

ENVIRONMENT DEPARTMENT PLANNING DIVISION

OPEN PLANNING MEETING AGENDA

An Open Planning Meeting will be held at Beau Sejour, Cambridge/Delancey Room, on **Tuesday 02/12/2014** 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/2014/2161
APPLICATION ADDRESS:	Sea Lodge Rue Adolphus Fort George St. Peter Port.
DESCRIPTION OF WORK:	Demolish existing and erect replacement dwelling, alter existing access.
NAME OF APPLICANT:	Lavinia Holdings Ltd.

Agenda Item 2 :-

APPLICATION NUMBER:	FULL/2014/2393
APPLICATION ADDRESS:	GT Cars Site Les Banques St. Sampson.
DESCRIPTION OF WORK	Variations to plans previously approved - alterations to petrol sales/forecourt shop and associated facilities, including increase in roof height, provision of external plant area, increase in number of fuel filling pumps and increase in size of canopy.
NAME OF APPLICANT:	Comprop CI Ltd.

The agenda for the open planning meeting, along with the planning application reports relating to the applications to be considered, which follow below, are made available five working days before the date of the Open Planning Meeting on the 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) 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/2014/2161
Property Ref: A41110A059
Valid date: 22/08/2014
Location: Sea Lodge Rue Adolphus Fort George Fort George St. Peter Port Guernsey GY1 2ST
Proposal: Demolish existing and erect replacement dwelling, alter existing access.
Applicant: Lavinia Holdings Ltd

RECOMMENDATION - Grant: Planning Permission with 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. No development, including demolition and site works, shall begin on site until the area of excavation and construction works has been defined in a manner and to an extent agreed in writing by the Environment Department. The area shall be defined in the agreed manner for the duration of building operations on the application site. No work shall be carried out outside the agreed area.

Reason - The trees and vegetation within the application site are important features in the area which will help to assimilate the new dwelling into its landscape setting and this condition is imposed to make sure that they are properly protected while building works take place on the site.

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

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

Reason - The site occupies a prominent position while the proposed development represents a significant development. A satisfactory landscaping scheme is required to help assimilate the new dwelling into its landscape setting.

6. The landscaping scheme shall be fully completed, in accordance with the details agreed under the terms of the above condition, in the first planting season following the first occupation of the new dwelling or in accordance with a programme previously agreed in writing by the Environment Department. Any trees or plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by trees or plants of a size and species similar to those originally required to be planted.

Reason - The site occupies a prominent position while the proposed development represents a significant development. A satisfactory landscaping scheme is required to help assimilate the new dwelling into its landscape setting.

7. No development, including site works, shall begin on site until each tree shown to be retained on the approved landscaping plan has been protected, in a manner previously agreed in writing by the Environment Department. Each tree shall be protected in the agreed manner for the duration of building operations on the application site. Within the areas agreed to be protected, the existing ground level shall be neither raised nor lowered, and no materials or temporary building or surplus soil of any kind shall be placed or stored thereon. If any trenches for services are required in the protected areas, they shall be excavated and back-filled by hand and any tree roots encountered with a diameter of 5cm or more shall be left unsevered.

Reason - The trees are important features in the area which will help to assimilate the new dwelling into its landscape setting and this condition is imposed to make sure that they are properly protected while building works take place on the site.

8. No works shall take place in relation to the magazine on the northern boundary unless twenty one days written notice has been given to the Environment Department. The developer shall afford access at all reasonable times to any archaeologist nominated by the Department and shall allow that person to observe the work and make a photographic record of the magazine.

Reason - The magazine is a feature of archaeological interest. This condition is imposed to ensure that this feature can be recorded.

9. Notwithstanding the information submitted, no work shall begin to alter the existing vehicular access to the site until precise details of that work, to a scale of not less than 1:50, have been submitted to and agreed in writing by the Environment Department. The works shall be carried out only in accordance with the agreed details.

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

10. No materials shall be placed on the site until such time as samples or other details of the stone, glazing and other materials to be used on the external walls have been submitted for the agreement of the Environment Department. Only external materials agreed in writing by the Environment Department shall be used in carrying out the development.

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

11. No occupation of the dwelling shall begin until such time as screening to the roof terraces, including the glazed staircase, has been erected, in positions and in accordance with details previously agreed in writing by the Environment Department.

Reason - To ensure the use of the terrace does not result in unacceptable overlooking of the adjoining dwellings and does not unduly dominate the aspect of the adjoining dwelling to the north-west.

12. The "housekeeper suite" shown on the approved drawings shall remain an integral part of and incidental to the dwelling hereby permitted, to which it is attached, and shall not at any time be severed from the dwelling to provide a self contained unit of accommodation separate from the dwelling.

Reason - For the avoidance of doubt and to prevent the establishment of a separate dwelling or other independent accommodation.

INFORMATIVES

For the purposes of condition 5 relating to landscaping, any scheme must include detailed proposals for the sloping area immediately to the east and north-east of the ground floor terrace/garden and the terrace to be formed at basement level. The scheme must compensate for the loss of planting in this area and provide suitable screening to the terrace.

For the purposes of condition 11, the Department will expect the screening to the northern roof terrace to reflect a reduction in its size and the re-positioning of the screening, as shown on the approved drawings, in order to reduce its impact on the aspect enjoyed by the occupiers of Adolphus House, the adjoining dwelling to the north-west.

For the avoidance of doubt, this permission does not permit any works of alteration to the magazine located at sub-basement level.

OFFICER'S REPORT

Site Description:

Sea Lodge is a single storey detached dwelling on the Fort George estate. It gains access from Rue Adolphus, which is defined by stone boundary walls. The access leads to a paved parking and turning area, the eastern boundary of which is marked by the existing flat roofed single storey dwelling with garden walls to each side.

