

**ENVIRONMENT DEPARTMENT PLANNING DIVISION**

**OPEN PLANNING MEETING AGENDA**

An Open Planning Meeting will be held at Beau Sejour, Cambridge and Delancey rooms, on Tuesday 09/04/2013 at 8.45am for a 9.00am start.

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

**Agenda Item 1:-**

APPLICATION NUMBER:	FULL/2012/3352
APPLICATION ADDRESS:	Coupee Lane Cornet Street St. Peter Port
DESCRIPTION OF WORK:	Four storey residential Development comprising of 17 flats with basement parking - revised scheme.
NAME OF APPLICANT:	Coupee Lane Ltd
NAME OF AGENT:	Dunnell Robertson Partnership

**Agenda Item 2:-**

APPLICATION NUMBER:	FULL/2012/3681
APPLICATION ADDRESS:	Vale Avenue Cottages Vale Avenue Vale
DESCRIPTION OF WORK:	Demolish existing dwellings, level site and erect temporary timber boundary fencing.
NAME OF APPLICANT:	Guernsey Electricity Ltd

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

There will be provision for **public speaking** at the open planning meeting. The opportunity to speak is afforded only to persons who:

- a) have submitted a representation in writing within the period specified for publicity of the application under section 10 of the Land Planning and Development (General Provisions) Ordinance, 2007, along with the applicant and/or their agent for the application; and
- b) who have notified the Department in writing (by letter or by e-mail addressed to [Planning@gov.gg](mailto:Planning@gov.gg)) of their intention to speak which is received by the Department by 12.00 Noon on the working day immediately preceding the date of the Open Planning Meeting.



**Application No:** FULL/2012/3352  
**Property Ref:** A401550000,A40155A&A40154  
**Valid date:** 08/11/2012  
**Location:** New Development, Coupee Lane, Cornet Street, St. Peter Port  
**Proposal:** Four storey residential Development comprising of 17 flats with basement parking - revised scheme.  
**Applicant:** Coupee Lane Ltd

**RECOMMENDATION - Grant: Planning Permission**

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### CONDITIONS

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 Environment Department 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 Environment Department and (ii) it is commenced or, as the case may be, continued, in accordance with that requirement and any further requirements imposed by the Environment Department 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. The development for which permission is hereby granted shall not be commenced until precise details of all design features including fenestration, window recesses, glazed gables, car park grilles and the ridge details to the flat roof outside the top floor bedroom/study, all at 1:20 scale, as well as details of surfacing materials and landscaping, have been submitted to and approved in writing by the Environment Department; and no apartment shall be occupied until the works have been completed in accordance with the approved details.

Reason - To ensure that the detailed design of these elements of the development is satisfactory.

5. The development for which permission is hereby granted shall not be commenced until precise details of provision for a collection point for refuse/recycling near Coupee Lane, or

some alternative arrangement for refuse storage and uplift, have been submitted to and approved in writing by the Environment Department. The development shall thereafter be carried out in strict accordance with the approved details.

Reason - To ensure that the detailed design of the development is satisfactory.

6. Precise details of the positioning and type of rainwater downpipes and guttering proposed to be used shall be submitted to and approved in writing by the Environment Department prior to development being commenced. The development shall thereafter be carried out in strict accordance with the approved details.

Reason - To ensure that the detailed design of the development is satisfactory.

7. Notwithstanding the details submitted, the development for which permission is hereby granted shall not be commenced until full revised details of the proposed parking spaces located within the development (and their allocation) including provision to ensure that vehicles are not encouraged to reverse out of the site, have been submitted to and approved in writing by the Environment Department. The development shall thereafter be carried out in strict accordance with the approved details.

Reason - To ensure that the detailed design of the development is satisfactory.

8. The car parking shall be surfaced and marked out in accordance with the plans submitted to and approved by the Environment Department and made available for use prior to the occupation of the buildings.

Reason - To ensure that adequate provision for car parking is retained within the site.

