of 4.5 metres, and as such would not offer full two way access for the types of vehicles regularly using it.

There would not appear to be a practical method available to satisfactorily address the shortfall in roadway width, as there are parking facilities which border the internal roadway on either side; as a result, some traffic management concerns exist in this regard. However, the TSU is not aware of any significant issues arising from this particular aspect and as a result those concerns are not considered to be particularly significant in respect of the current situation.

#### **Access #2 – serving Le Platon main car park off internal roadway**

In respect of the sightline of oncoming traffic, this was observed as being approximately 3 metres. With the adjacent high stone wall that forms the northern side of the access, obstructing visibility in that direction. A traffic mirror located opposite the access offers a measure of mitigation; however road safety concerns exist in this regard.

The sightline of traffic approaching from the southwest – direction of Notre Dame du Rosaire, was observed as being approximately 15 metres, however this was conditional on there being no vehicles parked in the adjacent spaces #10 & 10A; should a vehicle be parked in space #10, the sightline would be drastically reduced to approximately 8 metres. Road Safety concerns are raised as a result of the potentially significantly sub-standard sightline in this direction.

The current access width of 2.5 metres provides single file access only, however the access roadway widens to approximately 3.5 metres then enters the car parking area where it offers two way access and opportunities for vehicles to turn and so exit forward facing, having first driven in.

The acute angle at which the access adjoins the internal roadway does raise some concerns as it presents a driver with awkward manoeuvres when wishing to drive into the car park from the Little St John Street direction, and subsequently exit in that direction.

#### **Access #3 – serving Le Platon ‘overspill’ car park off internal roadway.**

In regard to the sightline of oncoming traffic and traffic approaching from the north, each sightline would be potentially compromised by vehicles parked in spaces either side of the access point. In the case of the former sightline, the worst case would be a distance of approximately 3 metres and in the case of the latter, approximately 6 metres. Road Safety concerns are raised by such poor sightlines observed in a worst case scenario; however, in view of the relatively low numbers of vehicles likely to be using this parking area, and the potentially low vehicle speeds likely to be in evidence, the road safety concerns are not considered to be particularly significant in respect of the current situation.

Whilst the 2.5 metre access width would only provide single file access, forward visibility is good and the access widens out so as to provide adequate access/egress for the car

parking area. In view of the limited parking capacity, no traffic management concerns are evident in this regard. A turning area is evident, thus allowing vehicles to exit forward facing having first driven in.

Overall parking provision would appear to be satisfactory and the TSU is not aware of a shortfall in parking that has resulted in additional pressure on nearby public on-street parking.

### **Summary**

Access #1 suffers from a significantly sub-standard sightline of traffic approaching along the private roadway from the west; however, whilst this does raise road safety concerns, this particular issue is likely to be satisfactorily resolved going forward. The slightly sub-standard access road width does not raise any particularly significant traffic management concerns in respect of two way traffic access at this time.

Access #2 suffers from a significantly sub-standard sightline in the direction of oncoming traffic and in addition, the parked vehicles to the south of the access would also result in a compromised sightline of traffic approaching from that direction, to a varying degree. A traffic mirror located opposite the access does offer some measure of increased visibility in the direction of oncoming traffic. Access/egress in a northerly direction is awkward given the acute angle at which the access adjoins the internal roadway.

The parking area offers a reasonable turning point, so as to allow vehicles to exit forward facing; this aspect is welcomed by the TSU in view of the fact that this area is well used by callers to the residential home.

Access #3 suffers from potentially significantly sub-standard sightlines as a result of vehicles parked in spaces adjacent to the access point. The parking area is satisfactory in layout and offers a turning point for vehicles.

### **Proposed Development**

#### **Main access off Little St John Street, serving Le Platon Residential Home, Clos St Jean & Notre Dame du Rosaire/Mont Plaisant**

No changes are proposed, therefore the observations and comments made above remain unaltered. Likewise, the internal access road is unaltered in design or dimensions, therefore the previous observations remain the same.

The Traffic Services Unit would however wish to make comment in respect of the width of the internal access road that is currently sub-standard in terms of providing two way accesses from Little St John Street through to the section of roadway serving the parking facility associated with Notre Dame du Rosaire.

It has been identified that the existing road widths vary along this section, from a maximum of 4.5 metres to a minimum of 4.2 metres - where it passes between a gap in a wall that runs east to west at the point between the Le Platon main entrance and the main car parking facility.

In view of the likely intensification of use of the site overall arising from the proposed development, the TSU strongly recommends that serious consideration be given to implementing measures to increase the internal access road width so as to achieve a two way access width of 4.7 metres. It would appear that the proposed 'roundabout' and area to the south of this feature could provide such an opportunity for attainment of the minimum recommended width to accommodate two way vehicle accesses in that area.

Realignment of the existing granite wall that forms the North West boundary of the development site, would offer another opportunity to increase the road width, however the TSU acknowledges that this may not be a practical option.

#### **Proposed access serving Le Platon main entrance**

The supplied plans show that it is proposed to introduce a formal In/Out scheme in the form of a circular route adjacent to the main entrance; the benefit of this proposal is that it will result in far superior sightlines in both directions, compared to those which currently exist. In addition, it will facilitate good entry/exit for vehicles in both directions due to the proposed design that incorporates bell mouth radii on both sides of the entry/exit points. It is not clear however from the plans if this in/out arrangement is to be signposted; the TSU would therefore strongly recommend that appropriate signage is put in place to clearly indicate the intended traffic flow direction to callers to the residential home.

As it was not possible to observe the sightlines that would be observed from the new scheme, they have been calculated using the supplied plans in conjunction with Digimap and observations made at the time of the site visit.

In respect of the sightline of oncoming traffic, this would exceed the minimum standard noted above.

In regard to the sightline of traffic approaching from the south, a completely unobstructed sightline of 14 metres would be evident; however, the proposed railings that would lie within the visibility splay in this direction would represent a partial obstruction to visibility. Whilst this aspect is not ideal, the level to which the obstruction would impact on a driver's ability to see vehicles at a distance of 20 metres, would not be considered to be significant, therefore no particularly significant road safety concerns are raised in this instance.

The Entry/Exit widths of 3 metres would accommodate the vehicle types likely to require access to the main building.

The limited parking provision directly serving the building's main entrance would appear to be satisfactory in terms of layout and design.

#### **Proposed access serving main car parking provision (location of 29 spaces) to south of main entrance**

The supplied plans do not indicate any changes to the design of the access, therefore the sub-standard sightlines that are presently observed from this access point, would remain unaltered as vehicles would potentially be parked adjacent to and either side of the access point.

Whilst the existing parking provision utilising this access point is currently 5 spaces, the proposed scheme to accommodate 29 vehicles would raise road safety concerns given the level of intensification that would arise from the proposed scheme. The TSU would therefore strongly recommend that serious consideration be given to improvement of the sightline in the direction of oncoming traffic in particular. This could possibly be achieved by the removal of at least 2 spaces immediately either side of the access, and thus attain a sightline of approximately 9 metres (oncoming) and approximately 13 metres (approaching) and would have the additional benefit of providing easier access/egress in both directions. Alternatively, the depth of the existing hedging could be reduced or the hedging repositioned further eastwards, so as to allow for the re-positioning of the majority of the parking bays outside of the visibility splay and significantly improve the observed sightlines as a result.

The layout and dimensions of the proposed parking in this area would appear to be satisfactory, and the increase in parking provision (even allowing for the removal of some parking as noted above) would be of benefit to the facility as a whole in view of the general shortage of on street public parking in the immediate area. The provision of adequate space for vehicles to turn and exit forward facing, is welcomed by the TSU.

## **Conclusions**

The proposed In/Out access arrangement would result in a significant improvement to sightlines (both directions) as well as providing far superior access and egress for vehicles in both directions. These aspects are welcomed by the TSU.

The proposed access serving the main car parking provision to the south west of the main building, would potentially suffer from significantly sub-standard sightlines due to the presence of vehicles parked either side of the access point. Road Safety concerns would be evident with this arrangement in view of the fact that the proposed scheme would result in a significant level of intensification of use of this access point (5 vehicle movements existing compared to 29 vehicle proposed).

There would appear to be an opportunity to improve the sightlines by the removal of a small number of parking bays, which would also improve the access design; or the width reduction/repositioning of the hedging so as to allow for the majority of the parked vehicles to be positioned outside of the visibility splay. The parking provision layout and dimensions would be satisfactory.

The TSU would also strongly recommend that consideration is given to attainment of two way vehicular access, where practical, along the length of the internal access roadway leading from Little St John Street, to the point where it adjoins the access to Notre Dame du Rosaire.

The Traffic Services Unit considers that whilst the increase in parking provision (10 additional spaces) is modest in number, the proposed redevelopment of the Residential Home could potentially see a more significant number of vehicle movements associated with callers to the facility, than at present. In order to assess the likely traffic impact that the proposed redevelopment would have on the nearby road network – given that Little St John Street and Sausmarez Street, would not readily accommodate a significant increase in vehicle movements due to their minimal road widths; the TSU considers that the applicant should provide data on vehicle numbers and movements associated with the existing residential home operation and also data on projected numbers and movements likely to be associated with the proposed redevelopment of the home.

The information provided in the Design & Planning Statement with regard to the existing parking provision would suggest that currently the bulk of the parking spaces on site are rented out and are not available for use by the staff or callers to the Home. In view of the proposed doubling of capacity of the residential home, the TSU has concerns that it is unclear from the application precisely how many of the noted 55 spaces would be designated for use by the residential home (callers and staff), as the nearby public on street parking is already under great pressure for residents' parking.

The TSU therefore would take the view that parking provision commensurate with the scale of the redevelopment would be essential, and that in view of the sub-standard internal roadway width and the concerns over the nearby road widths and on street parking availability, the allocation of parking for the residential home should be clearly identified within the overall parking provision, so that the TSU can make an informed assessment regarding the parking provision, potential vehicle movements and likely impact on the nearby road network.

In view of the above observations, the Traffic Services Unit considers that Road Safety grounds exist on which to oppose the application in its current form, predominantly with regard to the significantly sub-standard sightlines that would potentially be observed from the main car park access (serving proposed 29 spaces).

Traffic Management grounds on which to oppose the application, exist in regard to the sub-standard width of the internal roadway and the potential negative impact on the nearby road network; however, the scale of this concern would be assessed more fully, on receipt of additional data as outlined above.

The Traffic Services Unit would be pleased to comment further on a future application that seeks to address the concerns noted above.

#### **Traffic and Highway Services – further comments on revised scheme**

In responding to this revised application, reference is made to the previous response by the TSO dated January 2016, a copy is enclosed for reference and to avoid duplication or confusion.

For ease of reference, this response uses the same referencing and structure as the previous response from THS.

**Access #1 - main access off Little St John Street, serving Le Platon Residential Home, Clos St Jean & Notre Dame du Rosaire/Mont Plaisant**

Vehicles approaching this access would do so from the section of Little St John Street that runs north to south (one way direction only) and from the private section of roadway that runs westwards from the access/Little St John Street junction, which serves several dwellings and a private parking area (approx. capacity – 20).

In the case of vehicles approaching from Little St John Street, forward visibility was observed as being in excess of the 20 metre minimum standard.