Sea Lodge has its main aspect to the east with secondary aspect to the south. The land falls away steeply on its southern, eastern and northern sides, which are heavily treed. In front of the house is a flat area, part of the former battery. The application site includes part of the sloping area with steps leading down to a magazine built into a retaining wall.

To its north-west is a former elevated fort, the high stone walls of which form part of the northern and eastern site boundaries. This elevated area contains a dwelling, 'Adolphus House', which has been extended to a significant degree and is a particular feature in the area, extending to three floors.

There are existing dwellings on higher land to the west on the opposite side of Rue Adolphus and which front onto Princes Close. There is a dwelling on lower ground to the south, 'Les Roches Fleuries', which has its main aspect and garden to the east.

The eastern part of the site is in an Area of High Landscape Quality.

Relevant History:

2012/3187 06/12/2012 Permission to Extend and alter dwelling at first floor level. This proposal involves the addition of a first floor incorporating three separate pyramidal hipped roofs with balconies on the eastern and southern eastern sides.

2008/3309 05/02/2009 PIP to Erect a garage, alter entrance walls, fell trees and extend driveway.

2008/3031 26/11/2008 PMT to Demolish existing and erect replacement dwelling. This was the renewal of a previous permission. The proposal related to a single storey replacement dwelling.

Les Roches Fleuries (adjoining dwelling to south)

2013/2320 25/09/2013 Permission to Part demolish and re-build dwelling. The proposal involves significant alteration and extension creating a dwelling on three floors. There is no increase in overall height although the size and mass of the building are substantially larger.

Adolphus House (adjoining dwelling to north-west)

2006/2991 17/10/2006 PMT to Extend and alter dwelling. The proposal included the enclosure of the first floor balcony to form a sitting room and significant extension at roof level to form a conservatory and surrounding outside terrace.

2005/2549 25/10/2005 PIP to Extend and alter dwelling

This house was permitted in 1967. It comprised two floors of accommodation with a small tank room at roof level giving access to a small balcony on the eastern side. There was a small balcony at first floor level on the south-eastern side.

Existing Use(s):

Residential

Brief Description of Development:

The application seeks planning permission to demolish the existing single storey dwelling and erect a replacement, but extending to three floors with a basement.

The new dwelling would occupy a similar footprint to the existing. The main accommodation would occupy two floors with bedrooms at first floor above the main living areas. An

enclosed sitting area would be created at roof level with an associated roof terrace. The roof to this sitting area would be a little lower than the ridge height of Adolphus House. A larger roof terrace would be formed to the south served by a separate staircase enclosed in glass. The roof to this enclosure would extend to the east to provide shelter to part of the terrace. A basement, built into the hillside, would accommodate a swimming pool, gym and other facilities together with a “housekeeper suite”.

The building would include flat roofs and considerable areas of glazing, particularly on the eastern side. The other external materials would comprise Portuguese limestone, polished concrete and composite panels finished in concrete and timber.

The existing vehicular access from Rue Adolphus would be slightly re-positioned and a new pedestrian access would be created. The courtyard parking area to the rear would remain largely unchanged.

The existing terrace area to the front (east) of the dwelling would be extended out towards the sea with a small viewing platform. This and the construction of the basement would result in both a change to the contours of the land and a loss of some vegetation. However, the battery area, which contains a gun, would remain unchanged. The magazine at sub-basement level would be retained.

The application is accompanied by a Planning & Design Statement (PDS). This describes the site and its surroundings and includes photographs, considers the previous permission to alter and extend the dwelling and a recent permission for ‘Les Roches Fleuries’ to the south and includes a record of consultation carried out. It identifies the site constraints and opportunities and outlines the following design principles:

- The design should be in keeping with surrounding buildings;
- The height of the building should respect that of adjacent properties;
- The design should be in keeping with its contextual surrounds and be a high quality building;
- Development to utilise local vernacular principles;
- Client brief and requirements;
- Design to Level 5 Code for Sustainable Homes.

The Statement sets out relevant planning policies and discusses the inadequacies of the existing building.

It identifies 6 different design concepts considered together with their advantages and disadvantages and concludes that the best option involves a two storey building and roof pavilion. This concept is then described in more detail together with an indication of how it has been developed to planning application stage.

The final section includes photographs and photomontages, followed by a short conclusion.

An additional section has been submitted to deal with changes made at the Department’s suggestion to the scheme since its original submission.

Further information has been submitted during the processing of the application, including sections showing existing and proposed ground levels, details of screening to the roof terrace and a tree survey.

The tree survey identifies the trees within the application site and considers their condition and useful life expectancy. It advises on remedial works and appropriate root protection measures.

The survey indicates that there has been little maintenance of the garden over the years so that it has fallen into disrepair. Previous work carried out to a number of trees has been poorly executed.

The survey includes the trees within the site to the north, west and south of the existing dwelling. It identifies a number of these as being of poor condition and/or quality with a recommendation that they are removed and replaced. It also concludes that trees within the site of Adolphus House are unlikely to be affected by development in view of the presence of the battery wall on the boundary.

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

Rural Area Plan

RGEN5 - Character & amenity

RGEN6 – Design

RGEN11 - Effect on adjoining properties

RCE3 - Areas of High Landscape Quality

RCE7 – Public Views

RCE9 - Archaeological remains

RCE11 - Buildings of special interest

RCE12 – Design & local distinctiveness

RCE13 - Demolition of buildings & features

RH1 - New housing

Representations:

Letters of objection have been received from or on behalf of the occupiers of six nearby dwellings. The grounds for objection are summarised as follows:

1. the height and mass of the building are out of keeping with existing dwellings on Fort George and would detract from the character and appearance of the area. A comparison with other existing properties is included;
2. loss of amenity as a result of overbearing impact, loss of views, including public views, and privacy and proximity to adjoining dwelling;
3. existing trees on the site are not being properly maintained and may be damaged by the development, resulting in the need for removal;
4. increased traffic generation and need for parking;
5. potential noise as a result of the operation of mechanical plant;
6. devaluation of property;
7. presence of covenants; and

8. no consideration given to the issues to be addressed in a Construction and Environmental Management Plan;

It is suggested that site poles are erected on site and the application is presented to the Architects' Panel to aid the assessment of the application. Concerns have been expressed about the manner in which the site notice was displayed.