9. The proposed parking spaces located within the development (and their allocation) shall be provided in accordance with the approved details as an integral part of the development of the site and shall not at any time be used for any other purpose, without the express prior written consent of the Environment Department.

Reason - To ensure that adequate provision for car parking is retained within the site.

10. Any central heating, air handling or other plant shall not be located anywhere on top of the roof, but shall be contained entirely within the exterior envelope of the building.

Reason - In the interests of visual amenity.

11. The existing buildings on the site and all ancillary materials, works and structures shall be demolished and removed from the site prior to any building works commencing.

Reason - To ensure the removal of existing buildings.

12. This permission confers no consent whatsoever for any change of use at the site. In particular, the cleared site of the buildings which are to be demolished under this permission shall be securely fenced at all times and shall be used for no purpose, including for the parking of vehicles or for the storage of any goods or materials, at any time without the express prior written consent of the Environment Department.

Reason - To control the use of the cleared site.

## **INFORMATIVES**

The application site is located within an area of known archaeological importance and your attention is drawn to the provisions of Annex 4 of the Urban Area Plan with regard to archaeological assessment where a site is known or suspected to be of archaeological importance. It is also desirable that access be granted to the Archaeology Officer, Culture and Leisure Department, to enable archaeological recording during any earth moving on the site. The Archaeology Department can be contacted on 700477 or mobile 07781 102219.

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## **OFFICER'S REPORT**

### **Site Description:**

The site is located off Coupee Lane, between Cornet Street and Cliff Street. Part of the site is presently vacant and used as an informal car parking area, part of the site includes a terraced house on Cliff Street and a detached house on high ground behind.

### **Relevant History:**

2001 - Construct 6 units of residential accommodation and car parking approved.

2003 - Construct 6 units of residential accommodation (re-issue) approved.

2003 - Construct office and residential and refurbish existing dwelling rejected.

2004 - Construct office, archive store & residential development (PIP) approved.

2006 - Construct office, archive store & residential development (PMT) approved.

2009 – Alternative scheme, 12 flats, withdrawn.

2010 – Application for renewal of the previous permission to construct office, archive store and residential development approved.

2010 – Revised application for 11 flats, rejected.

2011 – Revised application for 10 flats, approved by the Board at an Open Planning Meeting.

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

Vacant/residential.

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

This application represents a further revised proposal for residential development of this site, and now incorporates two adjoining properties. The proposal now consists of 17 flats, with 17 parking spaces. The units would comprise 4 x 1bed, 12 x 2bed and 1 x 3bed.

The application was accompanied by a statement explaining that the proposed bulk, massing and materials are similar to the previous approved scheme. The flat roofed house on Cliff Street is to be demolished (as well as the dwelling to the rear) and replaced with a pitched roof block, fronting onto Cliff Street, and linking to the previously approved scheme, to provide and additional 6 flats and 1 maisonette.

One unit (unit 4) has been reduced in size from the initial submission.

The previous 3-dimensional model of the proposed development has been revised to show this revised proposal.

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

Urban Area Plan; particularly relevant policies include Policies GEN4, GEN5, GEN6, GEN9, GEN12, DBE1, DBE2, DBE7, HO2 and HO10.

**Representations:**

8 letters of representation received, 7 from neighbours and others, and one from a States Deputy.

Representations refer principally to the size and scale, loss of existing building within this historic setting, as well as the effect on adjoining properties in terms of loss of views and structural effects.

The Deputy refers to good looking plans and attractive elevations, commenting that the scheme looks well designed and in keeping with the area but would however seem a substantial build on a small footprint. The size of the dwellings in Cliff Street to be demolished and rebuilt have gained at least one if not two, with corresponding increase in height and massing to detriment of area. It would be inappropriate for the neighbours to be disadvantaged by oppressive build or lack of light. Concerned with number of flats and that there is adequate parking for residents and visitors.

