

DEVELOPMENT & PLANNING AUTHORITY

OPEN PLANNING MEETING AGENDA

An Open Planning Meeting will be held at Beau Sejour Centre, Cambridge & Delancey Rooms, on **Wednesday 25/01/2017** at 9.15am for a 9.30am start.

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

Agenda Item 1 :-

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

Agenda Item 2 :-

APPLICATION NUMBER:	FULL/2016/0641
APPLICATION ADDRESS:	La Vielle Seigneurie, La Route De Sausmarez, St. Martin.
DESCRIPTION OF WORK:	Change of use of agricultural land to domestic curtilage.
NAME OF APPLICANT:	Mr. & Mrs. C. N. & M. M. Torode.

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



PLANNING APPLICATION REPORT

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

RECOMMENDATION - Grant: Planning Permission with Conditions:

1. All development authorised by this permission must be carried out and must be completed in every detail in accordance with the written application, plans and drawings referred to above. No variations to such development amounting to development may be made without the permission of the Authority under the Law.

Reason - To ensure that it is clear that permission is only granted for the development to which the application relates.

2. The development hereby permitted shall be begun within 3 years from the date of grant of this permission.

Reason - This condition reflects section 18(1) of the Land Planning and Development (Guernsey) Law, 2005 which states that planning permission ceases to have effect unless development is commenced within 3 years of the date of grant (or such shorter period as may be specified in the permission).

3. The development hereby permitted and all the operations which constitute or are incidental to that development must be carried out in compliance with all such requirements of The Building (Guernsey) Regulations, 2012 as are applicable to them, and no operation to which such a requirement applies may be commenced or continued unless (i) plans relating to that operation have been approved by the Authority and (ii) it is commenced or, as the case may be, continued, in accordance with that requirement and any further requirements imposed by the Authority when approving those plans, for the purpose of securing that the building regulations are complied with.

Reason - Any planning permission granted under the Law is subject to this condition as stated in section 17(2) of the Land Planning and Development (Guernsey) Law, 2005.

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

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

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

The CEMP shall detail:-

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

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

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

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

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

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

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

7. No materials to be used on the exterior of the buildings shall be placed on the site until such time as samples of those materials have been submitted to the Authority. Only

materials agreed in writing by the Authority shall be used in carrying out the development.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

INFORMATIVES

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

Landscape design strategy

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

Detailed planting proposals

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

Landscape structures and surfaces

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

Management plan

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

- planting, water areas)
- Identify management agency.
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OFFICER'S REPORT

Site Description:

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

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

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

Relevant History:

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

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

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

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

Existing Use(s):

Residential Care Home - Residential Use Class 8

Brief Description of Development:

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

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

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

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

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

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

Island Development Plan, November 2016

Plan Objective 4: Support for a healthy and inclusive society

S2: Main Centres and Main Centre Outer Areas

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

GP1: Landscape Character and Open Land

GP4: Conservation Areas

GP5: Protected Buildings

GP8: Design

GP9: Sustainable Development

GP10: Comprehensive Development

IP6: Transport Infrastructure and Support Facilities

IP7: Private and Communal Car Parking

IP9: Highway Safety, Accessibility and Capacity

Representations:

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

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

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

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

Specifically in relation to the amended proposals:

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

Consultations:

St. Peter Port Constables – Comments on original scheme

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

St. Peter Port Constables – Comments on revised scheme

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

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

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

Traffic and Highway Services – Comments on original scheme

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Summary

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

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

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

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

Proposed Development

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

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

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

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

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

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

Proposed access serving Le Platon main entrance

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

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

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

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

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

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

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

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

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

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

Conclusions

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

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

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

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

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

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

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

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

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

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

Traffic and Highway Services – further comments on revised scheme

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Summary of Issues:

Principle of development

Demolition of the existing 'wing' extensions

Design, form, massing and scale of the proposed extensions

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

Effect on the Protected Tree

Impacts of the proposal on the Protected Building

Effects on neighbouring properties

Car parking and other vehicle provision within the site

Effects on the surrounding roads/traffic impact

Assessment against:

1 - Purposes of the law.