Following a request from the Department, scaffolding has been erected on site to show the outline of the new building from the front and the objectors have been notified.

A further letter and an additional e-mail have been received from occupiers of two of the nearby dwellings and a statement has been received from a firm of solicitors on behalf of the occupier of an adjoining dwelling. It has been suggested that the position of the scaffold poles is incorrect.

The letter writers suggest that the scaffold poles show that the building would be visible from many parts of Fort George, the Military Cemetery and the War Memorial as well as altering the view from the sea. They suggest that the building is too tall and would be out of keeping with its surroundings and would change the whole character of Fort George and may conflict with covenants affecting the site. They suggest Adolphus House is an anomalous situation and should not be seen as setting a precedent for this development. They suggest a dormer style bungalow would be more appropriate in this location.

The author of the e-mail expresses concern about the loss of tree cover and the potential impact on his property which lies at a lower level. It is submitted that the building would dominate the sky from the sea and within Fort George and would have a design out of keeping in the area and an "ultra modern office block construction". Reference is made to a covenant and the possibility of the proposal jeopardising cliff stability.

The statement indicates the main issues to be considered in the determination of the application, the relevant policy considerations and relevant planning decisions. It suggests that the proposal is contrary to policy RCE13 as the new dwelling would not make a positive contribution to the character and appearance of the area and because permission has already been given for alteration and extension which is a realistic alternative.

The statement suggests that the proximity of the new dwelling to their client's dwelling, together with its height, scale and mass, would have an overbearing effect and result in a loss of sunlight. The new roof pavilion would provide the potential for overlooking. A number of photographs have been included with the statement which, it is submitted, demonstrate the effects. The proposal would be contrary to the requirements of policy RGEN11. It is submitted that, although there is tree cover which reduces the impact, one of the main trees is at risk. Reference is made to the application and the lack of detail regarding tree removal.

The statement makes reference to policies RCE2, RGEN5, RCE3, RCE8, RCE4, RCE12, RGEN6 and RCE7 and suggests that the proposal is contrary to the requirements of these policies. The substantial increase in the size of dwelling together with its modern design would have a negative impact on the character and amenity of the area, particularly when viewed from the sea. Reference is made to the lack of a landscaping scheme to support the application. It is

also suggested that the proposal could adversely affect the nearby Site of Nature Conservation Interest.

The statement suggests that the proposal would adversely affect public views and refers to views from the roadside adjacent to the application site, the WWI War Memorial to the south-west, Clarence Battery to the north-east, within Fort George itself and the sea. It is suggested that modern architecture of this form is inappropriate and the proposal would create a dominant and incongruous feature within its surroundings.

Consultations:

States Archaeologist:

As the application makes clear, we have already discussed elements of archaeological interest with the client's architect. We are pleased to see that the principal element of interest, the magazine on the northern boundary (see e.g. plan 841-08), will be unaffected by the works proposed.

Our only additional comment would be to request the opportunity to make a photographic record of the magazine in advance of any modification (including repairs/rendering or painting, etc.) to the structure.

Summary of Issues:

The main issues in deciding this application are:

1. whether the principle of demolition is acceptable;
 2. whether the principle of a new dwelling is acceptable;
 3. the impact of the development on the appearance and character of the area, including landscape character;
 4. the impact of the development on the amenity of people living in the area;
 5. the impact of the development on archaeology; and
 6. parking and access issues,
- taking into account the policies set out above and taking into account previous planning decisions.

Assessment against:

1 - Purposes of the law.

The objectives of the Law, as set out in Section 1(2), have been considered and this forms part of the assessment of policy issues set out in 2 below.

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

Whether the principle of demolition is acceptable

RCE13 includes a presumption against allowing the demolition of buildings, walls and other distinctive features that are considered to make a positive contribution to the character or appearance of the locality.

The PDS includes little justification for demolition of the existing building, with this being limited to information about its physical condition. However, the permission granted in 2008 allowed demolition of the existing dwelling and the permission granted in 2012 allowed considerable alteration and extension. The building was erected in the 1960's and has no particular architectural or historic interest. Its nature and position are such that it is largely hidden from public view and therefore has little impact on the character and appearance of the locality. There is no objection to the principle of demolition.

However RCE13 also requires that the replacement dwelling must make a positive contribution to the character or appearance of the area. This issue is considered in detail below.

Whether the principle of a new dwelling is acceptable

RH1 allows for new dwellings only where they involve the conversion of an existing building, replacement of existing dwellings on a one for one basis or the sub-division of an existing dwelling.

The principle of replacement is therefore acceptable.

However, RH1 also requires that:

- the site is suitable having regard to the existing characteristics of the site and its relationship with the surrounding area;
- the development is acceptable in terms of siting, design, scale, massing, amenity and provision of a satisfactory living environment; and,
- in the case of replacement dwellings, they also satisfy the provisions of Policy RCE13 and where appropriate, RCE11.

The site is in a predominantly residential area and therefore a new dwelling is appropriate. The detailed design issues and other matters covered by planning policies are considered below.

Impact on the appearance and character of the area, including landscape character

The application site occupies a very prominent position on an outcrop along the east coast, just above the cliff path. In addition to the need to assess the proposal against the relevant planning policies, there is a statutory duty to seek to protect and enhance the natural beauty and amenity of Guernsey's coasts, cliffs, countryside and other open spaces. In addition, the Department must have regard to the likely effect of the development on the natural beauty and landscape quality of the locality in question in determining planning applications.