Other letters refer to detailed reasons for objecting to the proposal including:-

- out of character, site is within a Conservation Area, does not enhance the Conservation Area, area has architectural character, archaeological interest, detriment to environment, visually obtrusive, not in keeping with area, will set precedent;
- demolition is an anathema, not justified other than to integrate easier with rest of site, although not listed they should at least be recorded, demolition in a Conservation Area;
- area of historic importance, impact on adjoining listed buildings, public view from Mignot Plateau, high buildings only allowed where justified by civic or visual significance, which this is not;
- fails to respect scale and massing of buildings in vicinity, obtrusive;
- height, too high, higher than previous, out of scale here, density;
- loss of views, loss of light, overshadowing, gable window would be blocked, loss of privacy;
- danger to existing buildings, stability of buildings, structural damage;
- infrastructure won't cope, drainage issues, noise, disturbance;
- increased traffic, increased parking problems, emergency access;
- Contrary to Policies DBE1, DBE2, DBE3, DBE6 and DBE7;
- One of directors was involved in a building elsewhere with major defects;
- Wish for an open meeting and the opportunity to speak.

**Consultations:**

**Traffic Services**

Refer to previous correspondence regarding this development in 2011, when it was noted that the proposed level of on-site parking remained at the same levels as had been noted between 2001 / 2009, and that the number of flats had been reduced by one unit. The access onto the public highway would be in the same position, and overall, there remained no significant traffic related concerns.

It is noted from the supplied plans however that the number of vehicle parking spaces has reduced in relation to the number of proposed dwelling units; whilst the Traffic Services Unit has some Traffic Management concerns, given that the public parking in the nearby areas are already under some pressure, it does recognise that the development is well situated to encourage alternative modes of transport – cycling, bus travel and walking; in addition the provision of a good number of bike / motorcycle storage facilities is seen by the TSU as a positive aspect of the development.

The level of vehicle parking to be provided is commensurate with a development of this scale, however access to spaces 5 & 6 in particular may result in difficult manoeuvres for vehicles intending to drive in, subsequently to exit the parking area forward facing. Whilst the resultant manoeuvres may be inconvenient to residents, this aspect does not raise significant traffic related concerns.

In light of previous comments and taking into consideration the observations made above, the Traffic Services Unit has no Road Safety grounds on which to oppose the application in its current form. Whilst there are some Traffic Management concerns relating to the number of car parking spaces to be provided being lower pro rata than that previously proposed, these concerns are not considered to be significant and therefore would not give rise to grounds on which to oppose the application.

#### Constables of St Peter Port

Reiterate previous concerns,

- four levels with underground parking was considered too high,
- design not in keeping or sympathetic with surrounding area, too commercial looking and box-like in one of the oldest areas of town,
- design too prominent and unattractive on St Peter port skyline.

Also adding

- additional 7 units makes site overdeveloped
- no provision for refuse/recycling near Coupee Lane
- lack of open space i.e. courtyard.

#### Archaeology

Part of site was archaeologically excavated between 1989 and 1992, and a trench dug 2011. These revealed considerable quantities of post-medieval pottery, mostly 18<sup>th</sup> century, and there is likely to be more. There may be deposits below the cottage which may be earlier; indeed the medieval town ditch was in this general area.

Would like to carry out some more work on this site. Would like to dig a trench when the cottage is demolished, and to maintain a watching brief on the excavation of footings trenches over the remainder of the site.

#### Summary of Issues:

Design, appearance, effect on Conservation Area, effect on adjoining properties, traffic & parking.

#### 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).**

This application represents a revised proposal for residential development of this site, and the proposed development site now incorporates two adjoining properties. The proposal now consists of 17 flats, with 17 parking spaces.

In essence, this application is for the extra 7 units on Cliff Street, but must be considered within the context of the whole scheme.

Previous proposals (for a smaller site) were approved in 2006, 2010 and 2011.

This proposal extends the application site, to include a flat roofed three storey house on Cliff Street, and its garden, as well as a two and a half storey dwelling house to the rear.