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

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

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

Principle of development

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

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

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

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

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

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

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

Demolition of the existing 'wing' extensions

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

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

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

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

Design, form, massing and scale of the proposed extensions

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

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

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

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

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

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

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

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

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

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

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

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

b) Demonstrate the most effective and efficient use of land

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Effect on the Protected Tree

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

Impacts of the proposal on the Protected Building

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

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

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

Effects on neighbouring properties

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Car parking and other vehicle provision within the site

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

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

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

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

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

Effects on the surrounding roads/traffic impact

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

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

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

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

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

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

Conclusions

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

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

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

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

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

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

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

Date: 16th January 2017



PLANNING APPLICATION REPORT

Application No: FULL/2016/0641
Property Ref: J00162B000
Valid date: 09/03/2016
Location: La Vielle Seigneurie La Route De Sausmarez St. Martin Guernsey
GY4 6SG
Proposal: Change of use of agricultural land to domestic land and extend
domestic curtilage.
Applicant: Mr & Mrs C N & M M Torode

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 Authority under the Law.

Reason - To ensure that it is clear that permission is only granted for the development to which the application relates.

2. The development hereby permitted shall be begun within 3 years from the date of grant of this permission.

Reason - This condition reflects section 18(1) of the Land Planning and Development (Guernsey) Law, 2005 which states that planning permission ceases to have effect unless development is commenced within 3 years of the date of grant (or such shorter period as may be specified in the permission).

3. Planning permission is hereby granted only for the change of use of the land hatched on the 1:500 scaled block plan (date stamped received by the Authority on 09 March 2016) to form part of the domestic curtilage associated with the property known as La Vielle Seigneurie.

Reason - To define the planning permission for the avoidance of any doubt.

4. The existing trees on the site shall be retained and shall not be felled, lopped, topped or uprooted without the previous written agreement of the Authority. Any trees removed, dying, being severely damaged or becoming seriously diseased shall be replaced with trees of such size and species as previously agreed in writing by the Authority within one year of the date of any such loss.

Reason - The trees are important features in the area.

5. Within six months of the date of this decision a landscaping scheme, to include those

details specified below, has been submitted to and agreed in writing by the Authority:

- i) the treatment proposed for all ground surfaces;
- ii) full details of tree and hedge planting;
- iii) planting schedules, noting the species, sizes, numbers and densities of plants;
- iv) any change to existing finished levels or contours; and
- v) all existing trees, hedges and other landscape features, indicating clearly those to be removed.

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

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 approval of those details in writing by the Authority. Any trees or plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by trees or plants of a size and species similar to those originally required to be planted.

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

INFORMATIVES

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

Landscape design strategy

- Overall design concept
- Soft landscape elements
- Use/function of different areas
- Contours and level
- Boundary treatments

Detailed planting proposals

- Relate to landscape character of locality and make use of locally distinctive species
- Provide scientific names including species and varieties, numbers, locations, form, size (height, spread, girth, pot size)
- Planting specification including site preparation, irrigation and plant maintenance provisions, mulch (depth and material)
- Grass/seeded areas
- Remedial surgery pruning to retained trees/shrubs

Management plan

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

In preparing the landscaping proposals, additional tree planting on the south western area

of the site is expected together with the hedging on the northern boundary of the curtilage extension and substantial tree planting on the remaining agricultural land to the north of the extended curtilage.

OFFICER'S REPORT

Site Description:

The application site comprises an area of agricultural land situated to the northwest of La Vielle Seigneurie. La Vielle Seigneurie is a Protected Building comprising a cottage forming part of a wing of Sausmarez Manor. There is a building and an area of land to the north east associated with La Vielle Seigneurie. A carriage drive runs around that land and the land subject of the application is to its northwest. The application site is well enclosed by established shrubs and trees.

Beyond the site open fields lie to the north. Sausmarez Manor, parkland and gardens are situated to the west and south.

