

**ENVIRONMENT DEPARTMENT PLANNING DIVISION**

**OPEN PLANNING MEETING AGENDA**

**An Open Planning Meeting will be held at Meeting Rooms 1 and 2, Institute of Health Studies, Princess Elizabeth Hospital, on Tuesday 18/06/2013 at 9.15am for a 9.30am start.**

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

**Agenda Item :-**

APPLICATION NUMBER:	<b>FULL/2012/3760</b>
APPLICATION ADDRESS:	Kings Club Kings Road St. Peter Port
DESCRIPTION OF WORK:	Remove 2 existing tennis courts and leylandii hedge and erect 13 apartments with underground car parking and construction of new roadway
NAME OF APPLICANT:	Kings Property Limited
NAME & ADDRESS OF AGENT:	Lovell Ozanne & Partners Ltd. P.O. Box 75 Island House, Grande Rue St Martin Guernsey

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 report/s below contain a summary of consultation responses and of any representations received on the application/s 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/2012/3760  
**Property Ref:** A308710000  
**Valid date:** 14/12/2012  
**Location:** Kings Club Kings Road St. Peter Port Guernsey  
**Proposal:** Remove 2 existing tennis courts and leylandii hedge and erect 13 apartments with underground car parking and construction of new roadway  
**Applicant:** Kings Property Limited

**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. Notwithstanding the information submitted, prior to development being commenced on the site, precise details of a revised footpath at the junction of Kings Road and Rue a L'Or to omit the proposed "tear drop" and include a 1.2m wide (minimum) footpath at 1:100 scale shall be submitted to and approved in writing by the Environment Department. Thereafter the approved works shall be fully implemented.

Reason - To ensure a satisfactory form of development in the interests of highway safety.

5. Notwithstanding the information submitted, prior to development being commenced on the site, precise details of the finished site levels and internal floor levels intended at the

completion of the development, which shall be shown in relation to the existing site levels and levels of adjoining land and related to a fixed datum point, shall be submitted to and approved in writing by the Environment Department.

Reason - To ensure a satisfactory form of development.

6. Notwithstanding the information submitted, prior to development being commenced on the site, precise details of the entrance canopy, balconies, balustrading, railings, garage door and ventilation grills shall be submitted to and approved in writing by the Environment Department.

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

7. Precise details of the type, colour, texture and method of laying of the granite to be used shall be specified to and approved in writing by the Environment Department prior to the commencement of works.

Reason - To ensure a satisfactory external appearance in the interests of visual amenity.

8. The development for which permission is hereby granted shall not be commenced until full details of the surfacing materials proposed to be used on any paved or metalled areas have been submitted to and approved by the Environment Department; and no dwelling shall be occupied until the works have been completed in accordance with the approved details.

Reason - To ensure a satisfactory external appearance in the interests of visual amenity.

9. Windows shall be of vertical sliding sash design and method of opening.

Reason - To ensure a satisfactory design and external appearance in the interests of visual amenity.

10. No development shall be commenced until details of all means of enclosure on the site boundaries or within the site have been submitted to and approved by the Environment Department. (See note below).

Reason - To ensure a satisfactory form of development.

11. The car parking indicated on the approved plans shall be surfaced, marked out and made available for use prior to the building(s) hereby approved being first occupied/brought into use.

Reason - To ensure that a satisfactory form of development is achieved.

12. The proposed parking spaces located within development shall be provided in accordance with the approved details as an integral part of the residential development of the site and shall not at any time be converted to any other use, including any other ancillary domestic use, without the express prior written consent of the Environment Department. The Department requires the above condition laid down as a Condition of Sale to each individual purchaser.

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

13. All planting, seeding or turfing comprised in the hereby approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or completion of the development, whichever is the sooner. Any trees or plants which

die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Environment Department gives written approval to any variation.

Reason - To ensure that a satisfactory form of development is achieved in the interests of amenity.

14. Before any work is commenced on the site including site works of any description, the tree protection measures shown on drawing B15-9598-S10-101 shall be implemented in full and maintained in place until completion of the development. Within the area fenced off the existing ground level shall be neither raised nor lowered, and no materials or temporary buildings or surplus soil of any kind shall be placed or stored thereon. If any trenches for services are required in the fenced off areas they shall be excavated and backfilled by hand, and any tree roots encountered with a diameter of 5cms or more shall be left unsevered.