The proposal is to demolish these buildings and replace them with a three and a half storey pitched roof block, fronting onto Cliff Street, and linking into the previously approved scheme, to provide an additional 6 flats and 1 maisonette.

The principle of residential development in this location has already been established by the previous approvals. This is a 'Brownfield' site in a sustainable central location within the town where additional residential use is to be encouraged in principle. It is therefore the details of this revised proposal that are the central issue in this case.

The main issues are the demolition of two buildings, the design of the proposed extension to the scheme and the impact on the residential amenity of neighbours.

##### Demolition

Two properties are proposed to be demolished. Neither is a Protected Building but both are situated within a conservation area and are afforded some protection from demolition by Urban Area Plan Policies DBE7 and DBE9, relating to Conservation Areas and to demolition respectively.

Policy DBE7 allows for the removal of unsightly or inappropriate features, which these are not, but both buildings are considered to be neutral to the character and appearance of the conservation area. Therefore, their demolition can be considered in principle, subject to the replacement building satisfying Urban Area Plan Policy DBE7 and DBE9 b).

##### The New Building

###### *Scale and Form of the Building.*

The scale and form proposed are basically a repeat of the previously approved building. This is considered appropriate and will conserve the character and appearance of the conservation area.

###### *Roofscape.*

The proposed roofscape involves predominately steep-pitched roofs, with a small area of flat roof towards the centre of the building. This will also conserve the character and appearance of the conservation area.

###### *Amenity of Prospective Residents.*

The amenity of prospective residents must be considered under Urban Area Plan Policies HO2, HO10 and Annex 3. Matters to consider include privacy, outlook/open space, daylight and sunlight. There are no prescriptive standards and the location of the site also needs to be

taken into account (e.g. a flat in the centre of town will not be expected to achieve the same standards as a house on the edge of town).

There are some concerns that the one-bedroom flat at level 1 (unit 4) will have poor amenity standards (daylight, sunlight, outlook and open space) and that the remaining flats will also have poor amenity standards (outlook and open space). Furthermore all the flats will have minimal space standards.

The applicant has recognised the low levels of daylighting to Unit 4 and has reduced the depth of that unit, and provided daylighting calculations to demonstrate that this has improved this unit. The space behind that unit is now to be used to provide four storage areas for the flats.

Furthermore, the poor amenity standards need to be balanced against the central, urban location and the constraints of the character of the conservation area (e.g. balconies/terrace to Cliff Street would not conserve the character of the conservation area).

Therefore, on balance, the amenity for the prospective residents is considered to be sufficient, given the location of the development and the constraints of the character of the conservation area.

Refuse storage and disposal would be considered further at the Building Regulations stage and a condition is suggested to cover this aspect. A similar condition is imposed on the existing planning permission.

#### *Car Parking*

17 car parking spaces are proposed for 17 flats, which meets the required standards, in terms of numbers, within the Central Area. Annex 2 requires 1 space per dwelling.

However, the proposed layout would make it difficult for vehicles using spaces 4, 13 and 14 to enter and leave the site in forward gear. It would appear possible to make some changes, either by extending the area of the basement, introducing a car turn-table, or using car stackers (as in the previously approved application) or a combination of the above. An appropriate condition is suggested above.

The Traffic Services Unit does not oppose the application.

#### Representations

A number of representations have been received in respect of this application. These are summarised above and are generally similar to the objections which were raised to the previous applications. Grounds of objection relate chiefly to the following aspects; the development is out of character, sensitivity of the area, historic neighbourhood, need to preserve heritage and character of the area, development out of scale with surroundings, too big, overdevelopment, incongruous, loss of views, loss of light, loss of amenity, loss of value, development too close, contrary to Urban Area Plan policies, pressure on public parking spaces, and excavations will undermine surrounding properties.

Loss of value of adjoining properties is not a planning matter, neither is loss of private views, although loss of residential amenity, daylight or sunlight are legitimate matters to be considered. In this regard it should be noted that the previous scheme was amended to lower the ridge height of the northern part by approx 3m. That scheme was considered acceptable, given the urban nature of the site and the generally close proximity of existing buildings within this area, and this proposal would remain similar in its scale and impact.