At present, there are 14 cars and several sheds on part of the site.

Existing Use(s):

Part Residential
Part Agricultural

Background to the application

In 2011, the former Environment Department received a complaint that the application site was being used for the storage of motor-cars, motor-cycles and bicycles. In response the owner of the site confirmed that the vehicles on the site were for personal use and were used on a regular basis; members of the household regularly participate in motorsport and the cars on the site comprise road cars for everyday usage, their service vehicles and rally cars for competing.

There is no recognised residential curtilage for the dwellinghouse. La Vielle Seigneurie, land to the east and the field subject of this application were apparently severed from the remainder of the Sausmarez Manor Estate by inheritance. The current owners purchased the property in 2001. The extent of land associated with the dwelling has not changed, the precise curtilage was unclear and it appeared that the area in question had been used for parking associated with the dwelling house for some time. In 2011, in the light of the difficulties of proving a material change of use, it was decided not to take further action in respect of the parking/storage of 16 vehicles on the land.

In 2014, a further complaint was received with regard to the storage of vehicles at the site and the construction of various sheds. The erection of a considerable number of structures and the significant increase in the number of vehicles were considered to constitute development and following correspondence, the landowner was advised that

an application would be required if they wished to regularise the use of the land as domestic curtilage. Subsequently, following various discussions with regard to the extent of the residential curtilage requested to be established, the application was validated on 9th March 2016. The applicant requested in October 2016 that consideration of the application be deferred until after the adoption of the Island Development Plan. The Island Development Plan was adopted by the States on 2nd November 2016.

Brief Description of Development:

Planning permission is sought to change the use of 750m² (approximately 30m x 25m) of agricultural land to domestic curtilage.

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

The application site is situated Outside of the Centres and within a Conservation Area as designated in the Island Development Plan.

- Plan objectives:
 - Objective 1: Make the most effective and efficient use of land and natural resources;
 - Objective 2: Manage the built and natural environment;
- Spatial Policy
 - S1: Spatial Policy
 - S4: Outside of Centres;
- General Policies
 - GP1: Landscape Character and Open Land;
 - GP4: Conservation Areas;
 - GP5: Protected Buildings;
 - GP8: Design;
 - GP15: Creation and Extension of Curtilage;

Representations:

In total 31 letters/emails of objection have been received. The objections raised are summarised as follows:

- prime agricultural land on a historic site would be lost forever;
- Loss of open land;
- Impacts on the character of the locality concerned including the setting of the Protected Buildings – one letter claims that La Vieille Seigneurie is older than the Manor to which it is attached and its grounds should not be the eyesore that they are;
- The site was an Area of High Landscape Quality (in the former Rural Area Plan) and should be protected
- The proposal would counteract the purpose of the National Trust, which is to conserve and preserve the natural beauty of Guernsey, its buildings and their surroundings;

- Allowing this application could set a precedent for others to follow;
- the planned use of land and activities would be better sited at a more appropriate location
- The site notice was not displayed correctly near to the site.

The representations also make comment on the current condition of the site:

- The fields should be cleared and returned to proper agricultural use; The conversion of land from agricultural into industrial (scrap yard) should not be allowed;
- There is a stream near to the site and contamination from the vehicles could pollute the watercourse;
- The current use of the site (for the storage of ride-on mowers, cars and sheds) is totally out of keeping with the area which is a major tourist attraction;
- concern that the applicant could increase the vehicle collection stored on the site;
- a compliance notice might have been issued.

Two petitions were also received, containing 49 and 48 signatures, objecting to the use (change of use from agriculture to horticulture), the condition of the land (derelict cars, etc) and it being out of keeping with the historic building and environment.