Reason - To adequately protect the Protected Tree in the interests of amenity.

15. This permission confers no consent whatsoever for any change of use at the site. In particular, the cleared site 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.

16. The application site is located within an area of known archaeological importance and appropriate and satisfactory provision for mitigation measures to avoid damage to the archaeological remains, and/or for archaeological investigation and recording, shall be made in accordance with a scheme that shall be submitted to and agreed by the Environment Department prior to commencement of development. The agreed mitigation and/or investigations shall thereafter be carried out in full accordance with the agreed scheme, unless the Environment Department gives written approval to any variation.

Reason - The site is within an area of known archaeological importance.

17. 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 - To ensure a satisfactory form of development in the interests of visual amenity.

## **INFORMATIVES**

With regard to the above condition requiring details of boundary enclosures, precise details of screening to the eastern boundary of the approved new access road are required to ensure that this is suitably screened from the rear gardens of the properties on Les Croutes, so as to prevent any significant overlooking of those properties by users of the access road.

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## **OFFICER'S REPORT**

### **Site Description:**

This application relates to the front part of the King's Club premises on the west side off Kings Road. Specifically it would cover the area presently occupied by the front two tennis courts.

**Relevant History:**

None directly relevant to this application

**Existing Use(s):**

Sports/leisure club

**Brief Description of Development:**

This application is to remove two existing tennis courts and construct a 2½ storey development of 13 flats with underground parking for 27 cars.

The drawings specify a render building, with slate roof and timber windows. Units vary in size from 1 to 4 bedrooms; 2 x 1bed, 8 x 2bed, 2 x 3bed and 1 x 4bed, the 3 and 4 bed units also have studies.

The application also includes the creation of a new access road into the site, and the removal of a row of leylandii trees along the boundary of the site. However, after the application was submitted, these trees were damaged by the storms in March, and it was agreed they should be felled on safety grounds.

The application was accompanied by a Planning and Design Statement and a Technical Note dealing with traffic matters.

Further information was submitted by the applicant/agent, including comments on matters raised in consultations or letters of representations, as well as illustrative material relating to this proposal and information on future works proposed to the remainder of the club. Representors and consultees were re-notified and had the opportunity to make further comments on the application.

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

Urban Area Plan Policies GEN1, 2, 3, 4, 5, 6, 7, 8, 9 & 12, DBE1, 2, 5, 7 &10, HO1 & 2.

**Representations:**

56 letters were initially received, with a further 9 following the re-notification of further information.

17 letters support the application, raising several points;

- Will enhance area, building seems to be in keeping, development is totally in keeping,
- Makes use of waste land, appears to be well considered,
- Will improve access, make it safer, reduce congestion, esp during rush hour, resolves the issue of the protected tree,
- Will provide high quality health and leisure facilities, overdue refurbishment,
- Wish to balance the N.I.M.B.Y. attitude of objectors,
- Will provide necessary properties for future generation,
- Will provide job security and investment, revenue for club, will benefit club, its members and associated businesses, important facility,
- Will allow Island to move forward, modern facilities, exciting development,
- Will help the construction industry, provide much needed work.

39 letters object on several grounds. One letter has 30 signatures:

- Traffic, congestion, busy roads, narrow road, busy with vehicles and pedestrians, will impact on travel to schools, speed limit is already 25mph, roads and infrastructure inadequate,
- Lack of pavements, very dangerous, school pupils use area, vehicles mount the pavements, should add footpath to Les Croutes,
- Will make matters worse, increased traffic, additional parking/traffic will result from refurbishment to club, roads already at maximum, should consider exit onto Route Charles or Beau Repaire,
- Loss of tennis courts, which will never be regained, loss of a key amenity, home to Heather Watson, represents 14% of all-weather courts in Guernsey, 2<sup>nd</sup> oldest club in British Isles, contradicts policy SCR3, sets dangerous precedent,
- Club sessions well attended, strong club, team sports are important, physical activity helps health, land was originally donated on condition of continued use as tennis facility,
- Club has been run down, alienation of members, will destroy club, no link between development and rest of club, lack of maintenance, demand has not dropped, not necessary, could make a more modest investment in club,
- Already lost squash courts,
- Disruption during building work, noise, lighting overspill,
- Much development in the area over recent years, already very built up, developments at Belmont Road and Stanley Road,
- Will introduce significant change contrary to policy DBE2, not in keeping with low rise area,
- Size and massing of proposed building, will be very visible, esp from north, will be prominent from Mount Row traffic lights, will dominate skyline, will be an eyesore, will be one of the largest buildings in the area, density is too great,
- Overlooking, reduced light and sunlight, gardens will be overlooked by new flats, very private at present, side windows will be overshadowed during late afternoons, new building will overshadow garden, policy GEN12, detrimental to adjoining properties,
- Drainage and surface water,
- No permission to developers to alter/underpin boundary wall,
- Flats will overshadow remaining tennis courts, and overlook pools,
- Support has been “drummed up” from club members,
- Need for affordable houses is valid, but people want houses rather than flats,
- If approving, must make sure 4 courts available during works, and at all times in future, should upgrade remaining courts before development proceeds, need to make sure the promised investment into the club is delivered.