In terms of loss of light or overshadowing, the development would not have an unacceptable impact. This aspect has not changed significantly from the previously approved scheme.

The proposed building would have some impact on neighbouring properties, particularly in relation to those that presently enjoy views across the open site. This would particularly be the case for the immediately adjoining property, 8 Cliff Street, where the proposed development would be directly in front of an existing gable window. However, this is a secondary window to an attic room which is served by other existing windows and the proposal would not have an unacceptable impact in planning terms in relation to loss of light to the adjoining property. The gable window also provides a view to the east which would be lost as a result of the proposed development, however it is a clearly established planning principle that the effect of development on private views is not a material planning consideration and this aspect cannot be lawfully taken into account when determining the application.

In this urban context, and given the relevant planning history, it is considered that despite the representations received in this case it would be unreasonable to refuse the current application on grounds of the likely effect of the development on adjoining properties.

Overall, this revised proposal is considered to be of acceptable scale, mass and design, such that it will conserve and enhance the Conservation Area, and would respect the scale and massing of existing buildings in the area as well as the topography of the area and the site, consistent with the relevant policies of the adopted Urban Area Plan.

The development would provide further housing within a sustainable urban location in an appropriate way which would respect the character and appearance of the surrounding conservation area. The provision of higher densities and smaller housing units is encouraged by planning policy and although the level of amenity of the proposed units is generally not high, particularly in terms of outlook and open space, some improvements have been made to the scheme including provision of storage areas, and it is considered reasonable given the location and constraints of the site. The effect on neighbour amenity is acceptable in relation to aspects which can be legitimately considered under planning legislation. The effect on private views, or on the value of property, is not a material planning consideration and cannot be lawfully considered.

The application is therefore recommended for approval, subject to appropriate conditions.

**Date:** 01/03/13



**Application No:** FULL/2012/3681  
**Property Ref:** C006960000+C007020000  
**Valid date:** 06/12/2012  
**Location:** Vale Avenue Cottages Vale Avenue Vale Guernsey  
**Proposal:** Demolish existing dwellings, level site and erect temporary timber boundary fencing.  
**Applicant:** Guernsey Electricity Ltd

**RECOMMENDATION - Refusal**

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**REASON FOR REFUSAL**

1. The proposal as submitted would create a vacant site and there is no reasonable prospect of the site being redeveloped in the short-term; no conclusive evidence has been submitted to justify the demolition of these buildings and the resultant vacant plot would have a detrimental impact on the character of the locality, it would not conserve or enhance the setting of the conservation area and would result in the loss of dwellings for which no proposal has been put forward for replacement; the proposal is therefore contrary to Policies DBE7, DBE9 and HO9 of the adopted Urban Area Plan.

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**OFFICER'S REPORT**

**Site Description:**

The site is located on the eastern side of Vale Avenue, Vale and comprises a short terrace of 4 Victorian dwellings known as Vale Avenue Cottages, one of which contained a small retail unit at ground floor level, and an adjacent building to the north, formally a charcuterie/store. The slate roof covering of the roofs to units 2, 3 & 4 was it is understood removed after storm damage in December 2005.

**Relevant History:**

PRCN/2006/0805	Demolish cottages (reconsideration) refused 25/07/2006
PAPP/2005/4396	Demolish cottages refused 20/02/2006
PAPP/2003/1327	Demolish cottages refused 01/07/2003

**Existing Use(s):**

Dwellings	Residential Use Class 1
Shop	Retail Use Class 14
Store/workshop	Storage/Distribution Use Class 30 and Industrial Use Class 37

**Brief Description of Development:**

Application is made to demolish all the buildings on the site and construct a 2m high close boarded fence along the roadside boundary.