Visibility of vehicles approaching from the west along the private section of roadway, are restricted by the adjacent high (in excess of 3 metres) stone roadside wall that forms the western side of the access; as a consequence, the sightline is observed as being 4.5 metres. In view of the significantly sub-standard sightline observed in this direction, some road safety concerns are raised in this regard.

Since the January 2016 response from the TSO, where the above sightline concerns were first expressed, a yellow “Stop” line has been painted at the top of the private road which leads to St Johns Court. This road marking, in combination with the yellow line at the top of the private road (ramp) leading down to the site, assists drivers at the junction, by ensuring that drivers leaving both the site and St Johns Court, stop and give way to vehicles approaching from Little St Johns Street. As a result of this improvement, the previously stated road safety concerns are mitigated to a satisfactory level.

The access width and design facilitate good access and egress; however, the internal access road width currently varies along its length, between a minimum of 4.2 metres and a maximum of 4.5 metres, and as such would not offer full two way access for the types of vehicles regularly using it.

THS have noted the comments made within the planning brief relating to the widening of the road within the site, to a minimum of 4.7m, THS would welcome this carriageway widening, in order that vehicles can safely pass, without causing either Traffic Management or Road Safety issues within the site area. The plans accompanying the application do not indicate how this will be achieved, but show a width of carriageway at the top end of the site road (the ramp) of approx. 3.7m

It is noted that the proposed turning circle and exit from the site (drop off and Doctor’s parking) is located in the widest section of the private road available to the site.

**Access #2 – serving Le Platon main car park off internal roadway (current)**

As stated in the TSO’s response of January 2016 the existing entrance into the car parking area allows only a single vehicle to access it or leave at a time. The acute angle of access (approx. 60 degrees) to vehicles navigating it, in addition to its 2.5m width, causes road safety concerns in respect of the sightline of oncoming traffic, this was observed as being approximately 3 metres with the adjacent high stone wall that forms the northern side of the access, obstructing visibility in that direction. A traffic mirror located opposite the

access offers a measure of mitigation; however road safety concerns currently exist in this regard.

The sightline of traffic approaching from the southwest – direction of Notre Dame du Rosaire, is observed as being approximately 15 metres, however this was conditional on there being no vehicles parked in the adjacent spaces #10 & 10A; should a vehicle be parked in space #10, the sightline would be drastically reduced to approximately 8 metres. Road Safety concerns are raised as a result of the potentially significantly sub-standard current sightline in this direction.

Within this access, parking is not within marked bays and depending on the number of vehicles parked, causes parked vehicles to be “blocked in” by drivers parking. The more cars that are parked in this area would result in drivers experiencing more difficult manoeuvring in order to exit the car parking area.

The acute angle at which the access adjoins the internal roadway does raise some concerns as it presents a driver with awkward manoeuvres when wishing to drive into the car park from the Little St John Street direction, and subsequently exit in that direction.

Under the proposed development (Drawing #1758-SK-100A), THS note that parking in this area has been reduced to a total of six marked parking bays, two of which are for Disabled Badge holders and one dedicated for visiting Doctor’s parking, the remainder being for health care professionals attending the site.

The design of the entrance, using a circular island with dedicated bell mouth entrance and exit is welcomed by THS. This design would appear to offer the safest Traffic Management and Road Safety solution in the close vicinity of the building, and will assist drivers and pedestrians in the area affording the greatest visibility available to both. In particular, the design will allow Ambulances and medical professionals attending the site to drive in with the minimum of manoeuvring and to exit in a like manner.

The plans supplied indicate that the circular drop-off / turning area and planting to the East (below the Exit on the Notre Dame du Rosaire side), will be bounded by railings. Although drawing 1758-SK205A shows railings which reduce in height (in line with the fall of the land), it is estimated that the railings are approximately 1m high, at the point of visible sightline.

The sightlines from the Exit gate, taken from a centreline datum of 2.4m back from the edge of the private road are calculated from the plans supplied as being; 9m in the direction of oncoming traffic (drivers oncoming down the hill), and 13m in the direction of approaching traffic (drivers approaching from Notre Dame du Rosaire).

It should be noted that the two sightlines stated above are the “worst case” scenario and are measured at the visible extent of the railings. Depending on the design of the railings, which cannot be determined from the plans supplied, it is likely that a driver exiting the site, would have better sightlines by being able to “see through” the railings on both sides of the exit when driving out. If this is the case, the sightlines will be in the order of 9 – 31m in the direction of oncoming traffic, and 13 – 22m in the direction of approaching traffic.



Irrespective of the added visibility dependant on the type and aperture of railings used, the sightlines achieved from the proposed exit, will be a great improvement on the existing site geometry.

**Access #3 – serving Le Platon ‘overspill’ car park off internal roadway – Main Parking Area.**

THS notes the changes made within main parking area at the Eastern end of the site and the overall reduction in parking provision at the site from a total of sixty six car parking spaces to sixty three under this application.

As highlighted in the previous application response from THS, the existing sightlines for drivers exiting the main parking area onto the private road are particularly poor, with the existing access between vehicles of 2.5m, i.e. if a van was parked in one of the spaces adjacent to the access; this provides sightlines in the order of 2m in either direction.

Under the proposed development (Drawing #1758-SK-100A), THS note that the car park entrance has been widened to 5m, which will allow improved sightlines to drivers’ exiting the parking area to 4m (oncoming) and 6m (approaching). These sightline measurements would be the ‘worst case’ scenario, and in reality, given that visibility splays would extend over the bonnets of any vehicles parked in the parking spaces either side of the access, likely to be in the region of 9m and 14m as noted in the Traffic Assessment.

Nonetheless, the plan as supplied is obviously an improvement in respect of the sightlines currently in place. Although both sightlines are below the desired standard, the previous comments from THS are still valid:

*Road Safety concerns are raised by such poor sightlines observed in a worst case scenario; however, in view of the relatively low numbers of vehicles likely to be using this parking area, and the potentially low vehicle speeds likely to be in evidence, the road safety concerns are not considered to be particularly significant.*

If the hedge planting shown on the car park side of the access were planted at the roadside (to a maximum of 900mm high) both sightlines would be improved further. Were this hedge to be planted to depth of 1m from the carriageway, the improvement in sightlines would be substantial and in the order of 19m for oncoming vehicles and in excess of 26m for vehicles approaching from Notre Dame du Rosaire.

THS are of the opinion that the planting of a hedge line as described in the previous paragraph, would afford the maximum available sightlines and mitigate road safety concerns.

Having reviewed the Traffic Assessment (TIA) supplied with the application, THS note the proposed road improvements outlined on Page 14 of the TIA and welcome the improvements that have been detailed within this application, following consultation with THS.

THS also note the comments contained within the TIA and accompanying letter in respect of both the numbers of vehicles that access Le Platon via Little St Johns Street currently

and accept the observations made within the TIA in relation to the proposed development not resulting in significant increases in vehicle access during peak hours.

Taking into account the above, there are road safety grounds to support the application due to the improvements in all sightlines within the site. THS would welcome particular consideration be given to the THS comments in relation to the further road safety gains that could be achieved by moving the hedge at the entrance of the main car park to the carriageway edge, as described on the previous page.

THS is satisfied that the Traffic Management grounds raised within the previous response have been fully addressed within this application.

### **Summary of Issues:**

Principle of development

Demolition of the existing 'wing' extensions

Design, form, massing and scale of the proposed extensions

Impacts of the development on the conservation area, open areas and landscape character

Effect on the Protected Tree

Impacts of the proposal on the Protected Building

Effects on neighbouring properties

Car parking and other vehicle provision within the site

Effects on the surrounding roads/traffic impact

### **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).**

### **Principle of development**

The Island Development Plan (IDP) allows a degree of flexibility when considering applications of this nature. In line with Plan Objective 4 that seeks to support a healthy and inclusive society, the IDP recognises the importance of providing adequate community and social facilities and in this respect allows development that incorporates a care element such as nursing homes, to be assessed under policies relating to housing and/or social and community facilities depending on the nature and detail of the use.

Le Platon Residential Home currently provides accommodation for 25 residents on a residential care basis for the elderly. The application seeks to improve and extend these existing facilities providing a total of 49 bedrooms providing care for the elderly and patients suffering with dementia.

On the basis of the specialist nature and level of care already provided and the continued need and level of care to be provided if the development is permitted, it is considered that

the proposal can be considered to provide a social and community facility and as such should be assessed against Plan policies relating to providing these facilities.

Policies S2: Main Centres and Main Centre Outer Areas and MC3: Social and Community Facilities in Main Centres and Main Centre Outer Areas are particularly relevant in this instance.

IDP Policy S2 provides general support for development within the Main Centre Outer Areas where it would not detract from the economic and social growth of the main centres, whilst MC3 supports proposals for the extension, alteration or re-development of existing social and community facilities, providing the development accords with all other relevant policies of the Plan.

The principle of extension of Le Platon Residential Home to provide additional accommodation with specialised care is therefore supported.

#### Demolition of the existing 'wing' extensions

The proposal seeks the demolition of the two 'wing' elements projecting to the west and attached to the north and south faces of the main building. The 'wing' to the north is two storeys in height fronting onto Little St. John Street/Le Platon; the wing to the south is single storey in height.

The application site is located within a Conservation Area. The impacts of the development on the particular Conservation Area are considered in more detail later in the report. However, Policy GP4: Conservation Areas makes reference to proposals that result in the demolition of buildings, structures or features. In this regard, Policy GP4 is considered relevant when assessing the demolition of the existing extensions.

When considering demolition, Policy GP4 requires consideration to be given to the contribution of the building, structure or feature to be demolished to the character, architectural or historic interest or appearance of the particular Conservation Area and where buildings are considered to make a contribution, demolition will only be supported where the replacement has an equal or enhanced contribution. In instances where the building, structure or feature proposed to be demolished does not make a contribution to the Conservation Area, its demolition, providing the proposals accord with the other relevant Plan policies, will be supported.

The two extensions to be demolished are late 20<sup>th</sup> Century additions which are considered to have low historic and architectural interest making little contribution to the character of the Conservation Area. The demolition of these two wings would therefore be acceptable and would accord with the relevant part of Policy GP4.

#### Design, form, massing and scale of the proposed extensions

Policy GP8: Design focuses on the standard of design of development to ensure that it respects the quality of the physical environment and local heritage, making a positive contribution to the Island's built environment. The design of a building will depend on the location of the development and specific factors affecting the proposal, with a good

standard of design not only relating to the architectural form and detail of the building but also to construction efficiency and the quality and sustainability of the materials used.

In order to ensure this, development will need to demonstrate compliance with IDP Policy GP8 as well as take into consideration the requirements of the material planning considerations as detailed within The Land Planning and Development (General Provisions) Ordinance, 2007.

Policy GP8 is divided into eight criteria, and each criterion will be assessed in turn.

*a) Achieve a good standard of architectural design, including the design of necessary infrastructure*

The development has been designed around a central courtyard and primarily comprises of buildings two storeys in height with a three storey element and single storey section projecting to the south. The form and proportions of the buildings reflect a traditional style incorporating a similar double-pile roof form to the existing Protected Building.

