

ENVIRONMENT DEPARTMENT PLANNING DIVISION

OPEN PLANNING MEETING AGENDA

An Open Planning Meeting will be held at Beau Sejour, Cambridge Room, on **Tuesday 08/10/2013** at 8.45am for a 9.00am start.

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

Agenda Item :-

APPLICATION NUMBER:	FULL/2013/1695
APPLICATION ADDRESS:	Coupee Lane, Cornet Street, St. Peter Port.
DESCRIPTION OF WORK:	Variations to previously approved residential scheme, to include 6 additional apartments and extend underground car park.
NAME OF APPLICANT:	Coupee Lane Ltd.

The agenda for the open planning meeting, along with the planning application report relating to the application to be considered, which follows below, are 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 below contains a summary of consultation responses and of any representations received on the application 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) 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/2013/1695
Property Ref: A40154, A40155 & A40155A
Valid date: 07/06/2013
Location: Coupee Lane Cornet Street St. Peter Port Guernsey
Proposal: Variations to previously approved residential scheme, to include 6 additional apartments and extend underground car park.
Applicant: Coupee Lane Ltd

RECOMMENDATION - Grant: Planning Permission

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 the proposed demolition works to La Recherche, including a method statement for the retention of the facade shall be submitted to and approved in writing by the Environment Department. The development shall be carried out only as approved.

Reason - To ensure the development is carried out only as hereby approved.

5. Notwithstanding the information submitted, this permission does not include the proposed central catslide dormer window on La Recherche. Prior to development being commenced on the site, precise details of a small rooflight, in place of the proposed central catslide dormer window on La Recherche, shall be submitted to and approved in writing by the Environment Department. The development shall be carried out only as approved.

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

6. 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.

7. 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.

8. 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.

9. The car parking, including the turntable, indicated on the approved plans shall be surfaced, marked out and made available for use prior to the flats hereby approved being first occupied/brought into use.

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

10. 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.

11. 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.

12. The existing buildings (except for the front facade of La Recherche) 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.

13. 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.

14. All new or replacement 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.

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.

OFFICER'S REPORT

Site Description:

The site is located off Coupee Lane, between Comet 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.

2013 – Residential development comprising 17 flats with basement parking, rejected 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 application is based on the 2011 approval, but also includes two adjoining properties, one of which is to be demolished, and the other (on Cliff Street) is to be partly demolished, with the front façade retained. It is also similar to the proposal which was rejected earlier this year, but seeks to address the reasons for refusal.

This proposal now consists of 16 flats, with 17 parking spaces including a vehicle turntable. The units would comprise 2 x 1bed, 13 x 2bed and 1 x 3bed.

The application was accompanied by a letter explaining that this application is intended to address the previous reasons for refusal. It now retains the façade of La Recherche and adds a pitched roof to it, to enhance the character and appearance of the Conservation Area. It also reduces the heights of the two new buildings to Cliff Street and proposes one less unit of accommodation.

A subsequent letter noted that virtually all the original interior finishes and features of La Recherche have been lost and the building suffers from damp. The letter suggests that the contribution of La Recherche to its setting in the Conservation Area will be enhanced. This is predominantly derived from views from Cliff Street. It is only the façade of the building which contributes to the character of the street. The gap to the east of La Recherche will be infilled. The letter continues to explain that the cost of repair to La Recherche could not be justified in terms of potential future value or rental income. The spatial configuration of rooms does not lend itself to conversion or assimilation into the proposed development and the floor levels do not relate. Incorporation of the shell of La Recherche into the scheme would make it financially unviable. This scheme will create 6 modern flats.