The assessment in terms of the impact of the proposal on the character and appearance of the area has considered three separate but linked issues:

1. whether or not the application has a significant adverse effect on the natural beauty and landscape quality of the locality;
2. the impact of development on important public views; and

3. whether or not the replacement building responds to the local character and distinctiveness.

The application site is at the boundary of the *Cliff Valleys and East Coast Cliffs* and the *Central/South East Plateau* landscape character types.

The application site is part of the Fort George development, which includes large houses often set within substantial grounds. This development is seen in the context of the steeply sloping and heavily landscaped cliffs.

The existing building is a single storey 1960's 'lodge' designed to sit into the landscape and be barely visible. This is in contrast to many of the neighbouring properties, which are a mixture of one and two storey, some with three storey elements.

The proposal involves a significant increase in the scale and mass of the building and extensive excavation and re-shaping of the existing contours. It would extend the visible built-up area of the Fort George development further to the south. However, the topography of the area is such that the application site is the last one available allowing a form of development that would be seen to extend the existing built-up area. A permission would not set a precedent for future similar development, that is the built-up character cannot extend further south.

The landscape character of the cliffs in the vicinity of the application site is dominated by existing tree and vegetation cover. As the PDS indicates, mature landscaping extends along the north, south and west boundaries. The proposal is unlikely to have a significant effect on the natural beauty and landscape quality of the locality, but only if the development does not have an adverse impact on tree and vegetation cover within and around the application site.

The submitted tree survey concludes that a number of the trees within the site are in poor condition and have been poorly maintained. They have a limited life and the contribution they make to the appearance of the area has been reduced by works previously carried out. The survey suggests they should be removed and replaced.

The survey does not make specific reference to the vegetation to the front (east) of the new dwelling. Towards the top of the slope, this comprises mainly small trees and shrubs to which there has been little maintenance. The construction works, which involve an expansion of the flat area to the front of the house and the excavation of a basement level with outside terrace, would have a significant impact on the existing vegetation.

Limiting the construction area to the minimum possible and implementation of a comprehensive landscaping scheme to provide adequate compensation for the loss of existing planting are critical to the success of this scheme.

The PDS identifies a number of key vantage points and includes photographs showing the view as existing and the view as envisaged. These photographs represent the position in summer with the leaves on the trees. The views include those from Clarence Battery, La Corniche, from the cliff path below the site, within the Military Cemetery and from Hautes

Falaises. There are also some public views within the Fort George estate, notably from Rue Vautier, but these are limited and normally from a distance.

In the context of the requirements of Policy RCE7, there are considered to be five important public views of the application site:

- a) from Clarence Battery;
- b) from the cliff path;
- c) from the Military Cemetery, including the War Memorial;
- d) from La Corniche; and
- e) from the sea (the site is clearly visible when approaching St Peter Port from the south).

a) Clarence Battery

The Battery is located on the coastal path and is a congregation point for the public. It is also a protected monument, which increases the sensitivity of the view because of the potential to impact on its setting. Views from Clarence Battery to the site are therefore very sensitive.

Clarence Battery is a defensive battery designed to look eastward and defend St Peter Port. The setting of the protected monument, taking into account its historic function, would not be affected by a new building to the west – that is the building would not be seen when looking eastward from the battery to the Russell.

From the Battery, the proposed building would be visible and, more importantly, the third storey would break the skyline when viewed from this direction. Furthermore the 'contemporary' appearance would tend to draw the eye. However, the building would be seen as the last in a line of individual large buildings. Taking into account this context and its distance from the Battery, approximately 500 metres, the impact of the proposal in the view from Clarence Battery would not be significant.

However, as indicated in the preceding section, retention of the existing landscape is critical in ensuring any adverse impact is minimised as the existing landscape provides a backdrop which would help to reduce the impact of the building.

b) Cliff path.

The cliff path runs at a height well below that of the application site. The steeply sloping cliffs and the extensive tree cover mean that the building would only be visible in glimpsed views. The proposal would not have a significant adverse impact on public views from the cliff path.

c) Military Cemetery, including the War Memorial

The Military Cemetery and adjoining War Memorial are important features both for historic reasons and because they act as places of refuge/contemplation. Although at a similar height to the application site, views from the War Memorial are limited in view of the distance involved (about 100 metres) but, more importantly by existing tree cover. This position is similar in relation to the Military Cemetery which slopes down from the War Memorial. Similar to other views, the retention of existing landscape is critical to ensuring that any public views are not significantly affected.

d) La Corniche

La Corniche, although a private road, forms part of the cliff path. It is accessible by the public. However, in contrast to the Clarence Battery, it is not a location where the public congregate and therefore is not as sensitive.

The building would be visible from specific locations along La Corniche and the third storey would break the skyline. However, it would be seen in the context of buildings in the foreground as well as buildings on the upper tier. Due to the less sensitive nature of views from La Corniche and the context within which the building would be seen, the building would not have a significant adverse impact on public views.

e) The sea

Views of the east coast are an important feature when approaching St Peter Port harbour. The area in the vicinity of the application site forms one of the gateways to the Island.

From the sea, the increased height and mass of the new building would mean that it would be seen as an additional building along this part of the coast. However, permission has been granted for a number of schemes along the east coast involving re-development or alteration/extension which have led to a substantial increase in mass of building. The present proposal would be seen in the context of the dwelling to the north-west which has been the subject of significant extension, which is on higher ground and which includes a tower element with significant glazing and balconies. The proposal would produce an interesting and unusual design, split into separate elements to break up the mass.

The building would not have a significant adverse impact on public views from the sea but, again, only if the existing tree and vegetation cover is retained, and replaced where necessary, as this is important in providing a backdrop to the building and helping to assimilate it into the rural character of the cliffs.

When considering whether the replacement building responds to local character and distinctiveness, it is necessary to assess what is the character of the surrounding area.

