

## **REPORT OF THE CONSULTATION RESPONSES TO THE ENGLISH & GUERNSEY ARMS DRAFT DEVELOPMENT FRAMEWORK**

### **Introduction**

A Draft Development Framework was prepared by the Planning Service to provide planning guidance for a potential development at the English & Guernsey Arms, South Quay, in the St Sampson's parish.

The site currently includes the English & Guernsey Arms public house, an ancillary manager's flat on the upper floors and an associated parking area with access to the site from South Quay. The site area is approximately 0.21 hectares, or 1.26 vergées.

Although a Development Framework was required for this site in accordance with Policy MC2: Housing in Main Centre Outer Areas due to the potential for 10 or more dwellings, the Development Framework relates to the potential to develop the site for a range of uses, including a mixed use.

A full planning policy context is set out within Section 3 and Appendix 1 of the Draft Development Framework.

The purpose of the Development Framework is to provide broad, comprehensive and practical guidance on how policies in the Island Development Plan will be applied to the site and to consider the appraisal of the wider area and site.

The Draft Framework was subject of a four week public consultation which closed on 11 February 2019. The public were invited to make comment via a press release and media coverage in the Guernsey Press. The document was placed on the States website in addition to being available in Sir Charles Frossard House. During this period, no comments were received from the general public. There was consultation with several States' Committees/Agencies and the Constables of St Sampson parish.

The issues raised through the consultation relate to a number of technical matters in relation to the major hazards public safety zone, potential archaeological finds, noise impact on residents, planting of native species, the provision of amenity space, parking and design quality.

The consultation responses are set out below together with Officer responses (italicised) and recommended amendments (shaded boxes) where appropriate:-

### **States Committees**

#### **Health and Safety Executive (HSE)**

With regard to the above, the comprehensive information provided in the draft document entitled "English & Guernsey Development Framework (Supplementary Planning Guidance January 2019) and HSE's Land Use Planning Methodology document, we would wish to make the following comments.

Such consideration is necessary as the proposed development is located in a site which “straddles” the outer zone of a confirmed Major Hazards Installation. In this case being the fuel discharge jetty situated at South Quay, St Sampsons.

Consequently we would refer you to the planning advice given in the aforementioned guidance.

Although the exact type and nature of any proposed development has not been provided at this juncture and therefore the precise “sensitivity” cannot be ascribed, we can comment as follows.

The majority of the development in question falls outside of the outer planning consultation zone surrounding the South Side fuel discharge facility. With regard to such “straddling” developments, HSE give the following advice:

#### **Rule 1 – Straddling developments**

Use this rule set (1a, then 1b if applicable) when the site area of the proposed development lies across a zone boundary.

1a. Developments that ‘straddle’ zone boundaries will normally be considered as being in the innermost zone to the major hazard unless either of the two following conditions applies. The development is in the OUTERMOST of the zones if:

- Less than 10% of the site area marked on the application is inside that boundary OR,
- It is only car parking, landscaping (including gardens of housing), parks and open spaces, golf greens and fairways or access roads etc. associated with the development; that are in the inner of the zone.

Consideration of the information provided would suggest that less than 10% of the total proposed development would be in the “outer consultation zone” and would not attract associated planning restrictions.

In addition, it is also relevant that the prescribed zones surround a “transient major hazard” source, which exist for approximately four or five days per month.

In conclusion, having referred to the HSE’s authoritative guidance, we are of the opinion that the development should be considered outside of the “consultation distance” and that there is no need to categorise further and a Don’t Advise Against response is appropriate.

#### **Officer Response**

*It is recommend that the text of the Development Framework be revised to reflect the revised advice of the Health and Safety Executive (HSE). As less than 10% of the site is within the Outer Zone of the Major Hazards Public Safety Zone associated with the jetty for the Bulwer Avenue fuel storage site (around 5% of the site is within the Zone) the site is in effect outside of the HSE’s “consultation distance”. HSE’s planning methodology therefore applies a ‘Don’t Advise Against response’ to any planning application. As such Policy GP17 would not be applicable to the site in relation to the public safety area.*

**Recommendation:**

Amend paragraph 5.14 to read:

5.14 A small part of the site on the eastern boundary lies within the Outer Zone of the Major Hazards Public Safety Zone associated with the jetty for the Bulwer Avenue fuel storage site (see Image 7) (Policy GP17: Public Safety and Hazardous Development). *Advice from the Health and Safety Executive is that as less than 10% of the site lies within the Outer Zone, the site is in effect outside of the "consultation distance" and Policy GP17 will therefore not apply to this site in relation to the public safety area. Proposals will not be supported if the level of risk to public health or safety associated with the development is considered to be unacceptable. Within the Outer Zone, only development whose occupants may be particularly vulnerable in the event of an accident or which will attract large numbers of people need be restricted. The Health and Safety Executive advises that this includes institutional accommodation and special accommodation for vulnerable people (or that provides a protective environment) where day care (not 24-hour care) is provided, and open-air developments where there could be more than 1000 people present at any one time. The Authority may apply additional controls over proposed development within known Public Safety Areas where this is required to ensure public health or safety.*

Delete paragraph 6.43:

~~6.43 Should a development for institutional accommodation or outdoor use by the public (on a large scale) be proposed, this would need to be located away from the Public Safety Zone.~~

Amend Appendix 1 to read:

GP17 Public Safety and Hazardous Development - A small part of the site on the eastern boundary lies within the Outer Zone of the Major Hazards Public Safety Zone associated with the jetty for the Bulwer Avenue fuel storage site. ~~Proposals will not be supported if the level of risk to public health or safety associated with the development is considered to be unacceptable. The Authority may apply additional controls over proposed development within known Public Safety Areas where this is required to ensure public health or safety.~~ *Advice from the Health and Safety Executive is that as less than 10% of the site lies within the Outer Zone, the site is in effect outside of the "consultation distance" and Policy GP17 will therefore not apply to this site in relation to the public safety area.*

**Traffic and Highway Services**

Just to confirm that I have reviewed the draft in respect of my previous comments from a traffic perspective and am satisfied that the framework accurately reflects our comments, etc. We have no further comments to add.

**Officer Response**

*Comments Noted.*

## **Culture & Leisure**

As noted in paragraph 5.7, there are no known archaeological sites in this immediate area, although there were some prehistoric finds on the 'hougue' to the south-west, which was quarried away in the nineteenth century (Guernsey Museum HER, reference MGU 628).

It is just possible that archaeological remains could survive within the development area, particularly as there are a few small zones within the perimeter which appear not to have been built on previously, but the likelihood of there being significant remains must be regarded as low. In view of this I would suggest that it would be appropriate simply to request that any archaeological evidence uncovered during development work is reported to me, but not to recommend a watching brief or any test pits prior to development.

### **Officer Response**

*It is recommend that the text of the Development Framework be revised to reflect the comments from Culture & Leisure so that any archaeological finds are recorded.*

#### **Recommendation:**

Amend paragraph 5.7 to read:

*5.7 No sites of archaeological importance have been identified in the local area, although there were some prehistoric finds on the 'hougue' to the south-west and it is therefore possible that archaeological remains may have survived within the site. As such, should any archaeological evidence be uncovered during development work this should be reported to the Archaeology Officer.*

## **Office of Environmental Health and Pollution Regulation**

Should the site be considered for residential purposes I recommend an acoustic report is commissioned to determine the noise impact on potential receptors due to the close proximity of light industrial units to the site.

Should an application for residential use be made, I would recommend conditions for noise reduction measures to ensure compliance with relevant standards including, BS8233:2014 Guidance on Sound Insulation and Noise Reduction for Buildings.

### **Officer Response**

*It is recommend that the text of the Development Framework be revised to reflect the comments from the Office of Environmental Health and Pollution Regulation to ensure the amenity of any future residents is considered from the outset.*

#### **Recommendation:**

Insert new paragraph 6.41 under the heading "Amenity of residents" to read:

*Should the proposal include residential dwellings, an acoustic report is required to accompany any application in order to determine the noise impact on potential receptors due to the close proximity of industrial units to the site. Conditions may be required for noise reduction measures to ensure compliance with relevant standards including, BS8233:2014 Guidance on Sound Insulation and Noise Reduction for Buildings.*

## **Housing**

Housing has no comments on the content of the Draft Development Framework as written.