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:

4 letters of representation (relating to 3 properties) received referring to several grounds including;

- little has changed from previous plans, still overdevelopment, high density, fails to respect size and scale of buildings in the area, still involves demolition, reduction in height is not enough, previous legal concerns remain
- proposal is incongruous, need to maintain historical and architectural character and appearance within Conservation Area, only façade is being retained, still does not address Conservation Area issues,
- impact on adjoining listed property, setting of listed building,
- will dominate neighbouring properties, buildings are too bulky, will block light,
- boundary wall should not be reduced or will result in overlooking,
- neighbouring properties not adequately shown on plans, plans inaccurate,
- plans are unclear, levels unclear, scaffold should be erected
- needs to be one or two storeys lower, new building should be reduced in height to follow slope of Cliff Street
- keeping La Recherche façade is an important improvement, also small reduction in height is welcome,
- concerned about risk to property during construction works

- request Open Planning Meeting, and request a right to speak
- previously deputies voted 3:1 against the proposal, raising concerns with overdevelopment, massing, setting of listed building and squeezing in too many units, though there was support for new housing on a brownfield site

Some reiterate previous objections/concerns including scale, size, demolition, effects on listed properties, townscape, public views and access rights.

Consultations:

Traffic Services

The current application refers to a total of 6 apartments in addition to the 10 that were previously approved; there is also a reference to an extended underground car park area.

The level of vehicle parking to be provided is commensurate with a development of this scale, and previous concerns relating to possible difficult manoeuvres within the car park for certain spaces, appear to have been addressed by the proposal to install a vehicle turntable within this area. This measure is welcomed by the Traffic Services Unit.

In light of previous comments and taking into consideration the observations made above, the Traffic Services Unit has no Traffic related grounds on which to oppose the application in its current form.

Constables of St Peter Port

No further comments.

Archaeology

Reiterate previous interest in carrying out a small amount of archaeological excavation beneath the cottage and a watching brief on soil removal over this part of the site.

Part of site was archaeologically excavated between 1989 and 1992, and a trench dug 2011. These revealed considerable quantities of post-medieval pottery, mostly 18th 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:

Justification for partial demolition, 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).**

Background

This application represents a revised proposal for residential development of this site. It follows a similar application which was rejected earlier this year, and now includes some changes, intended to address the previous reasons for refusal. The proposal now consists of 16 flats (reduced from 17) with 17 parking spaces, and retains the front façade of a building previously proposed to be demolished (La Recherche)

Overall, the application is similar to previously approved schemes for 10 flats on Coupee Lane, but now proposes to include an additional 6 flats on Cliff Street. In essence, therefore, this application is for the 6 flats, but it should be considered within the context of the whole scheme.

This proposal is again for the extended application site area, to include a flat roofed three storey house on Cliff Street (La Recherche), and its garden, as well as a two and a half storey dwelling house to the rear.

This proposal is to demolish the house to the rear, and most of La Recherche 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 4 flats and 2 maisonettes.

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 effect of the proposal on the character and appearance of the Conservation Area, the demolition of most of La Recherche, the design of the proposed extension to the scheme and the impact on the residential amenity of neighbours.

Previous refusal

The previous planning application (FULL/2012/3352) was refused for the following reasons:

1. The application site is within a Conservation Area and an adjoining building, 8 Cliff Street, is a Protected Building of special architectural and historic interest.

Policy DBE9 of the Urban Area Plan sets out a general presumption in favour of retaining buildings and features that make a positive contribution to the character and appearance of an area. Policy DBE7 states that 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.

The existing dwelling known as Le Recherche, Cliff Street is a traditional building of some character which makes a positive contribution to the character and appearance of this historic part of St Peter Port. The proposal to demolish this existing building and replace it with modern development as proposed has not been justified and would be detrimental to the character and visual amenity of the locality and the character and appearance of the Conservation Area. The proposal therefore conflicts with Policies DBE9 and DBE7 of the Urban Area Plan.

2. The proposed development, by virtue particularly of the scale and height of the proposed buildings along Cliff Street, would fail to respect the scale and massing of existing buildings in the vicinity and respond to the prevailing character of the street, which is characterised by stepped development which follows the topography of the land. The development would thereby be discordant within the street scene and would detract from the character and visual

amenity of the locality and the character and appearance of the Conservation Area, contrary to Policies DBE1 and DBE7 of the Urban Area Plan.

This application seeks to address the previous reasons for refusal.