The two storey element projecting on the east/west axis along Little St. John Street is set behind the existing roadside wall. An existing opening within the wall is proposed to be blocked up (Condition 11), and no further openings are proposed within the wall. The first floor of this part of the extension will project the same height above the wall as the existing two storey flat roof extension, 2.1m above the wall. Although the proposed extension is designed with a pitched roof instead of a flat roof as the existing building is, and this results in the overall height of the building being 2.3m higher than the existing building, the roof slopes away from the road side elevation and the neighbouring properties on Little St. John Street, culminating in the maximum ridge height of 7.5m being set back 3.2m into the site. Windows, where appropriate, are proposed to be obscure glazed (Condition 9). The extension is linked to the Protected Building by a glazed section which helps to provide distinction between the two buildings and breaks up the massing of the extension along this elevation. This is further assisted by the use of raised parapets and the use of different facing materials (Condition 7). The west facing elevation of this element culminates with a double gable feature facing onto Le Platon.

The proposed extension then turns 90 degrees onto a north/south axis. A glazed element providing the entrance into the building links the two blocks of development (Condition 8). The extension projecting south fronts onto Le Platon and includes a three storey section, resulting from the falling ground levels, before dropping to two and single storeys at the end of this built form. This elevation has been designed to incorporate traditional architectural detailing, with quoins and raised parapets again helping to add interest and break up the overall mass of the structure.

The main entrance will be from Le Platon and will be served by a vehicular access and egress. A low wall and railings would define the edge of the site providing the formal boundary between the site and roadway. Two disabled spaces, 1 doctor's space and 3 additional parking spaces will be served from this access. An element of garden area will be accessible from the main entrance, and additional landscaping will also be incorporated.

Further car parking will be provided to the south west on a lower part of the site; this will be accessed via a separate existing entrance off Le Platon.

Communal amenity areas have been incorporated into the scheme in the creation of a central courtyard, whilst the existing terraced garden area will be retained.

It is considered that the proposal achieves a good standard of architectural design, in terms of its appearance, form and massing and in its construction details.

*b) Demonstrate the most effective and efficient use of land*

Considered in conjunction with Policy GP10: Comprehensive development, the Authority must seek to ensure that proposals make the most effective and efficient use of the land available in providing a comprehensive scheme for the whole of the site.

The application as submitted has had regard to this requirement and the constraints of the site whilst balancing the need for and requirements of the use of the proposed buildings. The proposal is considered to make effective and efficient use of the site incorporating largely two storey development and utilising the fall in ground levels to create an element of three storeys whilst having regard to other policy requirements within the Plan. The change in levels over the site has been designed into the scheme, with servicing areas provided on the lower levels with the upper level areas used to best advantage in providing both internal and external south facing amenity areas looking out towards Castle Cornet and the neighbouring islands.

The scheme has been designed to encompass the whole site area providing development that is fit for purpose in the most effective way.

*c) Respect the character of the local built environment or the open landscape concerned*

The site contains trees that are subject to Tree Protection Orders and the application site can be seen from the harbour/quays/piers. The impact of the development on the Protected Tree and on open land and landscape character is assessed in detail having regard to Policy GP1: Landscape character and open land later in the report. For the purpose of this criterion of Policy GP8, the impacts of the development on the local built environment will be considered.

The prevailing scale/mass of buildings in the vicinity relates to domestic-scaled buildings two and three storeys high under pitched roofs. By virtue of its use, the proposed development has a larger scale than the domestic buildings in the vicinity. However, this scale is disguised to an extent by the architectural form of a double-pile building, which helps to break up and mitigate the true scale/mass of the proposed building in a manner which reflects local building traditions.

In relation to the impacts of the development when viewed from close to the site, i.e. from the streets that encompass the application site, it is considered that the proposed development will integrate effectively and sensitively into the street pattern and character of the local area.

A historic wall contributing to the character of the local built environment runs approximately east-west across the site. This wall will be retained as part of the proposed development.

The development would accord with this criterion, respecting the local built environment.

- d) Consider the health and well-being of the occupiers and neighbours of the development by means of providing adequate daylight, sunlight and private/communal open space*

Annexe 1 of the IDP provides more clarity on what should be considered when assessing health and well-being. Amenity objectives such as internal space provision; privacy; aspect/outlook; access to external open space and daylight/sunlight are all considered relevant when considering if development provides an adequate and acceptable level and type of amenity provision.

The residential home provides specialised care for the elderly and for people suffering from dementia. The internal layouts of the building have been designed in accordance with specific requirements in providing this type of care. Rooms have been designed to take access off a central corridor with the majority of rooms having external facing windows. Privacy into the site has been maintained with private and public spaces clearly defined. Aspect/outlook from the windows has been considered in the design of the scheme incorporating obscure glazing where required. Externally the space has been re-designed providing a central level courtyard with areas of planting (Condition 5). Further communal spaces to the west and south are also provided. The courtyard sited on the higher part of the site offers an exceptional outlook towards the neighbouring islands and in order to allow full access to this area a number of openings from communal rooms (dining area, day room) are proposed. The layout of the external space has been carefully considered in relation to its users, with raised flower beds and ancillary structures to provide shelter/shading being designed into the space. The orientation of the communal rooms and external space facing south also contribute to providing a satisfactory level of amenity provision for future residents.

The health and well-being of the residents has clearly been taken into consideration in the design of the building.

A number of objections have been received in relation to the impacts of the scheme on surrounding neighbours. These concerns will be assessed in detail later in the report.

- e) Provide soft and hard landscaping where this reinforces local character and distinctiveness and/or mitigates the impacts of the development contributing to more sustainable construction*

As discussed above, the application proposes additional landscaping, both hard and soft, in a number of areas around the site. The areas identified to be hard surfaced or landscaped have been clearly indicated on the plans and a comprehensive picture of how these areas relate to the built forms and public realm is established, although a comprehensive landscape plan has not been submitted as part of the application.

Whilst it is not yet therefore possible to conclude that the hard and soft landscaping helps reinforce local character and/or will mitigate the development, the areas indicated to be hard and soft landscaped are considered acceptable for this purpose.

In this respect, therefore, it is considered that a condition (Condition 5) requiring the submission of a comprehensive landscaping scheme should be attached to a permission, thus providing appropriate control to ensure that specific landscaping proposals are acceptable.

*f) Demonstrate accessibility to and within a building for people of all ages and abilities*

As previously mentioned, the internal layout of the building has been designed to specific requirements given the specialised use of the site as a residential care home. Features such as larger bathrooms to allow assisted bathing and wider corridors and doorways to allow wheelchairs are evident on all floors.

Externally, the main entrance into the building has been relocated to the west elevation accessed off Le Platon. The re-siting of this access allows the incorporation of a better defined entrance, forming a glazed link between the two proposed blocks with a canopy over, and for the re-designing of the external space to the front of this. Parking sited close to the main entrance is able to be incorporated into the scheme and the creation of an access and egress for vehicles permits picking up/dropping off within this area. The site levels are reasonably consistent in this part of the site meaning level thresholds are possible.

*g) Regarding residential development, offers flexible and adaptable accommodation that is able to respond to people's needs over time*

As the application falls to be considered under social and community facilities rather than for residential development, criterion g) is not considered relevant in this instance, but the development is designed to provide specialised accommodation relating to the specific needs of the elderly and infirm.

Impacts of the development on the Conservation Area, open areas and landscape character

Returning to Policy GP4: Conservation Areas, proposals for development will generally be supported where the development conserves or where possible enhances the special character of the Conservation Area. In assessing this character, it is also important to note the contribution of open areas and landscaping to the character of the Conservation Area. In this respect, assessment must also be made against Policy GP8 c), considered above, and Policy GP1: Landscape character and open land.

The application site is within the St Peter Port Conservation Area. Annex VII – Conservation Areas of the IDP provides an assessment of the special interest of the Conservation Area, but does not provide a detailed assessment. It does however provide a general description of the surrounding area identifying St Peter Port as extending beyond

the walled town, up the stream and valleys and on to the plateau with buildings having high architectural quality being some of the first of a type or style to be built on the island. It recognises the significant contribution of public and private gardens which help mitigate the impact of high density development, justifying the need to preserve or enhance this character as a reason for the designation.

The area to the north of the application site is a relatively flat area of land that sits above the Eastern Scarp. The Eastern Scarp rises steeply from the harbour and is enhanced by the townscape of St Peter Port. Even with a high density of development, trees remain an important element of this scarp, providing a green backdrop to the town when viewed from the harbour area. Individual green gardens also make an invaluable contribution to this landscape and the deep gaps formed by the valleys in the scarp add an extra dimension to the interest and character of the town.

The area forms part of a ridge line when viewed from the harbours. The terrace of buildings at Sausmarez Street together with Le Platon Residential Home and Port Vase Cottage form part of the skyline of the hillside town. Other prominent buildings in the vicinity include Clifton Hall.

Due to the topography of the site and its surroundings, the application site is therefore in a very sensitive location. It forms part of the skyline of St Peter Port. It is seen in very important views, providing picturesque views of the town.

The site is also visible from the south side of the Charroterie Valley/Hauteville and the Mignot Plateau. These are also important views to the site, but the views from the south side of the Charroterie Valley/Hauteville are often glimpsed between buildings and/or through vegetation. The site forms part of a 360 degree panoramic view from the Mignot Plateau.

The views from the site are spectacular and encompass the harbours, the south side of the Charroterie Valley/Hauteville as well as the other Channel Islands.

In terms of open space within the Conservation Area, the site itself and parts of adjacent sites form a tiered informal green wedge between the built-up area of the New Town/Clifton Steps/Le Platon and the development that runs up the Charroterie Valley. As noted within Annex VII of the IDP public and private gardens contribute significantly and help to mitigate the impact of the high density development. The green wedge formed by part of this site is therefore considered to contribute to the character of the Conservation Area by providing a green area in an otherwise densely built up/urban area. The main Le Platon Home building is a Protected Building. There is a Protected Lime Tree to the west of the proposed development.

As previously identified the site is therefore extremely sensitive to development. Policy GP4 relates specifically to Conservation Areas and requires new development to conserve or enhance the character and appearance of the Conservation Area. This is consistent with section 38 of the 2005 Planning Law which requires special attention to be paid to the desirability of preserving or enhancing the Conservation Areas.



As part of the Planning and Design Statement submitted with the application photomontages from the key public views of the site have been provided. In views from the Harbour/Quays/Piers and the Mignot Plateau, as portrayed on the photomontages, the scale/mass and form of the building is considered acceptable. The detailed design of the building is also acceptable with the building respecting many characteristics of the surrounding high quality buildings. From the South Side of the Charroterie Valley/Hauteville views are limited to glimpses between buildings and/or through vegetation and the development will not have any significant impact.

As noted by some representors, the proposed development would encroach into an existing garden area at Le Platon Home which forms part of an existing green space prominently visible on the escarpment from the east and which thus contributes to the character and appearance of the Conservation Area. Although encroaching into the existing gap between built forms, a substantial undeveloped gap would remain which preserves the character and appearance of the Conservation Area. The existing garden space is a fortuitous, informal open space rather than a planned formal landscaped area and its retention albeit perhaps desirable would not justify refusal of planning permission for this proposal.

In summary, given the sensitive location of the site on the upper escarpment, the proposed building has potential to significantly impact on the Conservation Area and the skyline. However, it is considered that the building has been designed to respect the scale/mass, form, materials and colour of other building in the vicinity to minimise this impact. Although a new building on the site would visually erode a green space that contributes to the character of the Conservation Area, it is concluded that in overall terms the development currently proposed will have a limited and acceptable impact on the character and appearance of the Conservation Area.