Several letters from an advocate were submitted on behalf of an objector raising the following points:

- The site notice was not properly displayed; as such the applicants breached the provisions of the relevant legislation and the application should be re-advertised;
- The application relates to a Protected Building and in assessing this application, in addition to the Policies and General Material Considerations there is a legal duty on the Authority to consider conserving and enhancing the protected building's special characteristics and setting;
- There is no planning permission for the vehicles stored or the numerous sheds and fences on the site. It is claimed that they are not authorised and have not been continuously present for the past 10 years and therefore request that enforcement action is taken;
- The applicants have no right of way to access the subject land.
- The development is not appropriate within the sensitive rural location and significantly detracts from the openness of the countryside. As such, the proposal does not comply with Policy RCE1 or RCE3 (in the former Rural Area Plan) and should be refused;
- In relation to the extension of curtilage there is a pathway between the existing curtilage and subject land that forms a significant boundary between the two. The key issue of functional need has not been demonstrated and therefore does not meet the tests of Policy RCE6 (in the former Rural Area Plan) and should be refused.
- The proposal could set a precedent for other such development.

Subsequent correspondence highlighted the length of time taken in processing this application and made additional points of objection, particularly in respect of the IDP policies:

Impact on Conservation Area;

- The evidence report entitled 'designating of the Conservation Areas' March 2015 and advice note CN2 are integral assessment materials as set out under Section 82 of the Law and constitute guidance under section 39 of the Law.
- The proposal if allowed would permit a very domesticated looking use centrally within a Conservation Area and would diminish its "cohesive, recognisable sense of place.... Distinctive character and appearance worthy of special consideration...". The application would cause harm to the Conservation Area and would not benefit the Conservation Area;
- The application conflicts with the intentions of paragraph 19.5.3;
- The application is required to meet all other relevant policies of the IDP in accordance with Paragraph 19.5.5;
- To approve the application would be contrary to the Land Planning and Development (Guernsey) Law, 2005;
 - There is a duty placed on the Authority under Section 38 of the Land Planning and Development (Guernsey) Law, 2005 to pay "special attention to the desirability of preserving and enhancing the character and appearance of that [Conservation] area."
 - Approving this application would be contrary to this legal duty.
 - Section 13(1) of the General Provision Ordinance sets out the general material considerations that the Authority takes into consideration when assessing planning applications.
 - Approving this application would be contrary to Section 13(1) (a), (c), (d), (h) & (i)
- Fails to satisfy Policy GP15 on creation and extension of curtilage;
 - The proposal would have an unacceptable detrimental impact on the landscape character (criterion (a));
 - Any new boundary features would not result in a positive contribution (retention of openness) to rebut the presumption that development should be allowed (criterion (d));
 - The change of use is unwelcome and unnecessary and would adversely affect the reasonable amenities of neighbouring residents.

Consultations:

The Agriculture and Countryside Adviser of the former Commerce and Employment Department, on 6th April 2016, commented:

"The agricultural land appears to have been separated from the adjoining agricultural land at some time in the recent past. About half of the 'field' now appears to be a parking area for old cars whilst the land furthest from the dwelling house remains a grassland area. It is understood that the Environment Department have sought an enforcement order to return the area of land to its former agricultural use.

Mr and Mrs Torode have submitted an application to change approximately half of the area to domestic curtilage whilst the land to the South, furthest from the house, is to remain as agricultural land. The proposal is to divide the area to the South of the field from the area proposed as domestic curtilage with shrubs, trees and an agricultural gate. There is no fixed or defined fence line and it is noted that although an agricultural gate is

to be installed, future access to the area that is proposed to remain as agricultural land would be over land that would be used for domestic purposes. As a consequence, the agricultural land in this parcel would be land-locked unless suitable provision was made for future access at this time.

Soil Quality and Type

The physical structure and quality of the soil and land in Guernsey was assessed by a professional team of ADAS Soil Scientists in 1988/89 conducting the Soil and Land Evaluation of Guernsey. The land area which is the subject of this application was surveyed at that time and shown to be an area of deep loamy soil. The land quality was assessed according to the UK Agricultural Land Classification system and found to be Grade 1 Excellent Quality land. This is very typical of land in this part of St Martin.