A structural survey has now been submitted with the application and is summarised below. It is clear from a visual inspection however that the dwellings, apart from unit 1, are in a parlous state. The structural survey submitted with the application in 2006 concluded that the

condition of units 2, 3 & 4 was poor and exacerbated by the absence of external roof coverings, but unit 1 was probably capable of refurbishment as the external roof coverings were still intact. The new structural survey concludes that with regard to units 2, 3 & 4 these have continued to deteriorate and are now in a potentially dangerous condition, unit 1 is now considered to be uneconomic to refurbish and the workshop building due to corrosion to the main structural element, and poor condition of the external claddings would not be viable to upgrade or refurbish.

### **Supporting Information Submitted with the Application:**

#### **Supporting Statement:**

- Guernsey Electricity is extremely concerned with the unsightly condition of the houses, their structural integrity, and the premises being continually targeted by vandalism and questions the value of costs incurred in carrying out essential safety maintenance to protect the public from injury
- The houses have been unsuitable for residential occupancy since 2001 and have been zero rated by the Cadastre Department for over ten years and there is “no reasonable prospect of upgrading the accommodation to provide satisfactory living conditions” (Policy HO9 (b))
- Guernsey Electricity share the opinion of Minister St Pier, Constables and public that the buildings in their present condition clearly detract from the appearance of the locality and demolition would immediately solve this issue
- It is recognised that a planning application needs to be submitted and approved for the housing stock to be replaced either on or adjacent to the site to meet current Urban Area Policies (GEN2) and a development brief prepared on Guernsey Electricity’s behalf has been subject to consultation
- However the proximity of the Power Station and the island strategic planning requirement has raised issues relating to the use of the land that are currently being considered by Guernsey Electricity along with representatives of Housing, Environment and Commerce & Employment
- The demolition of the buildings would offer a short term solution of removal of unsightly buildings and would provide a better view by interested parties on the potential use of the site for development for light industry or housing.

#### **Structural Survey - summary:**

- Units 2, 3 and 4 have continued to deteriorate and are now considered to be in a potentially dangerous condition
- None of these buildings are considered capable of being occupied or financially viable to upgrade or refurbish
- It is advised that these structures be demolished to ground level
- With regard to Unit 1 this structure has also deteriorated since last inspected and has reached the point where it could be considered uneconomic to refurbish.
- If left in its present condition, it will deteriorate on a similar basis to unit nos 2, 3 and 4 raising long term stability issues in connection with the main structure.
- The Charcuterie building, due to the corrosion to the main structural element also the poor condition of the external claddings, would not be considered viable to upgrade or refurbish and any redevelopment would almost certainly involve demolition and reconstruction.

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

Urban Area Plan	Mixed use redevelopment area, settlement area and central area
Policy DBE7	Conservation Areas
Policy DBE9	Demolition of buildings or features
Policy HO9	Retention of the existing housing stock

## Leales Yard Outline Planning Brief (OPB)

### **Representations:**

Commerce and Employment Minister – comments:

“Following a meeting that was held in October 2012, the Commerce and Employment Department has given further consideration to the possible future development of the Guernsey Electricity site at Vale Avenue.

The Department would like to register its ongoing interest in pursuing the future development of the site for industrial use, including potentially the accommodation of incubator units related to the ICT sector and will be working proactively over the next months in order to identify the likely demand for such uses.

The Department will be in further contact with Guernsey Electricity, Treasury and Resources, and yourselves with regard to the possible future of the site in due course.”

### **Consultations:**

Vale Constables – consulted on receipt of structural survey, respond:

“Thank you very much for asking the Vale Douzaine if they have any comments to make on the property owned by Guernsey Electricity. The Douzaine asked Guernsey Electricity in the first place to take action on what was considered to be derelict, unsightly and dangerous buildings. We are very pleased that they have taken prompt action to remedy this situation. The Douzaine has no further comment to make on what has been proposed.”

### **Summary of Issues:**

- Compliance with Leales Yard Outline Planning Brief (OPB)
- Compliance with Policies HO9 and DBE9

### **Assessment against:**

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

The proposal is similar to that refused in 2003 and 2006 except that it now includes the workshop building to the north of the houses.