9 further letters were received following re-notification of the further information supplied by the applicants. Generally these reiterated previous concerns on;

- Traffic volumes, survey out of date, already all 25mph,
- narrow and busy road, esp Les Croutes, pedestrian safety,
- building not in keeping with the area, existing greenery is better,
- loss of tennis courts, previously lost squash courts,
- tennis court usage statistics are misleading, existing courts in poor state,
- No definite commitment to spending on rest of club, other courts should be upgraded before this development is completed.

## **Consultations:**

### **Constables of St Peter Port (initial comments) –**

The Douzaine expressed great concern over several areas of the proposed development as detailed below –

- given that the proposed new access to the site is to be re-situated in a narrow and already extremely busy road, it was strongly recommended that a Traffic Impact Assessment Report be undertaken. The survey undertaken by a UK company does not address the lack of pavement either side to the north of the filter which could pose a greater danger to pedestrians with the increased traffic flow.
- the development will be the tallest building in the area, prominent and viewable from the Mount Row traffic lights despite being described as a “modest development”
- concern was expressed regarding the volume of surface run off from the newly created hard surfaced areas to the properties below. This area experiences occasional flooding and the added onus of this development on the already overburdened drains could cause distress and disturbance to other residents in the area.
- negative comment was also expressed regarding the removal of the leylandii hedge which once taken down will cause excessive light pollution to the nearby residents from the high powered lighting used to illuminate the outdoor activities.

### **Constables of St Peter Port (subsequent comments) –**

While the Constables and Douzaine are content with the majority of answers to their concerns, there was still unease expressed by some regarding the access and egress to this development.

To this end, Constables Dennis Le Moignan recently met with Steve Brehaut of Longport to discuss these concerns. It was noted that while the property developers meet the required design parameters, apprehension is centred around the local knowledge of this area vis a vis traffic flow, and these have not been allayed.

### **Culture and Leisure –**

The Department is only able to comment on the proposed plans from the perspective of the relevant parts of its mandate, namely the promotion of all sport and recreation in the Island.

Having reviewed the plans, the Department is of the view that the proposals will have very little adverse effect on local sport and generally improve the level of recreational facilities on the Island. In considering the plans, the Department has also consulted with the Sports Commission, who also agree that there will be little adverse impact on local sports should the plans be approved.

In summary, the Department, in so far as its mandate is concerned, raises no objections to the proposed scheme.

### **Traffic Services (initial comments) –**

Refer to previous comments made at pre-application stage. The comments related to the access road width, the access radii and swept path analysis relating to the size of vehicle likely to use the access and internal roadway.

The TSU is pleased to note that the latest proposal incorporates the design features that satisfactorily address the above aspects in so far as –

- 1) The access radii are shown as being 6 metres, which meets the recommended dimension for service vehicle access
- 2) The access roadway width is shown as meeting the 5 metre recommended width for two way traffic including service vehicles
- 3) The access roadway design which incorporates localised widening on the corners, provides good access/egress for large and medium sized cars, and results in only a minimal incursion for large vehicles over the centre line when exiting to the north

The proposed access also provides the required 33 metre minimum sightlines in both directions and provides good egress to the north without the requirement to cross the centre of the road when exiting to the left. In addition, the scheme also incorporates a 'Drop Off' lay-by to the front of the new dwellings, this aspect is welcomed by the TSU.

Given the above observations, there are no significant traffic related grounds on which to oppose the aspects of the application that refer to the proposed new access and the internal roadway.