Land Use

This area of land that is the subject of this application was part of a larger field as shown in the 1979 States of Guernsey Map. At that time it was shown as part of a 6 vergee field. There are now well grown trees separating this area of land from the remaining area of that field, which itself has been used as a small golf / putting area. It may be that this part of the field was separated off when the mini-golf course was laid out.

In 1986 all land in agricultural use was surveyed and details of the land tenure of each field was recorded. At that time this area was used by a local farmer and was a part of the substantial area of land to the west of Sausmarez Manor that was tenanted to Les Hubits Farm. It is understood that most of the land is still tenanted to that farmer.

In the intervening period and since the development of a mini-golf course on the adjoining agricultural land this area appears to have been used as a car and vehicle parking area for numerous old vehicles that appear to have been used for rally or stock-car racing. This is a wholly inappropriate use of agricultural land.

The proposal to permit an area of domestic curtilage whilst retaining a clearly defined area of agricultural land would provide a field or paddock that might be used in the future for a horse or other livestock, if required. However, this would create an area of agricultural land that is 'land-locked' and inaccessible for agricultural purposes unless a suitable right of way access was provided over the proposed domestic curtilage.

Conclusions and Recommendation

This is a small area of Excellent Quality Agricultural Land that has in the past been a part of a larger field used for commercial agriculture. It has apparently been divided off and sold to Mr and Mrs Torode. It appears that in recent years this area of agricultural land has been used as a parking area for old cars, other vehicles and sheds.

The proposal is to divide the agricultural land roughly in half and to erect an agricultural gate to denote the division between the future domestic curtilage and the remaining area of agricultural land. Shrubs and trees would be planted on the boundary.

As a consequence of my comments above and given the Commerce and Employment Department's Policy to protect and maintain areas of open agricultural land, the Agriculture and Rural Environment Section of the Commerce and Employment Department cannot support this proposed loss of agricultural land.

As a further and general point, but potentially relevant to this application, if a proposal to sub divide a field is to be approved it is essential that a clearly defined fence or boundary between the domestic curtilage and the agricultural land is always established and a clear and permanent right of way access is established so that access can be maintained to the agricultural land."

Summary of Issues:

- Whether the proposal would result in any unnecessary loss of open and undeveloped land or would impact on the open landscape character of the area;
- Whether the principle of residential curtilage extension is acceptable in this location (including whether the proposal would have a negative impact on residential amenity);
- Impact of the Development on the character and appearance of the Conservation Area and on the setting of the Protected Building.

Assessment against:

1 - Purposes of the law.

The objectives set out in Section 1(2) of The Land Planning and Development (Guernsey) Law, 2005, 'the Law', have been considered and this report forms part of the assessment, with policy issues set out in Section 2 below.

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

The site is recognised as agricultural land and not a domestic garden. It does not presently form part of the recognised curtilage of any dwelling.

Whether the proposal would result in any unnecessary loss of open and undeveloped land or would impact on the open landscape character of the area;

Policy GP1: Landscape Character and Open Land requires consideration of whether the proposal would result in any unnecessary loss of open and undeveloped land which would have an unacceptable impact on the open landscape character of the area.

Although the site is undeveloped, given its setting, surrounded by large trees, hedgerows and planting the proposal would not undermine the wider landscape character or openness of the area.

For the above reasons it is considered that the proposal would not have an unacceptable impact on the open landscape character of the area and accords with the provisions of Policy GP1.

Whether the principle of residential curtilage extension is acceptable in this location (including whether the proposal would have a negative impact on residential amenity);

Policy GP15: Creation and Extension of Curtilage, of the Island Development Plan (IDP) states that: *“A proposal to create or extend curtilage will be supported where:*