Fort George was developed for new housing in the mid to late 20th Century. During this development much of the heritage interest of the site was lost. The buildings consist of large, one and two storey houses many of which are set within substantial grounds. Some 40 – 50 years after the initial development, many of the buildings are coming to the end of their useful life, resulting in some being refurbished/extended whilst others are demolished and rebuilt (as the current application). The result is an area where there is no predominant architectural style. Instead the character is derived from the combination of large buildings, often with a horizontal emphasis and usually a pitched roof, set within established vegetation. The application site and immediate surroundings are set at the eastern edge of Fort George where the buildings merge with the heavily landscaped and steeply sloping cliffs.

The architectural style of the proposed building is contemporary with large areas of glazing and flat roofs, but also with traditional materials such as stone applied with modern techniques and detailing. In view the lack of a predominant architectural style, there is no objection in principle to a contemporary building. However, such buildings are more noticeable than traditional buildings and tend to draw the eye when viewed.

The building would appear as a two storey building with a relatively small built element at the third storey. The basement would have little impact in view of the topography of the site and the existing tree cover.

As the PDS suggests, the overall scale, mass and form and the materials to be used have been informed by the site and it's surrounding, resulting in a building that does not copy the surrounding buildings, but is nevertheless appropriate to its site and context. The proposed building:

- achieves a good standard of design
- respects the scale and mass of the buildings in the vicinity
- is not obtrusive or discordant
- provides for features that contribute to local character and distinctiveness (that is the trees and landscape) to be retained

This last conclusion is again on the proviso that the existing trees and planting are retained or replaced to replicate the existing position in the long term.

Judged against the three main issues identified above, it is concluded that the proposal would have a satisfactory visual impact provided the existing tree cover and landscape features can be retained.

Limiting the construction area to the minimum possible, restricting the removal of existing trees to the absolute minimum and implementation of a comprehensive landscaping scheme to provide adequate compensation for the loss of existing planting are critical to the success of this scheme.

Impact on the amenity of people living in the area

The adjoining house to the north-west, Adolphus House, is set on higher ground and, in view of its characteristics, comprises a prominent feature in the area. It tends to dominate the application property.

Although the overall height of the new building would be slightly lower than Adolphus House, it would be significantly higher and larger than the existing and the relationship between the two would be radically different. The new house would be seen from various parts of Adolphus House and its outside areas.

Representations submitted on behalf of the owner of Adolphus House suggest that the proposal would:

- have an overbearing effect;
- result in a loss of sunlight; and
- provide the potential for overlooking.

The increased height and mass of the building would tend to dominate the south-east corner of Adolphus House. This would include part of the garden, the ground floor drawing room and the sitting room area of the first floor bedroom. The outlook from these areas is already limited to some degree by existing boundary walls and the presence of trees.

However, Adolphus House is well served by outside areas, most of which would be unaffected by the new building, while the open aspect to the east, north and west would help to mitigate the impact. Any overbearing effect would be limited to only a small part of the overall living accommodation, both inside and out.

The impact in relation to loss of sunlight would be similar. There would be some loss but the nature of the house, with large open aspects, and its setting, on an elevated site, are such that any loss would be limited.

The proposal does provide the possibility of overlooking between Adolphus House and the roof terrace on the north side of the new dwelling. However, suitable screening could be used to overcome this problem.

The provision of suitable screening would increase the height of the building and consequently its impact on aspect and light. There is a second and larger roof terrace proposed on the south side of the new dwelling. There is therefore scope to re-consider the size and position of the terrace on the northern side, thereby reducing its impact on Adolphus House.

Existing dwellings to the west are set at a higher level on the opposite side of Rue Adolphus. The new dwelling would be more visible when viewed from these dwellings. However, the intervening distance would be a minimum of 40 metres. The dwellings do not directly face one another and there is planting in the area between. Any loss of aspect as a result of the increased mass of building would be insufficient to justify a refusal of planning permission.

There is one bedroom window in the west elevation but the potential for overlooking is limited in view of the distance involved, the difference in level and the presence of planting. However, the roof terrace on the south side and the staircase which serves this would allow views to the west towards these dwellings.

The dwelling to the south, Les Roches Fleuries, is set at a lower level and could be overlooked as a result of the proposal. The south elevation of the new dwelling includes two bedroom windows, bathroom windows and a dressing room window at first floor level. There is also a small enclosed balcony. This is little different from the scheme permitted in 2012, when it was concluded that any overlooking would not be significant in view of the distance involved, the difference in level and the presence of planting.

Since then, permission has been granted for significant alteration and extension of Les Roches Fleuries and implementation of this permission would further reduce the potential for overlooking. However, the present proposal includes a roof terrace open on all sides and there is concern that this would allow undue overlooking of the private garden area to this adjoining dwelling.

The potential for overlooking from the roof terrace and associated staircase on the southern side can be addressed by the inclusion of appropriate screening.

Impact on archaeology

The site is within the Fort George complex. Although the Fort has historic interest, no parts of the application site or the adjoining properties are protected. The States Archaeologist has been consulted and is satisfied with the proposals. The request to make a photographic record of the magazine can be covered by a planning condition.

Parking and access issues

The existing access and parking arrangements would remain largely unchanged and the proposal would have little impact on highway safety. However, precise details of the revised access arrangements are needed, especially in view of the need to ensure appropriate trees are retained. This can be covered by a planning condition.

Conclusions

Previous permissions allow a replacement building or alternatively its extension to add a first floor level. The principle of demolition and the erection of a replacement dwelling are acceptable and provided for by planning policies.

The new dwelling would be higher and have a larger mass than the existing. Its contemporary design and prominent location mean that it would be clearly visible from the sea and certain viewpoints in the area. However, the application site is part of the Fort George development, which includes large houses of various forms and styles often set within substantial grounds. The new dwelling would be seen with the adjoining Adolphus House which has a similar height and appears as a prominent and unconventional building.

This development is seen in the context of the steeply sloping and heavily landscaped cliffs. Provided the impact of construction and excavation is controlled, existing planting is retained where possible and new appropriate planting is introduced, the proposal would be a satisfactory addition to the Fort George development.