The proposal falls to be considered principally against the Leale's Yard MURA OPB, and Policies DBE7, DBE9 and HO9 of the Urban Area Plan.

DBE7 states:

*“Development within, or affecting the setting of, a Conservation Area will only be permitted if it conserves or enhances the character and appearance of the area, in terms of size, form, position, scale, materials, design and detailing. Particular attention will be given to the removal of unsightly and inappropriate features and the retention of features that contribute to the character of the area.”*

DBE9 states:

*“Proposals to demolish existing buildings and features will be considered against the following criteria:*

- a) the contribution of the building or feature to the character and appearance of the area (absence of such a contribution will not necessarily be a reason for demolition);*
- b) the contribution that the proposed replacement, other development or vacant site, would make to the character or appearance of the area;*
- c) the condition of the building, the cost of repair and maintenance and the economic value of the building if reused, and*
- d) the importance of the new development and whether it will produce substantial benefits for the community that would outweigh the loss resulting from demolition.*

*Where it is important for the character or appearance of an area that the structure be replaced or the site landscaped, any consent involving demolition will be subject to a condition that the building shall not be demolished until a contract for acceptable new work has been made.”*

HO9 states:

*“There will be a general presumption in favour of the retention and improvement of existing housing. Redevelopment or refurbishment schemes, which affect existing housing, will be required to retain or if possible increase the number and quality of housing units on the site. The loss of existing housing or of a new building designed for residential use but presently vacant, will only be permitted where:-*

- a) the accommodation is substandard by virtue of its size, location or means of access; and*
- b) there is no reasonable prospect of upgrading the accommodation to provide satisfactory living conditions;*

**OR**

- c) the site or building is needed to meet an essential social or community requirement;*

**OR**

- d) the displacement of housing will facilitate a development with substantial and overriding economic and/or social benefit to the Island and where the housing will be replaced on a suitable alternative site within the terms of the housing policies of the Plan. In appropriate circumstances this may mean considering formally the release of a Housing Target Area.”*

The Leales Yard Outline Planning Brief was adopted in November 2004 and includes the application site. It indicates that redevelopment of the site should locate development on the street edge and parking/ gardens behind so that development is furthest from the power station and that the site could be divided up into a series of mixed use courtyards. The application is not however one for the redevelopment of the site but is for the demolition of the buildings on the site.

Policy DBE7 is of relevance since although the site is not within a conservation area it adjoins the conservation area to the west and the development would affect the setting of the conservation area. The buildings are of traditional Victorian design and construction and the demolition of these buildings, the levelling of the site, and the erection of a fence has to be considered in terms of the impact on the setting of the adjacent conservation area.

The buildings have an historic form which mirrors the historic form of the buildings along Vale Avenue and La Hougue Du Valle including their massing, strong gables and undulating building lines and heights. This is especially apparent walking along Vale Avenue and in views of the site from the car park adjacent to the power station. Whilst individually these buildings are not outstanding examples of traditional architecture the group of buildings does make a positive contribution to the street scene and the setting of the conservation area in terms of forming the east side of the main street entrance to the Bridge and in terms of street containment by virtue of its relationship with the properties opposite. They also help to screen the view of the power station from Vale Avenue. They are also important in distant views from

the Bridge and Northside and a vacant site would appear prominent and out of character with the area. A gap in the street scene providing clear views through to the power station is considered to be even less acceptable in this location than the buildings in their current state.

The supporting text to Policy DBE7 states that:

“The Bridge also has a strong yet distinctly different character. The character of The Bridge is derived from its industrial heritage, which contrasts with the scale and form of an industrial port with charming harbour scenes and tightly arranged rows of cottages.”

This tightly arranged row of cottages is considered an important part of the character of this area and their demolition would not conserve or enhance the character of the Conservation Area and would conflict with Policy DBE7.