- a) It would not have an unacceptable detrimental impact on the landscape character; and*
- b) It would not have an unacceptable impact on the biodiversity interest of an Area of Biodiversity Importance or, where negative impacts are unavoidable, they can be acceptably mitigated in accordance with a scheme to be agreed with the Authority in accordance with Policy GP3: Areas of Biodiversity Importance; and*
- c) It is demonstrated that the land cannot positively contribute to the commercial agricultural use of an Agriculture Priority Area or cannot practicably be used for commercial agriculture within an Agriculture Priority Area without unacceptable adverse environmental impacts; and*
- d) It is demonstrated that it would not involve an unacceptable loss of established boundary features that contribute positively to the character of an area, unless the new or replacement boundary treatment makes an equal or enhanced positive contribution to the character of the area; and*
- e) It would not adversely affect the reasonable amenities of neighbouring residents.”*

In the case of the application site, the area of land equates to circa 750m², is associated with the existing dwelling, is not located within an Agriculture Priority Area, is surrounded by woodland, hedgerows and planting and other agricultural land in different ownership. No established boundary features are shown to be removed, the site has not been identified as having any biodiversity importance and given the extent to which the land is already screened the character of the area would not change when viewed from public vantage points.

The IDP recognises there is a balance between protecting open and agricultural land and other legitimate uses Outside of the Centres. The designation of the APA represents the Island's most valuable agricultural area. In this instance, and notwithstanding the comments of the Agriculture and Countryside Adviser reported above, given that the land is outside of the APA, the balance would not be towards protecting this land for agricultural purposes.

The proposed northern boundary treatment, a hedgerow and farm gate would not be out of keeping with the landscape character or rural setting of the area.

With regard to the impact on neighbouring properties, the proposal involves a change use of an area of land to be included and managed as part of residential curtilage and given the location of the land in relation to neighbouring residential properties the proposed change of use would not of itself have an adverse impact on or affect their amenities.

It is considered that the change of use would accord with Policy GP15 a)- e) and provided that the proposal accords with all other relevant policies of the IDP the principle of change of use to domestic curtilage is considered to be acceptable in this particular location.

Planning permission is sought solely for a change of use of part of the field from agricultural land to domestic curtilage. The application does not seek retrospective permission for the various sheds, nor for the storage of cars nor is there any hard standing proposed. If permission is granted for the use of the land as domestic curtilage the expectation is that it would be used for purposes normally incidental and ancillary to the enjoyment of the associated dwellinghouse. Here that happens to be for a family whose hobbies are motorsport and not, for example keeping poultry or carrying out ornamental planting. That cannot however be material to considering the principle of development on the basis of Policy GP15. Equally, residents have a legitimate expectation to reasonable enjoyment of their homes. The objections which refer to right of way, and the discouragement of access along the drive are not material planning considerations. What is material is the need to consider the introduction or intensification of features such as ancillary structures, features and parking (IDP, p190) and the potential impact on the character of the Conservation Area, setting of Protected Buildings, the impact on the visitor attraction and the points raised in letters of representation.

Impact of the Development on the character and appearance of the Conservation Area and the setting of the Protected Building;

If planning permission were granted, the site would form part of the curtilage of a Protected Building. Exemptions for works within the curtilage of a Protected Building under the Land Planning and Development (Exemptions) Ordinance, 2007 are very limited and a planning application would be required to erect any garden structures, sheds, glasshouses, outbuildings, gates, walls or fences.

The application site is within the St Martin's Church and Sausmarez Manor, St Martin Conservation Area (identified as number 22 in Annex VII of the IDP).

The Authority has a duty under Section 38 of The Land Planning and Development (Guernsey) Law, 2005 to pay "special attention to the desirability of preserving and enhancing the character and appearance" of Conservation Areas.

This duty is encapsulated in Policy GP4: Conservation Areas of the IDP which states that "*proposals for development within a conservation Area will be supported where the development conserves and, where possible, enhances the special character, architectural or historic interest and appearance of the particular Conservation Area.*" Summaries of special architectural interest set out in annex VII will be taken into account when considering development proposals and where a Conservation Area Character Appraisal has been published by the Authority it will also be taken into account. No Conservation Area Character Appraisals have been published by the Authority to date.