The nature of the new building is such that it would have some impact on a number of dwellings in the vicinity. However, any significant effect would be limited to the adjoining dwellings to the south and north-west. The impact on the former would be limited by the distance involved, the difference in level and the presence of planting.

The main impact would be on the amenities of Adolphus House. The proposal would result in some loss of aspect and light and would tend to dominate the south-east corner of this property. However, much of this existing dwelling would remain unaffected as it benefits from unobstructed aspects from much of the habitable room space and outside terraces.

The proposal provides an opportunity for the renovation and recording of the magazine, while there is adequate parking and satisfactory access is available.

It is recommended that planning permission is granted, subject to conditions in relation to:

1. satisfactory landscaping and tree protection;
2. details of external materials;

3. archaeology;
4. screening of the roof terraces;
5. details of the changes to the entrance;

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

The matters to be considered under Section 13 of the Land Planning and Development (General Provisions) Ordinance 2007 have been assessed as part of the section dealing with policy issues set out in 2 above.

The objectors make reference to covenants which may affect the proposal. The existence of any legal constraints to development cannot influence the planning decision. Likewise, loss of a private view is not a material planning consideration, while a change in the value of properties, both up and down, is a consequence of most planning decisions.

The application must be determined on its individual planning merits. The fact that there may be an alternative proposal that could be better is very rarely a material planning consideration.

Reference has been made to a possible impact on nature conservation. The Site of Nature Conservation Interest is located some distance to the east of the proposed new dwelling on the other side of the cliff path. There is no evidence to suggest that the proposal would have any significant impact on nature conservation.

There is no evidence to suggest that the proposal would have an adverse effect on the stability of the cliff and this issue cannot influence the planning decision. In addition, there is no evidence to suggest that the position of the scaffold poles is incorrect and the Department has received a drawing indicating their position. Their purpose is to indicate the height and mass of the main structure when viewed from the front to help assess its visual impact.

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

The proposal would have no impact on protected trees or buildings. The impact of the proposal on the setting of the Clarence Battery is considered in section 2 above.

Date: 25 November 2014



Application No: FULL/2014/2393
Property Ref: B00070A000
Valid date: 15/08/2014
Location: GT Cars Site Les Banques St. Sampson Guernsey
Proposal: Variations to plans previously approved - alterations to petrol sales/forecourt shop and associated facilities, including increase in roof height, provision of external plant area, increase in number of fuel filling pumps and increase in size of canopy.
Applicant: Comprop CI Ltd

RECOMMENDATION - Grant: Planning Permission with 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 permission hereby granted relates only to the variations specified above. In all other respects the development shall be carried out in full accordance with the permission dated 10/12/2013, issued under planning application reference FULL/2012/2699, and subject to the terms and conditions thereof.

Reason - To limit the effect of the permission to the specified variations only.

5. Noise associated with the plant and machinery to be installed at roof level and hereby permitted shall be controlled such that the Rating Level, measured or calculated at 1 metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 5 dB(A) below the existing LA90

background noise level. Rating Level and existing background noise levels shall be determined as per the guidance provided in BS4142:1997 and there shall be no significant low frequency tones present.

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

6. Details of the finish of the sides of the canopy hereby permitted shall be submitted and agreed in writing by the Environment Department before work starts on its construction. No illumination shall be included at any time. The canopy shall be constructed only in accordance with the agreed details.

Reason - The site occupies a sensitive location on the coast road and close to existing houses. The inclusion of lighting to the sides of the canopy would result in it forming an unduly prominent feature in the area.

7. Notwithstanding the information submitted, further details of the screening to the external plant area, to a scale of not less than 1:20, shall be submitted to and agreed in writing by the Environment Department. The agreed screening shall be fully completed before any use of the plant and equipment to be installed in that area.

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

INFORMATIVES

This permission does not relate to the display of any advertising. The site occupies a sensitive location on the coast road and close to existing houses. The extent and design of advertising will need very careful consideration and illumination of the sides of the canopy is most unlikely to be acceptable.

Please note the attached comments of the Environmental Health Department and the requirements of condition 5. The Department is still awaiting details of lighting to comply with condition 13 and details of the car wash to comply with condition 16 of FULL/2012/2699. Although the issue of the ground floor WC is not a planning issue, you should ensure details are provided to Environmental Health. Please note that this grant of planning permission does not prevent that Department from taking separate action in relation to noise or other relevant issues.

Please note the attached comments of the Petroleum Officer and the need to meet the particular requirements relating to the storage of fuel on the site.

Please note the attached comments of the Traffic Services Unit and the need to manage fuel and other deliveries to avoid congestion, and consequent danger to customers.

OFFICER'S REPORT

Site Description:

The application site occupies a coastal position on the northern side of Les Bas Courtils Road. It comprises an infilled quarry. It contained ugly piling carried out pursuant to a previous permission but subsequently abandoned.

The site is within a predominantly residential area, with existing housing adjoining on three sides.

The development given permission under 2012/2699 is currently being implemented with site remediation and preparation works under way.

This is a Settlement Area within the Urban Area Plan.

Relevant History:

2012/2699 10/12/2013 Permission to Develop site to provide warehouse, petrol filling station, car wash and shop with offices above and associated parking areas. Create two vehicular entrances

2014/1889 30/07/2014 Permission for Variation to permission granted under FULL/2012/2699 to Develop site to provide warehouse, petrol filling station, car wash and shop with offices above and associated parking areas. Create two vehicular entrances - Install windows at first floor level and glazed panels in South-West corner of storage building

2014/2732 Pending Install sub-station, bicycle park and pull in for air and water

2014/2822 Pending Erect gates, barriers and fence

Existing Use(s):

Site under development for warehouse/fuel filling station/shop and offices

Brief Description of Development:

The application seeks planning permission for variations to the 2013 permission. These comprise:

1. an increase in the number of fuel filling points from 4 to 6 with an enlarged canopy over;
2. an increase in the eaves and ridge height of the forecourt building;
3. inclusion of external plant within the central part of the roof to the rear. Screening would be provided to each side;
4. changes to windows and doors in the forecourt building;
5. a re-arrangement of the forecourt at the eastern end to accommodate a lay-by for water/air; and
6. various internal changes.