Policy DBE9 is also of relevance and sets out the position with regard to the demolition of buildings and features. The supporting text states that there is “a general presumption in favour of retaining buildings and features that make a positive contribution to the character and appearance of an area”. It also points out that in order to avoid the creation of gap sites, it is important that consent should not be given for demolition unless it is clear that the site will be redeveloped within a reasonable time-scale.

The policy itself requires that consideration be given to the contribution the building makes to the character and appearance of the area, the contribution that the proposed replacement or vacant site would make to the character or appearance of the area, the condition of the building, the cost of repair and maintenance, and the economic value of the building if reused, and the importance of the new development and whether it will produce substantial benefits for the community that would outweigh the loss resulting from demolition.

Whilst these buildings are not outstanding examples of traditional architecture, as established above, and are obviously in poor condition, their presence on the street edge does make a positive contribution to the overall character of the area and a vacant site would be significantly detrimental to the character or appearance of the area.

The submitted structural survey indicates that all the buildings, including the workshop, are in a poor state of repair, and that units 2, 3 and 4 have continued to deteriorate since the last inspection. It states that unit 1 has also reached a point where it could be considered to be uneconomic to refurbish and that the workshop building is not considered viable to upgrade or refurbish. The report confirms that the removal of the roof coverings on units 2, 3 and 4 has accelerated the decay of the building structure and it now concludes that units 2, 3 and 4 are in a potentially dangerous condition with a high risk of the internal floors collapsing at any time. It has therefore to be accepted that owing to the lack of any remedial work being carried out to the buildings by the owners, units 2, 3 and 4 are beyond repair. Unit 1 could be refurbished at a cost. It is not considered however that the condition of the buildings itself justifies the total demolition of the buildings without any plans having been put forward and formally considered for their replacement. **The proposal is therefore considered to be premature prior to any re-development proposals being formally considered for the site.**

Policy HO9 seeks to retain residential accommodation and only permits the loss of dwellings where the accommodation is substandard by virtue of its size, location or means of access, and there is no reasonable prospect of upgrading the accommodation to provide satisfactory living conditions. The accommodation is not substandard by reason of its size, location or means of access and therefore this criterion has not been met. In addition it has not been established at this time that the site is needed to meet an essential social or community requirement or that the removal of the housing would facilitate a development with substantial and overriding economic and/or social benefit to the Island and where the housing will be

replaced on a suitable alternative site. The proposal must therefore be considered to be contrary to Policy HO9.

The Vale Douzaine notes that they asked Guernsey Electricity to take action on what was considered to be derelict, unsightly and dangerous buildings, and are very pleased that Guernsey Electricity has taken prompt action to remedy this situation.

It is appreciated that a practical 'common sense' view might be that this application should be supported as it would ensure the removal of buildings which through their neglect over many years and particularly by virtue of the removal of their roofs have become unsightly and derelict and are now potentially dangerous. **However, whilst the demolition of these buildings is not precluded, and it is understandable that there may well be support for this proposal, this is a site that should not remain vacant and in order for demolition to be justified there would need to be acceptable proposals in place for its redevelopment, which there are not.** Pre-application discussions have been held with the Department but no planning application has been submitted to date.

The proposal, as submitted, would create a vacant site and there appears to be no reasonable prospect of the site being redeveloped in the short-term. **No conclusive evidence has been submitted to justify the demolition of these buildings and the resultant vacant plot would have a detrimental impact on the character of the locality and would not conserve or enhance the setting of the conservation area. It would also result in the loss of dwellings for which no proposal has been put forward for replacement.**

Approval of this application and clearance of the site would remove the possibility of requiring replacement dwellings as part of a redevelopment on this or an alternative site in accordance with adopted planning policy and would also represent a 'premium on neglect' which is generally seen as contrary to the interests of good planning on Guernsey.

The proposal is considered premature at this time and is contrary to Policies DBE7, DBE9 and HO9 of the Urban Area Plan. The recommendation is therefore to refuse permission.

**Date:** 25.02.13