The summary of the special features and reason for designating this Conservation Area are clearly set out in Annex VII Paragraph VII.139 as "*St Martin's Church and Sausmarez Manor Conservation Area provides an example of historic development originating around a mediaeval church and around streams as sources of water, as well as around the ancient Sausmarez Manor. The Conservation Area is of high historic special interest as it retains fine examples of dispersed mediaeval, post mediaeval, planned eighteenth century and Victorian development that originated on a pre-eighteenth century settlement pattern and has coalesced due to nineteenth and twenty century additions. The area contains many*

buildings of fine architectural quality which combine with stone boundary walls and mature vegetation to create a high quality environment with outstanding historic interest so that it is desirable to preserve or enhance its character and appearance as described above."

Policy GP5: Protected Buildings states *"Proposals to extend or alter a protected building will be supported where the development does not have an adverse effect on the special interest of the particular protected building or its setting or where the economic, social or other benefits of the development and, where appropriate, its contribution to enhancing the vitality of a Main Centre outweigh the presumption against adversely affecting that special interest. In all cases proposals must accord with all other policies of the Island Development Plan."*

Policy GP8 also makes reference to protected buildings and states *"within areas of higher protection, such as Sites of Special Significance, Areas of Biodiversity Importance, Conservation Areas, and where development relates to protected buildings or protected monuments or their setting, development will be expected to conserve the particular special interest of those areas or buildings and the relevant policies relating to those areas shall apply."* The preceding text explains that landscaping can also help reinforce local character and distinctiveness.

The application site is well screened by mature vegetation with only glimpsed views from the Protected Buildings and from within the grounds of Sausmarez Manor. That is however a visual intrusion close to the centre of the complex of historic buildings and visitor activity. It is considered that this limited visual impact could be satisfactorily mitigated and the surrounding landscape character reinforced by additional landscape planting. This could be best achieved by tree planting on the agricultural land to the north and additional planting on the south west part of the application site.

Conclusion:

The limited use of part of the site for parking in association with La Vielle Seigneurie was previously tolerated in 2011 because of its relatively limited scale and impact, such that it was not considered to clearly amount to a material change of use. The extent of parking / storage of vehicles has escalated since that time and in addition unauthorised development of structures has taken place on the land.

The change of use of the land alone would have no unacceptable impact on the open landscape character of the area and accords with the provisions of Policy GP1.

The site is not in an Agriculture Priority Area and the proposal satisfies Policy GP15. The principle of extension of domestic curtilage to include the application site is therefore acceptable. The extent of curtilage created should be defined (Condition 3).

The proposed change of use would have an impact on the setting of Protected Buildings however this impact would be limited and could be mitigated by additional landscaping. There would be only very limited exemptions available under the Exemptions Ordinance within the curtilage of the Protected Building.

It is therefore recommended that planning permission be granted subject to conditions, particularly relating to the protection of existing trees on the site (Condition 4) and landscaping (Conditions 5 and 6).

In addition, enforcement action should be taken to secure the removal of the unauthorised structures, which are not included in the current planning application.

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

In addition to the consideration of policy issues, Section 13 of the Land Planning and Development (General Provisions) Ordinance, 2007 identifies other material planning considerations which could be relevant. These include; the appropriateness of the development in relation to its surroundings in terms of design, layout, scale, siting and materials; the likely effect on the character and amenity of the locality; the effect of the proposed which the site could be put without further planning permission; the likely effect on the reasonable enjoyment of neighbouring properties. These issues where relevant are considered above.

With regard to the comments received by the objectors, the main points are addressed above. The concern that the proposal could set an unwanted precedent for similar development is not a material planning consideration as each planning application received must be considered on its individual merits having regard to the relevant Policies of the Island Development Plan and all other material planning considerations.

With regard to the incorrect display of the site notice, an additional site notice was subsequently displayed in accordance with Section 10 of The Land Planning and Development (General Provisions) Ordinance, 2007.

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

The proposal would not impact on any protected trees, monuments or SSS's and the issues regarding the impact on the protected building have been assessed in section 2 of this report.

It is recommended that the application is granted permission subject to planning conditions.

Date: 16/1/2017