Consideration of the application was deferred drawing attention to the comments of Environmental Health, the Traffic Services Unit and the Petroleum Officer.

In response, the agents have indicated that their clients would accept the imposition of a condition addressing noise associated with the roof top plant with the only external fridge motors being fans for the cooling condenser. They point out that the proposal has been revised from a car wash to a jet wash and is unlikely to raise noise concerns.

The issues raised by the Traffic Services Unit are to be addressed by the site manager arranging for the closest pump to the jet wash to be closed during fuel deliveries.

A revised drawing has been submitted identifying the correct Hazard Zones, as identified by the Petroleum Officer.

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

Urban Area Plan

GEN5 – Design

GEN6 – Character & Amenity

GEN7 - Roads and infrastructure

GEN8 - Safe and convenient access

GEN9 – Open Space & Parking

GEN12 - Effect on adjoining properties

DBE1 – Design – General

DBE4 – Landscape Design

DBE6 – Skyline and public views

GT Cars Site Development Brief approved in April 2012

Representations:

A petition containing 21 signatures has been received objecting to the proposal on the following grounds:

1. environmental impact resulting from the increased traffic generated along the already busy seafront corridor;
2. increased noise in a residential area – sales, deliveries and general site traffic;
3. pumps and canopy encroaching further into residents' sight line;
4. increased height will further obstruct sea views.

Following a meeting involving a planning officer and a number of local residents to discuss the proposal, a further letter of objection has been received from two local residents. They refer to the part of the proposal relating to the increase in the number of fuel pumps, to the enlarged canopy and to the increased eaves and ridge height of the forecourt building. The reasons for objection relate to:

1. The environmental impact it will cause with the increase of traffic & congestion generated on an already busy St. Sampson/Town seafront corridor. We recently experienced queuing to fill up with fuel at St Andrews Co-Op which resulted in traffic back up on the Bailiffs Cross road;
2. Increase in noise in a Residential area - sales, deliveries & general site traffic;
3. Pumps and canopy encroaching further into residents sight line - including illumination of the residential area out of opening hours - as experienced last weekend when passing St Andrews Co-op at approx 22:00 on Sunday evening;
4. Increase in height above the previously approved ridge height of the forecourt shop as we currently enjoy sea views which will be obliterated;
5. Noise from the external plant above the Convenience store day & night- currently this is a very quiet residential area especially after 10pm until 6am. It is our understanding that plant of this nature will be required to run 24/7 if associated with refrigeration etc.

Consultations:

Traffic Services Unit:

I advise that an access should: -

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

Comments relating to site traffic implications arising from proposed alterations to petrol sales/forecourt shop layout

- 1) The supplied plans indicate that the number of fuel pumps has been increased from 4 to 6, whilst the area within which they are located has not been increased to that previously approved.

The nett result of this proposal would be that a 'pinch point' would be created in the area between the northern most pump and the raised kerb alongside the adjacent jet wash facility. The creation of this restriction would raise traffic management concerns for vehicles using this area wishing to exit via the northern side of the petrol pump area particularly if there was a wider type of vehicle stopped at the pump in question.

In addition, the supplied plans indicate that fuel delivery tankers will be using this general area to discharge their load, and then exit via the pinch point identified. The movement of such larger vehicles in close proximity to potential pedestrian movements (eg - car passengers using forecourt shop facilities) is less than satisfactory and would raise some road safety concerns as a result.

- 2) Following a discussion with the applicant's architect, it was identified that deliveries to the forecourt shop would take place in the area immediately north of the main access to the site. This would inevitably raise some road safety and traffic management concerns over the reversing of delivery vehicles in the immediate vicinity of the main site access as well as the proximity to the petrol pumps where other vehicle movements would potentially be in conflict.

Whilst the Traffic Services Unit recognises that petrol forecourt operations in general do involve numerous vehicle movements in fairly confined areas and that patrons would generally be aware of the need to be vigilant in such areas, the TSU would strongly recommend that serious consideration be given to introducing control measures to help mitigate against the concerns raised above. The TSU therefore suggest that where ad hoc vehicle movements such as fuel deliveries and general delivery to the forecourt shop are

involved, appropriate signage should be placed out to close the petrol pumps closest to the identified hazard areas, thus reducing the potential for vehicle/pedestrian conflicts.

Given the above observations, the Traffic Services Unit considers that there are some Traffic related grounds on which to oppose the application in its current form, specifically with regard to the road safety concerns raised as outlined above.

Should a future application satisfactorily address the issues raised above, there would be no significant traffic grounds on which to oppose such an application.

Environmental Health:

There is currently insufficient information for me to be able to provide comments on this application. I have several concerns relating to the application including:

The potential for noise disturbance arising from the air handling plant located on the roof. Information must be submitted detailing the specifications of the proposed units and evidence demonstrating that plant and machinery associated within the development will operate at 5 dB (A) below the existing LA90 background noise level. I would strongly advise that the applicant seeks the advice of a competent acoustic consultant. I have attached a list of acoustic consultants who are prepared to operate on the island. Please note that inclusion on the list does not infer any kind of recommendation by the department.

It is not clear whether the required refrigeration units will have external motors, if this is the case there is also the potential for noise disturbance to arise from this equipment. Please see the above point.

Condition 16 of planning consent FULL/2012/2699 states that details of the car wash will be submitted prior to works commencing. As far as the department are aware this details have not been submitted. There is concern relating to noise arising from the operation of the car wash.