#### Effect on the Protected Tree

Following representations received in relation to the original proposal, the mature Lime tree to the west of Le Platon Home was Protected with a Tree Protection Order. A tree survey prepared by Tree Dimensions was submitted with the original application. As part of the revised proposals the Protected Tree has been carefully incorporated within the proposed access/egress arrangements whilst ensuring that the root protection area of the tree is respected. The position and prominence of the tree is reflected in the proposed access arrangements and design. A condition (Condition 5) relating to landscaping includes requirements to ensure the suitable protection of the Protected Tree.

#### Impacts of the proposal on the Protected Building

Policy GP5: Protected Buildings supports proposals to alter or extend a protected building where there would be no adverse effects on the special interest of the building or its setting.

The interior of the Protected Building contains internal joinery (e.g. skirting, architrave) as well as staircases and a historic plan form. However, all the doors have been replaced with late C20th fire doors and some rooms and circulation spaces are sub-divided with modern partitions.

Although limited information has been submitted to assess the impact on the Protected Building, the internal alterations as proposed predominantly involve the removal of modern partitions and alterations. The only removal of historic features relates to the demolition of the walls and windows to create a link into the proposed dining room. This will have a moderate impact on the special interest of the Protected Building. However, on balance, and given the other improvements to the Protected Building and its setting arising from removal and reconstruction of the existing poor quality extensions, it is considered that these works are justified.

#### Effects on neighbouring properties

Impacts on neighbouring properties fall to be considered under Policy GP8 d) and the material planning considerations as detailed within The Land Planning and Development (General Provisions) Ordinance, 2007. Annex I of the IDP offers an interpretation as to the definition of amenities and is referenced within Policy GP8.

Annexe I expresses the balance that needs to be struck between ensuring that development makes the most effective and efficient use of the land whilst providing acceptable levels of amenity and living and working conditions. Annex I identifies Amenity objectives to be considered when determining an application as internal space provision; privacy; aspect/outlook; access to external open space and daylight/sunlight. It is noted that factors such as landscape design and planting, location, design of buildings, design of external spaces, layout, scale and orientation of buildings and relationship with one another can all impact on the amenity objectives and ensuring that adequate amenity is maintained.

A number of objections concerning the impact on neighbour amenity have been received, as summarised above. The application site sits within an area predominantly residential in nature and which includes various types of housing (e.g. flats, dwellinghouses). The heights of the existing neighbouring buildings vary with three storeys or higher development sited to the north and chalet bungalows/two storey dwellings to the south on lower ground levels.

Although some concerns have been expressed from residents on Little St. John Street, the proposed development to this frontage is proposed to be two storeys in height. This block would be replacing a flat roof two storey 'wing' section and although the proposed development proposes a pitched roof and an extension of a slightly larger footprint than the existing, the wall plate height of the proposed building is no higher than that of the building it would be replacing. Although the pitch roof would result in a building of an increased bulk and massing, the roof slopes away from these neighbouring properties, the increased ridge height being set back an additional 3.2m off this roadside boundary. It is not considered that the increase in height to incorporate a pitched roof would have a detrimental impact on the aspect/outlook from the buildings on Little St John Street to conclude that the health and well-being of the neighbours of the development would be affected. Windows proposed to the north elevation of this block would be obscure glazed where necessary, ensuring levels of privacy are maintained (Condition 9). The loss of private views is not a material planning consideration that can be taken into account when determining this application.

The application is accompanied by comprehensive shadow analysis plans which demonstrate that the development would not result in significant levels of overshadowing. The plans submitted show the sunlight/shadow analysis for the two solstices and both equinox, with the winter solstice, as expected, showing the most shadow cover. Although some shadowing will occur from the proposed development to Little St. John Street, it is not considered that this would be any further detrimental than the existing building which it is replacing.

The proposed extension projecting north to south and abutting the proposed extension fronting little St. John Street fronts onto Le Platon and projects towards the south east into the existing garden area of the site. The extension is proposed to be primarily two storeys in height incorporating a three storey element due to the falling ground levels, which then in the revised scheme drops to two and single storey at the most south easterly point. The two storey element has been designed with a pitched roof; the single storey element to the east creating the double-pile roof form. The design and massing of this part of the development has been significantly amended in the revised scheme to take account of neighbour concerns as discussed below.

Fronting onto Le Platon, the building would be set back into the site and separated from the road frontage by a low wall and railings. The development will result in the erection of buildings opposite Port Vase Cottages which will impact on the aspect/outlook from these properties. However, it is the degree of this impact which is important and given the interface distance between the buildings and the position of the road intervening between the two sites, it is not considered that this would be so detrimental to neighbour amenity to warrant refusal of the application.

In addition to the dwellings surrounding the site as discussed above, two dwellings abut the south and east site boundaries, Le Mont and Charter House. The occupiers of these buildings have made representations.

During the course of consideration of the scheme, the application was deferred. As part of the reason for deferral the impact on neighbouring properties, particularly Charter House and Le Mont, was raised as a concern. The application was subsequently amended and the scale and massing of this particular block was reduced. The projection of the extension towards the south boundary and height was amended, omitting a section of the building and reducing the end section of the building to two and single storey in height from the three storey extension originally proposed. The application was deferred for a second time to seek additional planting to the south and south east boundary surrounding Le Mont. Amended plans showing these changes were submitted for consideration.

Charter House to the east is set on lower ground compared with the main building of Le Platon House. Fronting onto Constitution Steps the rear boundary of this property is shared with the garden area of Le Platon, the boundary separated by a fence circa 1.2m in height. The property itself is 2½ storey in height with large areas of glazing at first floor level. The property is slightly angled on a north west/south east axis. The 3, 2 and single storey elements on the lower ground level of the proposed extension would be evident from the rear of this dwelling. Charter House is sited between 9m – 12.5m from the boundary with Le Platon, the proposed extension sited some 17m – 18m away from this

boundary, resulting in an interface distance between the built forms of circa 26m – 30m. Furthermore although windows are proposed within the three storey section of the extension which serve bedrooms, the limited projection of the three storey element before dropping to two storey and single storey coupled with the orientation of the property on its plot and the interface distance between the built forms will mean that there would be no significant impact on privacy. Whilst the development of this section of the site will mean that the outlook from Charter House will be altered, the impact of this would not be detrimental to occupiers' levels of amenity. It is therefore not considered that the proposed development would have a significant impact on the outlook or privacy of the occupiers of this building.

Le Mont is set on significantly lower ground to the south of the site. The property itself is a 1½ storey dwelling accessed off Constitution Steps but set well within its own site. The amenity space serving the property is located to the west of the house and retaining walls separate the property from the Le Platon site. Part of Le Mont site is also bounded by Charter House which is sited on higher ground.

As previously noted, the application has been amended during the course of consideration, reducing the projection of the extension towards the south, reducing its height and increasing the amount of landscaping to the south and south east boundaries. The alteration to the scheme results in a distance of 5.2m – 6.2m from the south boundary and the garden of Le Mont sited on lower ground than the extension. In terms of the relationship between the two built forms, Le Mont is offset from the extension towards the east. The interface distance between the two buildings equates to a minimum of 10.4m to the single storey section, 13.6m to the three storey section and 16.4m to the 2 storey element, the distances measured to the nearest points of both buildings. The occupiers of this dwelling are particularly concerned about the potential overbearing and overshadowing impact of the development, however the amended scheme significantly reduces the impact of the building on this site. Although the proposal will result in the erection of a building in a location that was previously open garden area and undeveloped thereby resulting in some impact on the occupiers of this property, as previously noted, it is the degree of this impact that falls to be considered.

Le Mont is orientated on an east/west axis on the plot with the primary elevation facing south east taking advantage of the views over the neighbouring islands and Castle Cornet. Le Platon is sited to the north (rear) of this property and given the significant difference in ground levels between the two sites (circa 3.5m) views from Le Platon look over the site of Le Mont. The extension will be on higher ground than the garden area of the property and located towards the end of the curtilage. The set back of the building from the boundary will be a significant improvement from that originally proposed and the reduction in height would also reduce the overall massing and bulk of the building. Concerns raised by the occupier over the overbearing impact of the building on the garden area of the property would be mitigated by the difference in the ground level, the depth of the garden, the set back of the extension off the boundary and the reduced height. A condition requiring the completion of the planting as indicated to the south and east boundary adjacent to Le Mont can also be imposed (Condition 6). The level of impact is not considered so significant that it would justify refusal of planning permission.

In relation to this neighbour's concerns regarding overshadowing, the site presently experiences overshadowing resulting from the relationship of the site with Charter House, the house itself and the retaining walls surrounding the site. As part of the application comprehensive shadow analysis plans have been submitted which demonstrate that the development would not result in significant levels of overshadowing. The shadow analysis is further supported by the physical context of the application site which is to the north of the neighbouring property. The extension would therefore not affect the relationship between the path of the sun and Le Mont, given the location and orientation of this property on its plot.

A number of representors have requested that if planning permission is granted, a Construction Environmental Management Plan (CEMP) be required by condition. Condition 4 as drafted above relates to a CEMP which would help to minimise adverse environmental impacts during the construction phase. One representor requests erection of site poles, however it is not considered that site poles are necessary to enable proper assessment of the proposed development in this case.

#### Car parking and other vehicle provision within the site

Three parking areas are proposed within the site providing in total 63 spaces, 2 of which are designated disabled spaces and 1 designated for doctor's parking. The doctor's and disabled spaces along with an additional 3 unallocated spaces are sited adjacent to the proposed access. 29 further spaces would be provided to the south west of the proposed building on a lower terrace, served by a separate access off Le Platon. An access ramp and steps providing access to the upper level entrance and steps into the garden area to the east have been designed into this area along with 8 bicycle parking spaces. The remaining 28 spaces are located to the east and west of the road (Le Platon) and served directly off the highway. A turning area is provided at the end of Le Platon, which is a no-through road and is included within the site area; in addition an access and egress serving the main entrance is proposed.

Policy IP7: Private and Communal Car Parking refers to the Supplementary Planning Guidance (SPG) on parking standards and traffic impact assessment to ensure that proposals have appropriate levels of private and communal parking. The car parking standards within the SPG relate to a maximum provision of parking spaces for new development within the Main Centres and Main Centre Outer Areas depending on the type of development. Although it is anticipated that these standards will generally be met, they are not inflexible and depending upon the characteristics of the site variations may be allowed.

The SPG is split into two sections, the first relating to car parking provision and the second to Traffic Impact Assessments (TIAs). Car parking provision is further split into different categories of parking; e.g. disabled, motorcycle, etc. In assessing the proposed development in relation to these standards, it would be anticipated that 2 disabled parking spaces are provided for a development of a retail, recreation and leisure, community or education use where the total amount of parking spaces provided falls between 21 – 50, whilst 13 motorcycle spaces (1 per 5 spaces) and 12 bicycle spaces (2 per 10 spaces) would be accommodated on site.

In respect to the provision of car parking, whilst the SPG notes maximum provisions for a number of types of development, no provision is made specifically for social and community facilities. The proposal is considered under “other forms of development”. Car parking provision for this type of development is assessed on its merits.