### **Officer Response**

*Comments Noted.*

## **Public Agencies**

### **Guernsey Fire and Rescue**

After carefully considering the draft English & Guernsey Arms Development Framework I am pleased to inform you that the Fire Service would have no fire safety related reasons to object to a building development on this site, as long as the proposed development is built in strict accordance with the guidance issued in the Guernsey Technical Standard, Volume 1, B1-B5 inclusive.

### **Officer Response**

*Comments Noted.*

## **Public Comments**

### **La Société Guernesiaise**

With regards to the English and Dorset [sic] Arms DF, native species are not mentioned in the draft. We would recommend that native species form a substantial part of proposed new plantings. Once again the recommendation for bird and bat boxes is noted.

The provision of amenity space in both DFs. Is there are possibility to steer this requirement specifically towards green space with a good proportion of native species? The aim would be that artificial grass, extensive use of hard surfaces and non-native ornamental hedges (Griselina for example) might be avoided. It may not be practical to include such measures in the small private gardens typical of some modern developments but perhaps the creation of green communal areas could provide additional areas for use by residents and also support some associated biodiversity.

### **Officer Response**

*Agreed that the Development Framework should include reference to native planting in landscaping and amenity space in the interests of good practice and enhancing the potential biodiversity value of the site.*

#### **Recommendation:**

Amend paragraphs 6.37 and 6.39 to read:

6.37 In accordance with Policies GP1: Landscape Character and Open Land and GP8: Design, planning applications relating to the site should incorporate a hard and soft landscaping scheme for the site, in order to respect the character of the surrounding area and in the interests of surface water management. *Native species should form a substantial part of any proposed new plantings.*

6.39 Should residential development be proposed, proportionate private and/or communal residential amenity space must be provided appropriate to the housing type and location. Refer to Annex I of the IDP. *Amenity space should form part of the landscaping scheme and is an opportunity to provide further planting with an emphasis on native species.*

### **The Constables of St. Sampson**

Firstly, the Douzaine has difficulty in determining a preferred use for the site whilst the nearby Leale's Yard remains undeveloped.

The Douzaine is very keen to see the English and Guernsey Arms site redeveloped if the current owner ceases trading as public house and would welcome mixed use or all residential. This with the following caveats:

- i. Ample parking be provided so residents do not take up valuable street parking; and
- ii. The design should have architectural merit incorporating the Guernsey vernacular and reflecting the history of this granite exporting harbour.
- iii. Any development should be set back in whole or in part to retain the only open space on the South Side.

The Douzaine understands planners cannot determine the residents however, it occurs to us that a development here would be suitable for the ageing demographic, near services with no need to drive.

### **Officer Response**

*The Development Framework reflects the policies of the Island Development Plan (IDP) in terms of the potential uses of the site – paragraphs 6.3-6.8. A number of different uses are possible including a mix of uses and this is an issue for the market and not related to the development of Leale's Yard.*

*Car parking is addressed in the Development Framework in paragraphs 6.33-6.36. This reflects IDP Policy IP7 and the Parking Standards and Traffic Impact Assessment Supplementary Planning Guidance. The parking provision required would be determined at the time of a planning application. The Development Framework also reflects IDP Policy IP6 and support for access to the site using a range of transport options.*

*The Development Framework requires a particularly high standard of design to conserve and where possible enhance the character of the Conservation Area – section 6 Development Guidelines. Paragraph 6.19 requires the development to respect the features and palette of traditional local materials.*

*The open space provided by the site amid otherwise continuous development on South Quay is recognised in the Development Framework – paragraphs 4.5 and 5.4. The Development Framework requires views into the site to be retained – paragraph 6.15 – to be sensitive to the importance of the current views into the site which contribute to the character of the Conservation Area.*

*In terms of the potential to provide housing for older people, the Development Framework reflects IDP Policy MC2 in paragraph 6.59 by stating that the mix and type of housing to be provided should be reflective of the demographic profile of households requiring housing based on the most up to date evidence available. Should a sheltered housing development be proposed, for example, the Planning Service would liaise with Housing to determine the need for such housing at the time of a planning application.*

## **Summary**

The consultation process in respect of the Draft Development Framework has elicited a limited number of responses covering a range of planning issues. The Authority will need to carefully consider the representations, together with the Officer responses and recommendations, before finalising a Development Framework for the English & Guernsey Arms site. Once finalised, the Development Framework will provide a valuable supplementary policy context for determining any subsequent planning application(s) for the site.