The accessible and able WC detailed in the proposed plans requires a lobby. The WC can not directly lead into a food storage area.

Please ensure that the applicant is reminded of condition 13 of FULL/2012/2699 relating to the submission of site lighting arrangements.

Should the Planning Officer be minded to grant the application I would recommend that the following conditions are applied to the consent:

Noise associated with plant and machinery incorporated within the development shall be controlled such that the Rating Level, measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 5 dB(A) below the existing LA90 background noise level. Rating Level and existing background noise levels to be determined as per the guidance provided in BS4142:1997 and there shall be no significant low frequency tones present.

Plans detailing the positioning of the ground floor WC must be submitted and agreed in writing by the Environment Department.

It is noted that existing conditions in relation to the use of the warehouse facility and hours of operation of the site have been applied to consent FULL/2012/2699.

I would be grateful if these issues are considered during the determination of this application.

Petroleum Officer:

I have noted that a nominal 3m hazard zone is shown around tank fill points and vent pipes. This is incorrect as the hazard zone surrounding the tank fill points extends to a 4m horizontal radius and the zone surrounding the tank vent pipe termination is 2m radius in all directions and extending down to ground level.

Forecourt Building - Convenience Store

Guidance given in the Association for Petroleum and Explosives Administration publication entitled: "Design, construction, modification, maintenance and decommissioning of filling stations", amongst other things, states that - "All convenience stores have to provide alternative means of escape for both staff and customers away from the forecourt".

I presume that the door shown on the Eastern end of the South East Elevation of drawing number 585-9936-SK-1044 is for that purpose and will be signed and constructed as such.

Finally, confirmation is given in this application that details of the pipe work, forecourt drainage, tank and pump installations will be specified by specialist contractors.

I would therefore wish to make comment on those detailed proposals when available.

For the avoidance of doubt, the proposed licensed petroleum storage facility will be scrutinised against the full content and standards set out in the aforementioned APEA Codes.

Summary of Issues:

The main issues in deciding this application are:

1. the impact of the development on the appearance and character of the area;
 2. the impact of the development on the amenity of people living in the area; and
 3. parking and access issues,
- taking into account the policies set out above and the existing permission granted for development of this site.

Assessment against:

1 - Purposes of the law.

The objectives of the Law, as set out in Section 1(2), have been considered and this forms part of the assessment of policy issues set out in 2 below.

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

The principle of developing this site has been established by the permission granted in 2013 under 2012/2699. This includes a fuel filling station, associated shop and offices for visiting members of the public above. The present application relates to changes to the approved scheme to accommodate the prospective tenant's requirements.

The main changes involve an increase in the number of fuel filling pumps, with a consequent increase in the size of the canopy, an increase in height of the forecourt building and the inclusion of external plant in the rear roof plane.

The development principles identified in the Development Brief for this site are to:

- Ensure proper and full remediation of the site
- Promote a viable and feasible development of the site with use(s) that comply with the objectives and policies of the Urban Area Plan
- Encourage safe and appropriate vehicular, cycle and pedestrian traffic to, through and beyond the site
- Respect the Character of the Site and its Surroundings
- Respect the amenity of surrounding residential properties

The work being carried out on site includes site remediation under the supervision of environmental consultants. Permission has been granted for the fuel filling station, shop with offices above and warehouse as a viable and feasible development of the site and this is under construction.

The access arrangements have been agreed by the Traffic Services Unit. However, there are concerns raised about the proposal to increase the number of fuel filling pumps and the limited area available for servicing. The agents have indicated that these issues can be addressed by the site manager. However, this matter cannot be controlled through planning conditions.

The increase in roof height is shown as 0.5 metres compared to the approved scheme. However, the Department has already agreed an increase in height of 0.25 metre as a minor amendment on the basis that it would not have a significant visual impact. The proposal thus involves an increase of 0.75 metre over the scheme previously approved by the Board.

The various changes involving an increase in the size of the canopy, an increase in height of the forecourt building and the inclusion of external plant in the rear roof plane would have some visual impact.

The key views of this site are from the coast road with longer distance views from the sea. The visual impact resulting from an increase in height of the building would not be significant taking into account the extent of the increase and the variety in form, mass and height of buildings along this road. In addition, the site is not in a conservation area or located close to protected buildings.

The height of the canopy would remain unchanged. Its depth would be slightly larger but its length would increase from about 16.5 to 22 metres.

The area of external plant would be sited centrally along the rear roof plane and screening would be included to the front and side of the plant area.

The agents have provided drawings designed to show projected views of the external plant area. This demonstrates that any public views from the coast road would be limited by the buildings to each side.

These drawings do not show the greater visibility of the canopy resulting from its increase in size. Its increased length would mean that the views from the coast road would be greater.

The views of both the external plant area and the canopy would be limited by the presence of the frontage building and the visual impact of these changes would be insufficient to justify a refusal of planning permission. The increased size of the canopy is such that the choice of advertising display would be even more important. It is difficult to envisage illuminated advertising on the canopy proving acceptable.

The final principle included in the Development Brief relates to the impact of the proposal on the amenity of surrounding residential properties and this is regarded as the key determining issue in this application.

The increased height of the forecourt building and the increased size of the canopy would not have a significant impact on the outlook of nearby dwellings in view of the distance from those dwellings. The loss of a private view over land is not a material planning consideration. The main issue to be considered in this case is the potential for increased noise and disturbance resulting from the greater number of fuel filling pumps on the site – from 4 to 6 – and taking into account the fact that the shop area remains unchanged.

It is unlikely that the increase in the number of fuel filling pumps alone would result in a significant change to the level of activity on the site. As such, the impact on neighbouring dwellings is unlikely to be much different from that that would be experienced as a result of the permitted scheme.

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

The matters to be considered under Section 13 of the Land Planning and Development (General Provisions) Ordinance 2007 have been assessed as part of the section dealing with policy issues set out in 2 above.

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

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

Date: 25 November 2014