In light of the above, the provision of 2 disabled spaces, 61 car parking spaces and provision for 8 bicycles is considered acceptable. Although this falls short of the recommended cycle provision by 4 and fails to provide any parking provision for motorcycles, in this instance and given the type of development and the specific client group to which it relates, it is considered that the flexibility built into the SPG can be reasonably applied (Conditions 12 and 13).

#### Effects on the surrounding roads/traffic impact

Policy IP9: Highway Safety, Accessibility and Capacity and part two of the SPG: Parking Standards and Traffic Impact Assessment in relation to TIAs are of particular relevance when considering the effects of the development on the surrounding roads and traffic impact. The impact on the surrounding road network has also been raised as an area of concern within letters of representation.

The revised application has been submitted with a Traffic Assessment carried out by the agent. Although not a comprehensive Traffic Impact Assessment, the SPG provides guidance on instances when these documents are required and the level of detail (depending on the scheme) necessary. Primarily dependent upon the scale of the development, the SPG refers to other developments, i.e. those that do not fall within the prescribed list, and defines these developments as having potential due to their scale or nature to generate additional traffic movements likely to affect journey times, operation of highway junctions or adversely affecting people/communities in other ways. However, it is noted that the figures/definition is for general guidance only.

During the course of consideration of both the original and amended schemes, consultation was carried out with the Traffic and Highway Service. Their comments, both on the original and amended scheme are reported above, with significant objections to the scheme as originally proposed being raised. These concerns related to sub-standard sightlines from the entrance serving the main parking area; the width of the internal roadway not being able to accommodate two passing vehicles; inadequate car parking provision and the lack of information to allow full assessment of the impact on the nearby road network.

As part of the amended scheme changes to the car parking provision, sightlines, accesses and road widths were made, and in addition a Traffic Assessment containing information regarding existing and proposed car parking provision, vehicle trips, expected levels of traffic movements, proposed road improvements and traffic accident data was submitted. The document concluded that although the road network in the area is constrained, the low trip rates generated from this type of use would not have a significant impact on the road network. The level of parking has been based on actual demand as observed during site surveys and overall taking into consideration the accident data for the road network surrounding the site the proposed development would have a minimal impact on the road network.

The Traffic and Highway Service has also advised on the amended proposals. It was considered that as new road markings have been introduced since the initial comments and the amended plans have overcome previous concerns regarding sightlines, parking provision and roadway widths that the revised scheme presented a substantial improvement. In addition the submission of a Traffic Assessment and the conclusions drawn were accepted by Traffic and Highway Services and it is not considered that the development would result in a significant increase in vehicle movements during peak hours.

The Traffic and Highway Service further notes that the development overall would provide additional benefits in the creation of a safer and defined entrance and improved sightlines within the site. It is therefore on this basis that they conclude that the amended scheme has fully addressed their previous concerns and the application as revised is acceptable.

### Conclusions

The application as amended has been fully considered against the policies contained within the IDP, Supplementary Planning Guidance, Purposes of the Law and the material planning consideration as detailed within The Land Planning and Development (General Provisions) Ordinance, 2007.

The applicable planning policies relating to social and community facilities are supportive of this type of development. The amended design has resulted in a reduction in the bulk and massing particularly to the south/south east elevation compared with that originally proposed and results in a scheme which is considered to represent a good standard of architectural design whilst making the most effective and efficient use of the space available.

Amendments also included changes to car parking and infrastructure and the submission of additional information to support the application. The significant concerns raised by Traffic and Highway Services regarding the impact of the original proposal on the surrounding road network/traffic have been overcome by these amendments.

The reduction in the massing and bulk of the proposed built form reduces the visual impact of the development, resulting in a scheme which, although visible due to its elevated skyline location, would due to its design be an acceptable addition to its setting and to the townscape of St Peter Port.

The impacts on neighbouring properties have also been addressed by the reduced projection towards the south/south east, introduction of different building heights to this elevation and increased landscaping. Although it is acknowledged that the development will have some impact on the outlook of some of the surrounding neighbours, by virtue of the fact that it is proposed to develop a presently open and undeveloped area, the impacts of the development on Le Mont and Charter House, the properties likely to be most affected by the development, have been fully considered. Taking into account the orientation of the two dwellings on their plots, their relationship with the path of the sun and proposed built form, interface distances between each property and the proposed buildings and the internal layout and design of the development, it is not considered that

the impact on these neighbours would be so significant to warrant refusal of planning permission on these grounds.

Overall therefore, in light of all relevant policies and considerations and for the reasons set out above, the application, as amended, and subject to conditions, including a requirement for a Construction Environmental Management Plan, is recommended for approval.

**Date:** 16<sup>th</sup> January 2017





**Application No:** FULL/2016/2864  
**Property Ref:** B006920000  
**Valid date:** 06/12/2016  
**Location:** Extension Vineries Route Militaire St. Sampson Guernsey  
**Proposal:** Change of Use of land from Agricultural (Use Class 44) to Storage/Distribution (Use Class 30).  
**Applicant:** Mr M R Loveridge

**RECOMMENDATION** - Grant: Planning Permission with Conditions:

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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, excluding demolition and site works, shall begin until a landscaping scheme, to include those details specified below, has been submitted to and agreed in writing by the Authority:

- i) the treatment proposed for all ground surfaces, including hard areas;
- ii) full details of tree and hedge planting;

- iii) planting schedules, noting the species, sizes, numbers and densities of plants;
- iv) finished levels or contours;
- v) any screen fences, walls or similar structures;
- vi) any other structures to be erected or constructed;
- vii) functional services above and below ground; and
- viii) all existing trees, hedges and other landscape features, indicating clearly those to be removed.

Reason - To make sure that a satisfactory landscaping scheme for the development is agreed, in order to help assimilate the development into its surroundings.

5. The landscaping scheme, including proposed bunding, shall be fully completed, in accordance with the details agreed under the terms of the above condition, in the first planting season following the first occupation of any part of the site for its hereby approved use, or in accordance with a programme previously agreed in writing by the Authority. Any trees or plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by trees or plants of a size and species similar to those originally required to be planted.

Reason - To make sure that the appearance of the completed development is satisfactory and to help assimilate the development into its surroundings.

6. No development shall begin on site until precise details of the layout of the proposed 6.6m wide access point onto Route Militaire, including details of junction configuration, vehicle tracking information and details of sightlines, have been submitted to and agreed in writing by the Authority. The development shall be carried out only in accordance with the agreed details and the approved access shall be completed prior to the first occupation of any part of the site for its hereby approved use.

Reason - The information provided with the application does not include full details of the proposed feature(s). This condition is imposed to make sure that the access to the site is acceptable in the interests of highway safety.

7. Goods, equipment or materials stored on the site shall not be stacked or deposited to a height exceeding 3 metres at any time on any part of the site unless otherwise agreed beforehand in writing by the Authority.

Reason - To make sure that the use does not become unsightly and/or a source of annoyance to nearby residents.

8. No development shall begin on site until a plan showing the internal layout of the site and individual yards/compounds and methods proposed to segregate each yard/compound has been submitted to and approved in writing by the Authority. The development shall be completed and operate only in strict accordance with the agreed details.

Reason - The information provided with the application does not include full details of the

proposed feature(s). This condition is imposed to make sure that the site is appropriately laid out to limit the visual impact of the proposal on the surrounding area and on neighbouring amenity and to ensure that the individual yards/compounds remain available for small-scale storage activities in accordance with adopted planning policy.

9. The site shall not be first used for the purpose of storage as hereby approved until such time as all existing buildings, glasshouses and structures have been demolished and all ancillary materials, works and structures have been removed from the site.

Reason - To make sure the development takes the form hereby permitted and to satisfy Policy OC7 of the Island Development Plan.

10. No use of the site, including any working on, delivery, removal or movement of goods, equipment or materials stored on the site shall be carried out other than between 0700 hours and 1900 hours on Mondays to Fridays, and 0800 hours and 1300 hours on Saturdays, and there shall be no working on Sundays or Public Holidays.

Reason - The premises are close to residential property and a limit on the use is needed to prevent a nuisance or annoyance to nearby residents.

11. Notwithstanding the provisions of the Land Planning & Development (Exemptions) Ordinance, 2007, no areas of hardstanding (other than any specifically approved as part of this permission), buildings or structures shall be erected or constructed without the prior written consent of the Authority.

Reason - To limit the visual impact of the proposal on the surrounding area and residential amenity.

12. The site shall not be first used for the purpose of storage as hereby approved until such time as the acoustic fencing has been erected in accordance with the approved details. The acoustic fencing shall thereafter be retained in perpetuity.

Reason - The premises are close to residential property and the acoustic fencing is needed to prevent a nuisance or annoyance to nearby residents.

## **INFORMATIVES**

1. For the purposes of condition 4, the basic design constituents to be considered in any landscape scheme should include:

Landscape design strategy

- Overall design concept
- Soft landscape elements
- Area and type of hard surfaces, including access and site circulation
- Use/function of different areas
- Contours and levels
- Services - above and below ground
- Land drainage

- Boundary treatments

#### Detailed planting proposals

- Relate to landscape character of locality and make use of locally distinctive species
- Provide scientific names including species and varieties, numbers, locations, form, size (height, spread, girth, pot size)
- Topsoil/planting medium (depth, finished level, etc)
- Planting specification including site preparation, irrigation and plant maintenance provisions, mulch (depth and material) and supports for trees/shrubs/climbers
- Temporary/permanent protection of existing/proposed planting
- Grass/seeded areas
- Remedial surgery pruning to retained trees/shrubs

#### Landscape structures and surfaces

- Walls, fences, gates, rails
- Surfaces (soft, hard, steps, ramps, drainage falls)
- Construction details and specification, noting use of any local materials/building techniques
- Relationship to building form and materials
- Structures for building services (bin stores, etc)

#### Management plan

- Design concept/objectives
- Provision for long term management
- Maintenance regime (frequency and types of operation for grass, ornamental and native planting, water areas)
- Identify management agency

2. If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted to the Authority a method statement to identify, risk assess and address the unidentified contaminants, and obtained written agreement from the Authority for the works to continue. Any subsequent works shall be carried out only in accordance with the conclusions and recommendations contained in the agreed report.

3. Should any fixed plant, machinery or external lighting be required then this would require the grant of a separate planning permission by the Authority.

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## OFFICER'S REPORT

### Site Description:

The application site is known as Extension Vineries and is located on the west side of Route Militaire in St Sampsons. The site comprises a total area of 9,751m<sup>2</sup> (5 Vergees, 38 Perch). It was previously used for horticultural growing and redundant glasshouses exist on the majority of the site. The site is accessed via a driveway to the east of the site onto Route Militaire.

Land uses in the vicinity of the site are residential properties to the north east, east and south, with a neighbouring glasshouse site to the north and fields to the west, south west and north west.

The application site is situated Outside of the Centres as designated in the Island Development Plan.

**Relevant History:**

PAPP/2004/0115	Utilise land for skip business (retrospective).	Refused 16/04/2004
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**Existing Use(s):**

Redundant Vinery

**Brief Description of Development:**

Planning permission is sought to change the use of the land from agriculture (Use Class 44) to Storage and Distribution (Use Class 30).