The Traffic Services Unit does however have concerns relating to the proposal to introduce a 'tear drop' extension to the pedestrian footway that extends to the junction of Rue a L'Or and King's Road. The TSU considers that the proposed feature would present a difficult manoeuvre for vehicles wishing to enter Rue a L'Or from the north in particular, as the supplied plans indicate that the junction has been reconfigured in such a way as to position the junction centre point further south than at present.

As a result, the TSU would not support the redesign of this junction as currently proposed, as it does not offer any significant Road Safety or Traffic Management benefits over the existing layout.

#### Traffic Services (subsequent comments) –

The TSU noted the comments made by Lovell Ozanne in their letter dated 22<sup>nd</sup> March 2013 and advised the following in relation to the traffic matters:-

- a) There remain no significant traffic related grounds on which to oppose the aspects of the application that refer to the proposed new access and internal roadway. This is because whilst the relocated access would not be in the position where the best visibility splays could be achieved, the design of it would meet or exceed all of the recommended design criteria. It is also important to note that the relocated access would be moved away from the position where drivers need to concentrate on multiple vehicle movements when entering/exiting.
- b) There are road safety grounds to support the increase in road and footpath width to the south of the proposed access.
- c) The roads adjacent to the site already fall within the Town 25mph cordon and therefore there would be no requirement for the Department to reduce the speed limit as suggested. There are also no plans for the Department to introduce traffic calming measures in the section of road between Rue a L'Or and the Belmont Road filter in connection with these proposals.



- d) The TSU does not support the proposed 'teardrop' build out at the eastern end of Rue a L'Or because it our belief that it would constrain the junction to the extent that drivers, particularly of commercial vehicles would regularly cross the give way markings at the junction when right turning in from Kings Road. However, the TSU would welcome a 1.2m width (minimum) footpath being extended from Kings Road into Rue a L'Or with dropped kerbs at the junction.
- e) Concerns have been raised by the Constables of the Parish that the Traffic Impact Assessment produced in relation to the proposed development does not include consideration of the section of road to the north of the junction of Les Croutes/Belmont Road filter. Whilst the TSU acknowledges that the design of this part of the public highway is substandard, certainly with regard to provision for pedestrians, the TSU does not believe that the level of traffic movements that would be generated by the proposals warrant the applicant being required to instigate remedial measures.

### Conclusions

Taking into account that the applicant acknowledges that the teardrop build-out in Rue a L'Or is not a critical element of the scheme and would leave its inclusion to the Department's discretion, the TSU is of the opinion that there are now no significant road safety or traffic management reasons to oppose the application.

### Archaeology –

In view of the fact that the proposal includes the provision of underground parking, and thus the removal of all potential archaeological contexts, would suggest that a watching brief should be maintained on the early stages of the development. This should take place when the tennis courts are removed, prior to the commencement of any deep excavation. Although there is little known archaeological material directly on this site, the proximity of the King's road Iron Age settlement and cemetery, and various prehistoric finds in the vicinity of Rue a L'Or indicate that there may be archaeological interest here.

### Summary of Issues:

- Design and appearance
- Traffic issues
- Loss of tennis courts
- Provision of housing
- Effect on adjoining properties
- Landscaping

### 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).**

### General policy approach

The Urban Area Plan is intended to facilitate beneficial sustainable development in appropriate urban locations and to ensure that strategic housing targets are met, whilst providing adequate protection to other relevant interests including neighbour amenity, traffic safety and the character and amenity of the locality concerned.

### Design and appearance

The proposed building would generally appear as a 2½ storey building within the street scene, and is to be finished predominantly in render and slate. It is of a traditional design, generally with pitched roofs and sliding sash style windows.

The existing site has an open frontage which is dominated visually by the present rather confused access arrangements. The scale, massing and design of the proposed building is considered appropriate in this location. The design is of high quality reflecting the surrounding built form. The proposed building will create greater enclosure to the street, is in keeping with the prevailing historic form of development along Kings Road and will be a positive enhancement to the overall character and appearance of the area.

The proposed building is considered to be consistent with the character of the area generally. The site is not within a conservation area, but the adjoining Highfield House care home and most of Kings Road is. For the reasons mentioned above the proposal would also have a positive effect on the setting of the conservation area.

### Traffic issues

The existing access to Kings Club is acknowledged to form an awkward junction with the surrounding roads, and the roadway is narrowed by a Protected Tree.