Reason 1.

Section 38 of the law places a duty on the Department to preserve and enhance the character and appearance of the Conservation Area. Urban Area Plan (UAP) Policy DBE7 also requires development to conserve or enhance the character and appearance of the Conservation Area.

The Department's previous decision indicates that La Recherche has some historic interest. Thus the building is afforded some protection by Policy DBE7 and DBE9. Demolition, or partial demolition, must therefore be justified. This proposal involves demolition of all but the façade of the existing building, which can be considered to be 'substantial'.

Policy does not preclude demolition of buildings that contribute to the character and appearance of a Conservation Area. An application must be assessed against four criteria set out in the policy:

- a) The contribution of the building to the character and appearance of the area;
- b) The contribution the replacement building would make to the character and appearance of the area;
- c) The condition of the building, the cost of repair and maintenance and economic value of the building if re-used; and
- d) Whether or not the replacement building would have substantial benefits for the community.

The act of demolition will remove historic fabric from the Conservation Area. However, in this case the façade of the building is to be retained and the agent has given a number of reasons to justify the proposed demolition of the remaining building. These include: the condition of the building and the costs of repair; the financial viability of the scheme; the overall benefits/enhancement of the Conservation Area provided by a comprehensive development; and the internal layout and floor levels do not make easy conversion, in co-ordination with the whole scheme.

In this case the building is not protected, nor does it have sufficient special interest to be added to the list. The arguments put forward in this case are considered to be a proportionate response, balancing the level of information and justification needed for substantial demolition of the building to the significance of the historic fabric.

On balance, therefore, it is considered that substantial demolition of the existing building has been justified principally on the grounds of the condition of the building and the viability of the scheme and on the basis that the proposed scheme has a three-dimensional relationship with the retained façade and thus harm to the Conservation Area has been minimised.

It is therefore considered that refusal reason 1 has been satisfactorily addressed in this revised application.

Reason 2.

Retaining the facade of La Recherche (albeit with the front door relocated) is a big step forward in addressing the Reason 2 for refusal. Furthermore, the internal layout of the building has a three-dimensional relationship to the façade, so that the accommodation proposed to be built behind the façade would relate well to the façade, particularly in terms of window openings.

The existing building has a flat roof, which limits the scale of the building. The proposed retention of La Recherche includes a pitched roof with 3 cat-slide dormer windows; plus a three storey building to the side with a pitched roof and 2 cat-slide dormer windows, between Le Recherche and the approved scheme.

The additional roofs and dormers, plus the infill section, create a rather cluttered roofscape, to a building which acts as an end stop in views along The Strand, which does not particularly enhance or improve the character or appearance of the Conservation Area. If the number of dormers proposed within the new roof to La Recherche could be reduced, by replacing the centre one with a small rooflight, this would provide some improvement. This could be covered by a condition on any permission.

Subject to this, it is considered that refusal reason 2 has been satisfactorily addressed in this revised application.

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 predominantly 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).

In this case the development comprises smaller units of accommodation which is in line with adopted planning policy. The number of units has been reduced by one since refusal of the previous application and, prior to this, changes to the previous scheme were made to reduce one of the units in depth and provide storage areas for the flats. Daylighting calculations have been previously submitted and assessed.

Although the units are not large and do not benefit from amenities such a private outdoor space, having regard to the central, urban location and the constraints of the character of the Conservation Area, which would preclude use of balconies or a terrace to Cliff Street, for example, it is considered, on balance, that the amenity for the prospective residents is sufficient.

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.

Whilst it was previously considered that the proposed layout could make it difficult for vehicles using spaces 4, 13 and 14 to enter and leave the site in forward gear, this application now proposes to include a turntable to assist such manoeuvring.

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 approximately 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.

For these reasons, the previous refusal of permission did not include any grounds relating to the effect of the proposal on neighbour amenity.

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.

Conclusion

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. It is considered that the revisions made since refusal of the previous application have satisfactorily addressed the previous reasons for refusal.

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 the level of amenity of the proposed units 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: 30/09/2013