The application envisages that the site may be suitable to accommodate open storage activities presently located at Fontaine Vinery, and follows work undertaken by the States Property Services in this regard.

Since original submission, the application has been amended to include landscaping buffers and bunding to the perimeters of the site, and the addition of acoustic fencing adjacent to the east boundary. Further information has also been submitted to clarify that an access width of 6.6m to Route Militaire can be achieved wholly on land within the applicant's ownership.

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

Island Development Plan 2016

- Plan objectives:
  - Objective 1: Make the most effective and efficient use of land and natural resources;
  - Objective 2: Manage the built and natural environment;
- Spatial Policy
  - S1: Spatial Policy
  - S4: Outside of Centres;
- Policies for Outside of Centres:
  - OC3: Offices, Industry and Storage and Distribution Outside of the Centres;
  - OC6: Horticulture Outside of the Centres;
  - OC7: Redundant Glasshouse Sites Outside of the Centres;

- General Policies
  - GP1: Landscape Character and Open Land;
  - GP8: Design;
  - IP9: Highway Safety, Accessibility and Capacity.

### Representations:

Five letters of representation have been received objecting to the proposal. The principal grounds for objection are summarised as follows:

#### Proposed use for storage:

- The proposed use is inappropriate for the area; the surrounding area is residential and it is unjustifiable to change the use of the vineyard to an industrial site;
- The noise and dust from the site would be unbearable and would intrude on the lives of the surrounding neighbours from early morning to late at night;
- The proposal will create an eyesore;
- The proposal would have a detrimental impact on the value of neighbouring properties (*Note – this is not a material planning consideration*);
- The quality of life for people living in the area would be badly affected;
- The land is horticultural and should stay as such;
- The planning application does not meet the overarching aim of the Land Planning and Development (Guernsey) Law, 2005, 'To protect and enhance and to facilitate the sustainable development of the physical environment of Guernsey';
- The application departs from Section 7.2 of the IDP which directs industry within and around the Main Centres;
- Section 7.2.5 of the IDP seeks to consolidate industry and storage and distribution uses to Key Industrial Areas, which the site is not;
- There is already a surplus of existing storage and distribution sites in Guernsey;
- For the purpose of Policy OC3 the site cannot be considered as small-scale;
- Policy OC7 requires on cessation of horticultural use, the land is expected to revert to other non-horticultural types of agricultural use;
- There are plenty of other former glasshouse sites that have been cleared without the need to replace the top soil as stated in the supporting letter;
- OC7 states development of redundant glasshouses would only occur where there are no adverse effects on the occupiers of neighbouring properties; this would not be the case with the application site;
- If the site was properly cleared the site would significantly enhance the landscape character of the surrounding area in accordance with Policy GP1.

#### Highway and traffic implications:

- The volume of traffic on Route Militaire is already one of the heaviest in the Island and this would without doubt increase it;
- Vehicles would drive over land owned by the occupiers of The Ramblers due to the narrow width of the drive;
- Children waiting for the bus wait on the driveway to the vineyard because there is no footpath for them to stand on;

- There is a significant housing allocation close to the site which will lead to additional road users; the proposal will therefore fail to comply with Policy GP17 as the change of use would increase the level of risk to public health and safety to an unacceptable level;
- the exit from the site close to the staggered entrance to the housing site on the opposite side of the road will be a danger to all road users.

### Consultations:

#### The Office of Environmental Health and Pollution Regulation (OEHPR):

By letter dated 21 December 2016 the OEHPR stated the following:

*"I have reviewed the proposed plans for the change of use from agricultural to storage/distribution and there are a number of issues of concern that I must raise.*

*There is currently insufficient information for me to be able to comment on the application. I would welcome the following additional information:*

- *The proposed end use of the site*
- *Information on the potential for nuisance (noise, dust, light, odour) to arise from the site (this should include specific operations and pieces of equipment and how it is proposed to control any nuisance)*
- *The proposed operating hours of the site*
- *Confirmation on whether there will be any breaking of ground on site?*

*Having regard to the information submitted with the application and historic site activities it is likely there may be presence of contamination on site. As such dependant on end usage and the extent of the works proposed a contaminated land condition may be recommended to be attached to the consent.*

*I would summarise that further information is required in relation to this application. Should further information be submitted I will be happy to review this and revise my comments."*

Additional information was received from the applicant in response (by email dated 13/01/17) and OEHPR was re-consulted on the information received.

By letter dated 23/01/17 OEHPR provided the following response based on the additional information provided:

*"I have reviewed the additional information submitted in relation to the proposed plans for change of use to storage and distribution and there are a number of outstanding concerns. To ensure that these concerns are addressed I would recommend that the following condition is attached to the planning consent:*

- *The use hereby permitted is only permitted between the hours of 07:00 and 19:00 on Mondays to Fridays and 08:00 and 13:00 on Saturdays and not at any time on Sundays, Bank or Public Holidays.*

**Discovery Strategy** *(not to be applied as a condition but rather an informative to be applied to any applications that may raise concerns)*

*If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted to Planning Services a method statement to identify, risk assess and address the unidentified contaminants, and obtained written agreement from Planning Services for the works to continue. Any subsequent works shall be carried out only in accordance with the conclusions and recommendations contained in the agreed report.*

*I would be grateful if an informative could be placed on the consent to make the applicant aware that should any fixed plant and machinery and external lighting be introduced to the site a separate application is likely to be required."*

Business, Innovation and Skills (BIS):

By letter dated 01/02/17 BIS stated the following:

- *"The above site is one of two which the Committee for Economic Development ("the Committee"), on the advice of States of Guernsey Property Services and BIS, agreed to endorse as alternatives to the temporary open storage compounds at Fontaine Vinery, which is due to close later this year. Whilst the application has been made by the private landowner (with technical assistance by Property Services), it is necessary to declare that for the reasons above, BIS and the Committee have an interest in this application.*
- *The Fontaine Vinery open storage compounds provide storage facilities for 11 businesses, most of which are in the construction sector although some are involved in inert waste management. These facilities are due to close later this year, although Property Services has sought an extension of the current temporary planning permission, to enable tenants to make the transition from Fontaine Vinery to an alternative site or sites – see FULL/2016/2900.*
- *Last year, Property Services identified a number of privately-owned sites which were potentially able to accommodate the existing tenants of Fontaine Vinery. After a desktop evaluation exercise, Property Services recommended the site at Route Militaire and another site at Route Des Pecqueries (which is the subject of a separate application – FULL/2016/2878) as its two preferred sites. The Committee endorsed the selection of these two sites at its meeting on 29 September 2016.*
- *BIS is of the view that an alternative site(s) to Fontaine Vinery is required to ensure that existing tenants have access to suitable accommodation, once Fontaine Vinery closes. There is a demonstrable need for facilities of this type, specifically, basic but secure and affordable open storage. BIS interviewed tenants of Fontaine Vinery*



twice over the past two years and a recurring theme was the lack of such premises and the impact that this level of availability had on the affordability of such sites in the market. The closure of Fontaine Vinery therefore represents a significant challenge for these businesses as they do not currently have the certainty that alternative accommodation will become available once the States-owned facility at Fontaine Vinery closes. The introduction of an alternative site(s) such as the one put forward in this application should provide greater certainty to these businesses.

- BIS understands that at the last count, there was an oversupply of storage premises in Guernsey. The most recent Employment Land Monitoring Report (July to December 2015) identified a vacancy level of 11% of the Island's total stock in December 2015. However, BIS understands that this level of vacancy relates principally (if not solely) to built storage premises. From interviewing tenants of Fontaine Vinery, BIS understands that the type of built storage premises available on the commercial property market is largely of a standard, and therefore at a cost, in excess of what is required by these businesses, which simply require open yard areas for storage of goods and equipment. BIS also receives anecdotal comments that there is also a 'hidden' market of businesses (other than those at Fontaine Vinery) which require open storage but which are currently using premises not authorised for that use. BIS is of the view, therefore, that whilst built storage may in theory be available on-island, the reality is that such accommodation would not meet the needs of the type of businesses currently situated at Fontaine Vinery.
- BIS understands that the above location includes land which is the site of a redundant vinery (although States of Guernsey Agriculture, Countryside and Land Management Services is better placed to comment in respect of any agricultural matters). On the understanding that the site is no longer in commercial use for agricultural purposes, BIS would advise that the application has the benefit of putting back into economic use land which currently is not economically productive.
- The types of business which would be accommodated at this site carry out essential functions for the Island's economy. These businesses include some which may employ in the region of 20 people at any one time (although this can vary with demand). In addition to the primary benefits generated through wages, these businesses are also generating primary economic benefits that 'stick' to Guernsey through spend on local goods and services, for example, on vehicle and plant maintenance, fuel, and insurance, as well as through sub-contracting local labour. The tenants at Fontaine Vinery include businesses carrying out functions which are essential for the Island's economic and social infrastructure and which, if local businesses were not available to do the work, would need to be carried out by off-island businesses. It is therefore in the best interests of the Island's economy that alternative accommodation for tenants of Fontaine Vinery is made available on the Island, once that facility is no longer available.
- This particular planning application would enable the businesses accommodated at Fontaine Vinery (and potentially others) to find alternative storage in the private marketplace. The provision of accommodation in private sites may have the effect of encouraging competitor sites to be established elsewhere, which would increase

*the level of choice for businesses seeking open storage and may in turn help to ensure that rates charged at this and any other such private sites are competitive.*

- It may also be relevant to note that a recent States Resolution directed the States Trading Supervisory Board, in consultation with the Committee, to identify sites over four acres in area, owned or controlled by the States, which could be used to accommodate light industry. However, there is as yet no direction from the States that would require any of these sites to be used for this purpose.*

*BIS therefore supports the proposal by Mr M R Loveridge for the Change of Use of land from Agricultural (Use Class 44) to Storage/Distribution (Use Class 30) at Extension Vineries, Route Militaire, St Sampson's."*

#### Traffic and Highway Services (THS)

By memorandum dated 10/02/17 THS stated the following:

*"I refer to your letter of 15<sup>th</sup> December 2016 and to the application by Mr M R Loveridge to carry out the above works.*

*As per our usual standards, I would reiterate that the access should as a minimum:*

- a) enable a driver to see a minimum of 33m in the direction of oncoming traffic from a point 2.4m back from the edge of carriageway;*
- b) not have any obstructions or planting greater than 900mm high above the road surface within the visibility splays;*
- c) have sufficient width to enable heavy goods vehicles to enter and exit the access without crossing into the path of vehicles on the opposite side of the carriageway;*
- d) be square to the carriageway;*
- e) be sited at a distance not less than 20m from a junction.*

*The site adjoins a Traffic Priority Route which serves as a major north/south link road in the north of the Island. In 2009 the former Traffic Services Unit (TSU) highlighted concerns with regard to the capacity of the Crossways signal junction under current traffic conditions and with regard to future proposed development (the Saltpans Key Industrial Area - KIA). Since that time further development has been approved at Leales Yard and there are known to be Housing Allocation sites nearby that if developed, will add to traffic movements using the road and the Crossways junction.*

*In a supplementary technical report produced for the KIA a survey was undertaken of available road widths in the southern section of Route Militaire. This identified the bulk of the length of road near the Crossways signals as being below the recommended minimum 5.0m width to accommodate 2-way flow of service vehicles and well below the 5.5m recommended minimum width to accommodate HGVs. This issue can lead to regular mounting of footpaths by HGVs.*