The proposed new access has been designed to meet the recommended design standards. It would provide a two-way access, separate from the junction with Rue a L'Or.

Traffic Services has reviewed the proposal, and with the exception of concern about the proposed teardrop build-out, has stated that there are now no significant road safety or traffic management reasons to oppose the application.

The applicant has confirmed that the build-out can be omitted from the application without any detriment to the implementation of the scheme and a condition relating to this is recommended.

### Loss of tennis courts

The tennis courts are a private facility and are not protected from loss by the Urban Area Plan in the same way as community services or educational facilities.

The Culture and Leisure Department has stated that the proposals will have very little adverse effect on local sport. It raises no objection to the proposed scheme.

The Culture and Leisure Department has the role of expert advisor to the Department on matters relating to sports and recreation provision. Their advice appears well founded in this case and there are considered to be no legitimate grounds to resist the loss of the two private tennis courts in planning terms.

The applicant has indicated that the proposal will also enable investment in the refurbishment of the existing club. This aspect does not however have a material bearing on the current application in planning terms as there is no planning policy imperative to require such investment and it therefore cannot be assured through the planning process.

### Provision of housing

Policy HO1 seeks to ensure that there is a two-year provision for housing development at any one time. Policy HO2 generally permits proposals for housing development within the Settlement Areas and on previously developed land, provided certain other criteria are met. These include suitability of site, relationship to surroundings, design, density, amenity and other relevant policies.

In this case, the proposed development will be a useful addition to the Island's housing supply and is situated in an appropriate, sustainable urban location.

### Effect on adjoining properties

Whilst the removal of the high Leylandii hedging along the rear of the Les Croutes properties will open up the rear gardens of these properties, the potential impact on privacy would be satisfactorily ameliorated by new planting or fencing, to prevent overlooking from passing visitors to the club. Much of the proposed access is at a lower level than the gardens.

Windows serving the proposed flats are at least 8.5 from the nearest boundary, and most are over 12m from the boundary. Having regard to the situation of the site and relationship with neighbouring properties, the development would not give rise to unacceptable levels of overlooking or loss of privacy for adjoining residents.

In terms of overshadowing, the applicants have provided a daylight and sunlight analysis within their Planning and Design Statement. This suggests that the proposed building will cause some overshadowing of the remaining tennis courts during mornings in spring and autumn, and some overshadowing of the garden of the property to the north during late afternoon in spring and autumn. The loss of low level sunlight to the tennis courts is not considered to be a significant issue; indeed it may be a benefit for players. Also limited loss of sunlight to a garden during spring and autumn, when it would be less used, would not be sufficient justification to reject this proposal.

### Landscaping

The proposal would involve the removal of several lengths of Leylandii hedging which presently exist along some boundaries of the site, and around some tennis courts. (Some of these were damaged during the recent winter storms and were permitted to be felled on safety grounds.)

These hedges (particularly being Leylandii) are not considered to be an important landscape feature in this area, and their removal is acceptable, provided suitable replacement planting is provided. The proposed development includes a landscape plan.

The large Sweet Chestnut tree that is located within the present access road has been an issue for the club for a number of years. There have been applications for its removal in the past. The tree is now a Protected Tree. This application would relocate the access away from the tree, and provide planting and garden area around the tree. The plans also show tree protection measures to be implemented during the construction works. Provided this is carried out as specified, the tree should thrive. This is a positive benefit of the proposed scheme.

## Conclusion

The proposal would result in the loss of two private tennis courts, however there is no planning policy basis to oppose this. It will provide 13 flats, in a sustainable location, which will make a useful contribution to meeting strategic housing supply targets and will provide an enhancement to the character and appearance of the area and the setting of the nearby Conservation Area. It will resolve long standing issues relating to the protected tree at the site and ensure that it has the opportunity to remain and thrive. The proposal will also improve an existing substandard access and is acceptable in highways and traffic management terms.

There are consequently considered to be substantial planning reasons for supporting this application and, despite the objections received, no significant planning grounds for refusal of the proposed scheme have been identified. In addition, and whilst this aspect has not been given material weight in the planning assessment process, the development may also result in a refurbishment of the remainder of the club, to the overall benefit of sport and leisure provision on the Island.

The application is recommended for approval, subject to conditions.

**Date:** 4<sup>th</sup> June 2013