*In light of the above, it is fair to say that Traffic & Highway Services does have traffic management concerns about the sustainability of the incremental loading of traffic movements in this area of which this development would form part. Whilst it is accepted*

*that some traffic movements for this development would already have been using the road as it is a replacement facility for the Fontaine Vinery yards, it is noted that the size of this site is almost double the area of the compounds located at the Fontaine Vinery. In addition, given the narrowness of the road to the north of the site there are some road safety concerns regarding increases in commercial vehicle movements, albeit it is accepted that there is good forward visibility for drivers needing to mount the footpath.*

*With regard to vehicular access to the site it is noted that the existing gateway is approximately 4.2m wide which falls short of the recommended minimum of 5.5m to accommodate 2-way flow of HGVs. It has also been noted that the existing access does not include bellmouth radii and therefore a commercial vehicle left turning out would cross to the opposite side of the road.*

*In terms of the sightlines observed, the sightline in the direction of oncoming traffic is approximately 22m looking through a gap in 1.1m high roadside hedging. This falls short of the recommended minimum of 33m. The sightline to the north is limited to 8m due to roadside walls that are 1.05m to 1.10m high and pillars that range in height between 1.2m and 1.6m high.*

*Given the shortfall in the sightlines observed and the unsuitability of the access for 2-way HGV traffic movements in terms of width and also the lack of bellmouth radii, there are road safety and traffic management concerns regarding the proposal. However, it would appear that an access meeting all of the minimum design standards mentioned above could be accommodated by relocation of the access slightly further to the south with lowering/removal of the roadside hedge. This would also have a benefit in terms of extending the sightline to the north. If this could be accommodated in future proposals, then on-site concerns would be alleviated but the junction capacity issue and the road safety concern regarding the likelihood of increased frequency of mounting of the footpath to the north of the site would remain."*

### **Summary of Issues:**

The main issues in assessing this application taking into account the relevant planning policies are:

1. whether the principle of change of use of the site to storage and distribution is appropriate;
2. the impact of the development on the character and appearance of the area;
3. the impact of the development on the amenity of people living in the area; and
4. traffic and access issues.

### **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.

### Background to the application

The application envisages that the site may be suitable to accommodate open storage activities presently located at Fontaine Vinery. The Fontaine Vinery site, situated on Le Murier circa 350m to the south of the application site the subject of this report, is an allocated housing site that is currently used for temporary storage compounds. The application site (the subject of this report) is one of two sites shortlisted by States of Guernsey Property Services and endorsed by the Committee *for* Economic Development, to potentially accommodate the open storage compounds currently at the Fontaine site.

### Planning Policy Framework

The Strategic Land Use Plan specifically states that certain small scale businesses, such as those requiring workshops, secure storage or open yards, may have a justifiable need to develop outside the Main and Local Centres due to the special requirements resulting from the nature of their operations. This could include small industrial and storage businesses that have no operational requirements to be located within or on the edges of the Main Centres and are unable to compete with larger firms looking for higher quality accommodation (paragraph 17.1.3 of the IDP).

The application site is situated Outside the Centres in the Island Development Plan (IDP). The Plan policies allow for the development of certain new uses Outside of the Centres. These include small scale industrial and storage businesses where they are of a scale and form that respects the character of the surroundings and do not introduce unnecessary development which is otherwise capable of being located within the Centres and where the proposals would have no adverse effect on the conditions of neighbouring occupiers and would not adversely affect highway safety and the free flow of traffic.

They are also directed to either brownfield sites or redundant glasshouse sites. This will ensure that they take advantage of being located on previously developed land or land which contains a certain level of infrastructure as a result of its former use. This will also ensure that small scale industrial or storage uses do not occupy open land and, in some cases, the development may positively enhance a site through the clearance of redundant glass or associated structures from the landscape.

Under the Planning Law, horticultural premises, including redundant glasshouse sites and any ancillary structures, are treated as agricultural land and so, on clearance of the structures, the land is expected to revert to agricultural use. However, development proposals on agricultural land in the specific circumstances where they relate to redundant glasshouse sites may be permitted for another purpose where they are consistent with the policies of the Island Development Plan.

In certain circumstances it may be acceptable to permit redundant glasshouse sites Outside of the Centres to be utilised for small scale industrial, storage and distribution uses if all glasshouses and ancillary structures which are not capable of being used for a use in accordance with the relevant policies of the Island Development Plan are demolished and

removed from the site. In all cases, however, proposals will need to demonstrate that the development would not have an unacceptable adverse impact on the character and amenity of the locality concerned.

The most relevant IDP policies in this respect are Policies OC3 and OC7.

The appropriateness of using certain redundant glasshouse sites for particular uses will be assessed against considerations including adjacent land uses, open amenity value, access provision and neighbour impact. The Authority will need to be satisfied that there would be no adverse effect on the living conditions of neighbouring occupiers by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit or significant visual intrusion. In addition, proposals that jeopardise highway safety and the free flow of traffic on the adjoining highway will not be acceptable.

In all cases there will be a requirement for the site to be laid out to achieve the most effective and efficient use of the land and the least negative visual and amenity impacts, with buildings, materials, parking, access, and open storage areas designed to respect the character of the area. In addition, the proposal will be expected to make a positive contribution to the visual quality of the environment through an appropriate soft landscaping scheme designed to sufficiently screen the activities on the site and mitigate impacts, details of which are required to be included with any planning application for development of redundant glasshouse sites.

Whether the principle of change of use of the site to storage and distribution is appropriate

IDP Policy OC3 states that proposals for new industrial and storage and distribution uses will be supported where there is a justifiable need for the business to be located outside the Main Centres, Main Centre Outer Areas and Local Centres owing to the special nature or requirements of the business operation or there being a demonstrated lack of suitable alternative sites in the Main Centres, Main Centre Outer Areas or Local Centres; and the site is either a brownfield or a redundant glasshouse site and complies with Policy OC7: Redundant Glasshouse Sites Outside of the Centres. If these criteria are met, then a proposal must also demonstrate that:

- the development is of a scale and form that respects the character of the surrounding area and would not adversely affect or detract from the amenities of existing surrounding uses especially with regard to noise, vibration, smell, fumes, smoke, soot, ash, dust or grit; and,
- the development will not jeopardise highway safety and the free flow of traffic on the adjoining highway; and,
- the site will be laid out to achieve the most effective and efficient use of the land and the least negative visual and amenity impacts with buildings, materials, parking, access, and open storage areas designed to respect the character of the area; and,
- the proposal includes details of an appropriate soft landscaping scheme, which will make a positive contribution to the visual quality of the environment and will sufficiently screen the activities on the site and mitigate impacts.

This application relates to the change of use of the application site to provide open storage yards, for which there is a recognised difficulty in finding suitable sites as identified by the Strategic Land Use Plan.

As part of the application process, the States Business Innovation and Skills (BIS) service was consulted. BIS states: *“There is a demonstrable need for facilities of this type, specifically, basic but secure and affordable open storage.”* Whilst recognising that there is currently an over provision of storage and distribution facilities/sites in Guernsey, BIS understands that the type of built storage premises available on the commercial property market is largely of a standard, and therefore at a cost, in excess of what is required by these businesses, which simply require open yard areas for storage of goods and equipment.

BIS supports the application and comments that: *“This particular planning application would enable the businesses accommodated at Fontaine Vinery (and potentially others) to find alternative storage in the private marketplace. The provision of accommodation in private sites may have the effect of encouraging competitor sites to be established elsewhere, which would increase the level of choice for businesses seeking open storage and may in turn help to ensure that rates charged at this and any other such private sites are competitive.”*

It is considered that there is a justifiable need to provide this type of storage use as proposed Outside of the Centres as facilitated through the policies of the IDP owing to the special nature or requirements of such a use and the lack of suitable alternative sites within the Centres. The proposal is therefore considered to comply with this criterion of Policy OC3 which has to be met for consideration of the application to proceed further.

Compliance with the further criteria of Policy OC3 including the status of the site as a redundant glasshouse site and compliance with Policy OC7 are assessed below and in the following sections of this report.

Policy OC7 provides, inter alia, that proposals to develop redundant glasshouse sites for small scale industrial or storage and distribution use in accordance with the requirements of Policy OC3 will be supported where the site is not within or adjacent to an Agriculture Priority Area and the site would not contribute positively to a wider area of open land; and providing that in all cases requirements similar to those for Policy OC3 are demonstrated as being met, along with two additional criteria that:

- the proposal includes the demolition and removal from the site of all glasshouses and ancillary structures which are not capable of being used for a use in accordance with the relevant policies of the Island Development Plan; and
- the proposal accords with all relevant policies of the Island Development Plan.

The application site comprises a former vinery with the majority of the land accommodating metal framed multi-span glasshouses. Paragraph 17.5.3 of the IDP defines a redundant glasshouse as:

*“a glasshouse or glasshouses together with ancillary structures and land where the glass and ancillary structures are no longer required or capable of being used for their authorised purpose. Often the condition of such structures will deteriorate*

*over time through lack of use and management and leave only partial remnants of structures.”*

The applicant in a supporting statement has confirmed that the present multi-span glasshouse is suffering large areas of metal failure; the purlins have failed in many areas and there are numerous areas where the structure has collapsed completely losing all the glass and rendering the structure unsafe. The applicant has also confirmed that the commercial horticultural use of the site ceased in 2006. A non-commercial enterprise used the glasshouses for growing but this ceased in 2010 due to the dangerous condition of some of the glasshouse structures. It is evident now that the structures are in a state of disrepair and are no longer required or capable of being used for horticultural purposes. For the purposes of applying Policy OC7, the glasshouse site is therefore considered redundant.

Policy OC7 notes that horticultural premises, including redundant glasshouse sites, are considered to be agricultural land, so there is a presumption that when the horticultural use ceases the site will be cleared and returned to agricultural use. However, Policy OC7 also states that proposals to use redundant glasshouse sites for other purposes will be subject to an assessment of possible alternative uses of the site. In this respect, Policy OC7 sets out two criteria (a) and b)) which must be satisfied prior to considering possible alternative uses:

- a) the site is not within or adjacent to an Agriculture Priority Area, unless it is demonstrated that the site cannot positively contribute to the commercial agricultural use of an identified Agriculture Priority Area or cannot practically be used for commercial agricultural use without adverse environmental impacts or where proposals are for renewable energy infrastructure and the design would allow agricultural activity to continue on the site; and,*
- b) the site would not contribute positively to a wider area of open land.*

The Agriculture Priority Area (APA) represents the Island’s most valuable agricultural area. The application site is not within or adjacent to an identified APA. In this instance, given that the land is outside of the APA, the balance would not be towards protecting this land for agricultural purposes. The proposal therefore satisfies criterion a) of Policy OC7.

With regard to criterion b), there is residential development to the east and south of the site and although visible from the east and in limited views from the north, west and south, the site is considered to have a stronger visual relationship with the surrounding developed areas than with the open land to the west. The application site is not, for example, situated prominently within an otherwise open area. Given the location of the site close to the built form to the east and the sporadic development to the west, it is considered that if this site was cleared it would not positively contribute in visual terms to a wider area of open land. Furthermore the proposal involves a change of use to provide for open storage yards and no structures are proposed as part of the application.

A landscaping bund is proposed to surround the site with appropriate planting to be agreed (proposed condition 4) to limit the visual impact of the proposal on the surrounding area. Furthermore it is also recommended that the height of any storage on the site is controlled (condition 7) should permission be granted and that a site layout plan

is approved by the Authority (condition 8) to ensure that open storage areas are designed and positioned to respect and reduce any detrimental impact on the character of the area. Subject to such mitigation it is considered that any effect that the proposal would have on the openness of the surrounding area would not be so substantial to warrant the refusal of planning permission. The proposal is therefore considered to satisfy criterion b) of Policy OC7.

Compliance with the further detailed criteria of Policy OC7, which are similar to those for Policy OC3 but include two further specific criteria as referred to above, is assessed in the following sections of this report.

Overall, taking Policies OC7 and OC3 into account and subject to satisfying the detailed criteria of each of these policies, the principle of the change of use as proposed is considered to be acceptable.

#### The impact of the development on the character and appearance of the area

Policy OC3 requires that the proposal must demonstrate that the development is of a scale and form that respects the character of the surrounding area and would not adversely affect or detract from the amenities of existing surrounding uses especially with regard to noise, vibration, smell, fumes, smoke, soot, ash, dust or grit. Policy OC7 requires that the proposal must accord with all relevant policies of the IDP, which in this case would include Policies GP1 and GP8, as well as Policy OC3.

Policy GP1: Landscape Character and Open Land requires consideration of whether the proposal would result in any unnecessary loss of open and undeveloped land which would have an unacceptable impact on the open landscape character of the area. Policy GP8 requires proposals for new development to achieve a high standard of design which respects and where appropriate enhances the character of the environment. Proposals will be expected to *"respect the character of the local built environment or the open landscape concerned"* (criterion c).

Both Policies OC3 and OC7 require that the site will be laid out to achieve the most effective and efficient use of the land and the least negative visual and amenity impacts with buildings, materials, parking, access and open storage areas designed to respect the character of the area; and that the proposal includes details of an appropriate soft landscaping scheme which will make a positive contribution to the visual quality of the environment and which will sufficiently screen the activities on the site and mitigate impacts. Policy OC7 also requires that the proposal includes the demolition and removal from the site of all glasshouses and ancillary structures which are not capable of being used for a use in accordance with the relevant policies of the IDP.

The site comprises a total area of 9,751m<sup>2</sup> (5 Verges, 38 Perch). The development proposed is to change the use of the site to storage and distribution use to specifically create open storage yards. Redundant glasshouses occupy the majority of the site and although the proposed use will utilise the whole of the site, it will be subdivided into smaller individual yards or compounds to be occupied by individual small-scale storage operations.



There is residential development to the east and south of the site and although visible from the east there are limited views from the north, west and south. No structures are proposed as part of the application and the proposal is for open storage only. It is recommended that should planning permission be granted the height of storage permitted is controlled by condition to limit any impact on the surrounding area (condition 7). Furthermore, earth bunding and a 5m wide soft landscape buffer is proposed to the east boundary of the site with a 2m wide landscape buffer surrounding the site to the north, south and west to screen the development.

The internal layout of the site has yet to be determined and will be finalised once the glass has been cleared from the site and the details of future occupiers established. However it is recommended that a condition is included on any permission for a detailed layout plan to be approved by the Authority (condition 8). This will ensure that the site is laid out to achieve the most effective and efficient use of land, to have the least negative visual and amenity impact, to ensure that open storage areas are designed to respect the character of the area and ensure that the yards/compounds remain available for use by small-scale businesses.

The proposal includes the demolition and removal of all glasshouses and ancillary structures which are not capable of being used, in accordance with Policy OC7 (condition 9).

For the above reasons it is considered that any detrimental impact that the proposal may have on the landscape character and appearance of the surrounding area would not be so substantial to warrant the refusal of planning permission. The proposal accords with Policies OC3, OC7, GP1 and GP8 in this respect.

#### The impact of the development on the amenity of people living in the area

Residential properties are situated immediately adjacent to the site to the east and south and further east on the opposite side of Route Militaire.

Policies OC3 and OC7 both require the applicant to demonstrate that the development would not adversely affect or detract from the amenities of existing surrounding uses especially with regard to noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.

Objections have been received from the occupiers of neighbouring properties with regard to the potential impact on their amenity and living conditions particularly due to noise, dust and hours of operation.

As part of the initial application the applicant in a supporting letter confirmed that the site would be used for open storage rather than for industrial use and the careful allocation of specific compounds would mitigate against any activities that could cause a nuisance once any initial site clearance and establishment of hardstanding, etc. is completed.

The Office of Environmental Health and Pollution Regulation (OEHPR) was consulted on the application and by letter dated 21 December 2016 requested additional information

(explained in full in the consultation section of this report).

The applicant by email dated 13 January 2017 provided further information which confirms that:

- The intended use of the site is limited to storage and distribution and any processes such as manufacturing would not be allowed;
- Tenant commitment would be obtained to limit noise, dust, vibration, light, odour, smoke and any other nuisance to modern day limits and standards;
- Details of specific equipment cannot be given but this would be similar to the existing operations on Fontaine Vinery and the applicant will work with all relevant States bodies to ensure smooth and compliant operation;
- Each client would be vetted and agreements made to ensure reasonable controls.

The OEHPR was re-consulted on the information provided with particular regard to the potential for nuisance (noise, dust, light or odour) that could arise from the proposed operation of the site. By letter dated 13 January 2017 OEHPR recommended that a planning condition is included on any permission to limit the use of the site to between the hours of 07:00 and 19:00 Mondays to Fridays and 08:00 and 13:00hrs on Saturdays and prevent working at any time on Sundays, Bank or Public Holidays.

Furthermore, to limit any impact on neighbouring residents the application has been revised (at the request of the Planning Service) to include acoustic fencing and a 5m landscape buffer including a bund to the east and south of the site, to protect the amenities of residential properties adjoining the site in this direction. A 2m landscaping buffer is included along the remainder of the boundary to limit the visual impact of the proposal on the surrounding area.

No details of the site layout have been provided and it is recommended that should planning permission be granted, a condition is included for a detailed plan to be approved by the Authority to show how the site will be subdivided into individual storage yards or compounds (condition 8). Should planning permission be granted it is recommended that conditions are also included to control the hours of use of the site (as recommended by OEHPR), to prevent the erection of any buildings or other structures (without first applying for planning permission) and for a detailed landscaping scheme to be approved by the Authority (conditions 4, 10 and 11). A condition is also recommended to ensure that the acoustic fencing is provided and retained (condition 12).

Informatives are also recommended in addition to that relating to landscaping; one as requested by the OEHPR and another to ensure that the applicant is aware that should any fixed plant or machinery or lighting be required, this would require further planning permission.

Having regard to the comments received from the OEHPR, and subject to the recommended conditions and informatives, it is concluded that the proposed development would not be likely to adversely affect or detract from the amenities of existing surrounding uses especially with regard to noise, vibration, smell, fumes, smoke, soot, ash, dust or grit. Any detriment to the amenities of nearby residential properties is expected to be within acceptable limits and would not justify the refusal of planning

permission.

### Traffic and access issues

The site is accessed to the east onto Route Militaire which is a Traffic Priority Route and serves as a major north/south link road in the North of the Island.

Traffic and Highway Services was consulted on the application and raised concerns which are summarised as follows:

- Concerns with the capacity of the Crossways Junction under current traffic conditions and with regard to future proposed developments (including Saltpans KIA and Leale's Yard) and the potential for additional vehicle movements as a result of the proposal
- the southern section of Route Militaire measures 5.0m in width which is below the required 5.5m width for larger goods vehicles – resulting in regular mounting of the footpath;
- the vehicular access into the site is 4.2m wide which falls short of the recommended 5.5m for larger vehicles to pass;
- A bellmouth radii has not been provided from the access requiring larger vehicles turning left to cross onto the opposite side of the carriageway;
- a shortfall in sightlines from the access point.

The proposed storage use of the site is envisaged to replace the existing facility at the Fontaine Vinery site which in due course is to be developed with housing. THS has commented that the application site is double the size of the Fontaine Vinery site and therefore has concerns with regard to highway capacity issues. However, the Fontaine Vinery site area equates to circa 12,000m<sup>2</sup> whereas the application site is 9,751m<sup>2</sup>.

It is acknowledged that the Crossways junction does have capacity issues and that parts of Route Militaire are of below standard width for HGVs. Notwithstanding these concerns, however, the application site is well related to the highway network and Route Militaire is a Traffic Priority Route which is designated to accommodate significant traffic flows, including larger commercial vehicles required to service the Island's needs for transportation of bulky goods. It is also unlikely that vehicle movements from this site if used for open storage as proposed would be particularly significant or occur regularly at peak periods. No visiting members of the public would have reason to access the site.

With regard to the site access itself, since the comments of THS were received, the applicant has confirmed that he can provide an entry width into the site of 6.6m (as opposed to 4.2m as originally proposed) and revised drawings have been submitted to demonstrate that this can be achieved wholly on land within the applicant's ownership. This available width significantly exceeds the standard of 5.5m for larger vehicles to pass and will enable a satisfactory junction arrangement to be designed and provided.

With regard to the shortfall in sightlines, given that larger vehicles will tend to use the site, where the seating position is higher than that of a private car, views will extend over the hedge and the wall increasing the visibility splay in both directions.

Given the above considerations, and although THS has expressed some concerns, it is considered that the proposal will not jeopardise highway safety and the free flow of traffic on the adjoining highway and that the relevant provisions of Policies OC3, OC7 and IP9 are satisfied.

It is recommended however that should planning permission be granted a plan to show the 6.6m access point in more detail is secured by planning condition (condition 6).

### Conclusions

The IDP, in accordance with the SLUP, sets out a planning policy framework that enables certain small scale businesses, such as those requiring workshops, secure storage or open yards, to develop Outside the Centres on redundant vinery sites in appropriate circumstances, as set out principally in Policies OC3 and OC7.

In this case, the glasshouse site is considered to be redundant, is not within or adjacent to an APA and by virtue of its position in relation to neighbouring land uses and in public views would not contribute positively to a wider area of open land.

Subject to mitigation, which can be achieved by recommended planning conditions, the development would be of a scale and form that would respect the character of the area, would make most effective and efficient use of the land and would not detract unacceptably from neighbour amenity. The proposal would not jeopardise highway safety or the free flow of traffic, would include appropriate soft landscaping as well as bunding and acoustic fencing and would result in the demolition and removal of the redundant glasshouses and ancillary structures from the land.

The proposal would therefore comply with Policies OC3 and OC7, as well as other relevant policies of the IDP.

It is consequently recommended that planning permission with conditions be granted as set out above.

### **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; the effect of the proposed which the site could be put without further planning permission; the likely effect on the reasonable enjoyment of neighbouring properties. These issues where relevant are considered above.

With regard to the representations received, the main points are addressed above. The concern that the proposal could devalue neighbouring properties is not a material planning consideration that the Authority can take into account in the assessment of this application.

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

The proposal would not impact on any protected buildings, trees, monuments or SSS's.

Date: 14<sup>th</sup> March 2017