

ENVIRONMENT DEPARTMENT PLANNING DIVISION

OPEN PLANNING MEETING AGENDA

An Open Planning Meeting will be held at Beau Sejour, Cambridge/Delancey Room, on **Tuesday 10/12/2013** at 8.45am for a 9.00am start.

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

Agenda Item :-

APPLICATION NUMBER:	FULL/2012/2699
APPLICATION ADDRESS:	GT Cars site Les Bas Courtils Road St. Sampson.
DESCRIPTION OF WORK:	Develop site to provide warehouse, petrol filling station, car wash and shop with offices above and associated parking areas. Create two vehicular entrances.
NAME OF APPLICANT:	Comprop CI Limited.

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

There will be provision for **public speaking** at the open planning meeting. The opportunity to speak is afforded only to persons who:

- a) have submitted a representation in writing within the period specified for publicity of the application under section 10 of the Land Planning and Development (General Provisions) Ordinance, 2007, along with the applicant and/or their agent for the application; and
- b) who have notified the Department in writing (by letter or by e-mail addressed to Planning@gov.gg) of their intention to speak which is received by the Department by 12.00 Noon on the working day immediately preceding the date of the Open Planning Meeting.

Application No: FULL/2012/2699
Property Ref: B00070A000
Valid date: 18/07/2013
Location: GT Cars site, Les Bas Courtils Road, St Sampson
Proposal: Develop site to provide warehouse, petrol filling station, car wash and shop with offices above and associated parking areas. Create two vehicular entrances.
Applicant: Comprop CI Limited

RECOMMENDATION - Grant: Planning Permission

CONDITIONS

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

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

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

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

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

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

4. No use of the warehouse and/or fuel filling station hereby permitted shall begin until such time as the shop/office building on the site frontage to Les Bas Courtils Road has been fully completed, in accordance with details approved beforehand.

Reason - To ensure the satisfactory appearance of the application site. The erection of the warehouse and fuel filling station in isolation from the frontage building would have an unacceptable visual impact.

5. The first floor offices shown on the approved drawings shall be used for providing professional or financial services to visiting members of the public, (Use Class 21 of the Land Planning and Development (Use Classes) Ordinance, 2007, or in any provision equivalent to that Use Class in any Ordinance revoking or re-enacting that Ordinance), and for no other purpose. No use or re-use as offices shall begin until the details of such use have been submitted to and agreed in writing by the Environment Department.

Reason - To limit the type of office use in accordance with approved planning policy.

6. The warehouse/storage building shown on the approved drawings shall be used only for storage and distribution purposes. No part of the building shall be used for purposes falling within Use Classes 31 (except as an ancillary use), 33 or 36 of the Land Planning and Development (Use Classes) Ordinance, 2007, or in any provision equivalent to that Use Class in any Ordinance revoking or re-enacting that Ordinance.

Reason - To ensure any use of the building is appropriate to its location, which occupies an accessible position but which is also close to existing dwellings.

7. The hours of opening of the fuel filling station, car wash and shop shall be limited to between 0700 and 2100 hours. No deliveries, including of fuel, shall be received or despatched outside these hours unless previously agreed in writing by the Environment Department.

Reason - To safeguard the amenity of people living in the vicinity of the application site.

8. The hours of working in the warehouse/storage building shall be limited to between 0700 and 1900 hours on Mondays to Fridays and between 0700 and 1300 hours on Saturdays. There shall be no working at all on Sundays and Public Holidays. No deliveries shall be received or despatched outside these hours unless previously agreed in writing by the Environment Department.

Reason - To safeguard the amenity of people living in the vicinity of the application site.

9. Notwithstanding the information submitted, no works, including site works, shall begin on site until such time as detailed drawings of the new access points into the site, including pedestrian access, the method of controlling circulation within the site, a bus lay by and all off-site highway works have been submitted to and agreed in writing by the Environment Department. No use of the site shall begin until such time as the agreed details have been fully completed.

Reason - To ensure that the new development can cope satisfactorily with the volume of traffic likely to be generated and to make provision for all transport modes serving the site, in the interests of road safety.

10. Notwithstanding the information submitted, no works, including site works but excluding further site investigation works, shall begin on site until such time as further details of site remediation, including details of the impermeable membrane and a scheme for the management of Japanese Knotweed on the site, have been submitted to and agreed in writing by the Environment Department. No use of the site shall begin until such time as the agreed details have been fully completed.

Reason - To ensure that site contamination is satisfactorily addressed, in the interests of public health and safety.

11. Notwithstanding the information submitted, no works, including site works, shall begin on site until such time as further details of site drainage have been submitted to and agreed in writing by the Environment Department. No use of the site shall begin until such time as the agreed details have been fully completed.

Reason - To ensure that the site can be satisfactorily drained and issues of site contamination can be satisfactorily dealt with.

12. No materials shall be placed on the site until such time as details of the type, texture and colour of the materials to be used on all external surfaces of the proposed buildings have been submitted for the agreement of the Environment Department. Only materials agreed in writing by the Department shall be used in carrying out the development.

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

13. No use of the site shall begin until details of any external lighting proposed for the site have been submitted to and agreed in writing by the Environment Department. Any lighting to be installed shall be only in full accordance with the agreed details.

Reason - To safeguard both the safety of future occupiers/users of the development hereby permitted and the amenity of neighbouring dwellings, and to ensure the lighting does not have an unacceptable environmental impact.

14. Notwithstanding the information submitted, no works, including site works, shall begin on site until such time as details of the treatment of the site boundaries, including the provision of acoustic fencing, have been submitted to and agreed in writing by the Environment Department. No use of the site shall begin until such time as the agreed scheme has been fully completed.

Reason - To ensure the satisfactory appearance of the completed development and to safeguard the amenity of adjoining dwellings.

15. There shall be no outside storage whatsoever on this site without the prior express permission of the Environment Department. Any such approved storage areas shall be screened, in accordance with details to be submitted to and approved by the Department before any items are stored there.

Reason - To ensure the satisfactory appearance of the completed development and to safeguard the amenity of adjoining dwellings.

16. Notwithstanding the information submitted, no works, including site works, shall begin on site until such time as details of the car wash have been submitted to and agreed in writing by the Environment Department. The operation of the car wash shall be only in accordance with the agreed details.

Reason - To safeguard the amenity of adjoining dwellings.

17. Notwithstanding the information submitted, no works, including site works, shall begin on site until such time as details of the finish of all hard surfaced areas within the site have been submitted to and agreed in writing by the Environment Department. No use of the site shall begin until such time as the agreed scheme has been fully completed.

Reason - To ensure the satisfactory appearance of the completed development and to safeguard the amenity of adjoining dwellings.

18. Notwithstanding the information submitted, no works, including site works, shall begin on site until such time as details of provision to be made for car parking, including parking for disabled customers and employees, and for the storage of bicycles within the site have been submitted to and agreed in writing by the Environment Department. No use of the offices, shop, fuel filling station or warehouse/storage building shall begin until such time as the agreed parking/bicycle storage for that building/use has been fully completed.

Reason - To ensure that the provision of satisfactory car parking and bicycle storage, in the interests of road safety.

19. No development shall take place until there has been submitted to and approved by the Environment Department a comprehensive scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, details of measures for the retention and protection of existing trees during the course of the development and details of the type, number and size of new trees/shrubs at the time of planting.

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

20. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation or first use of any of the new buildings or completion of the development, whichever is the sooner. Any trees or plants which die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Environment Department gives written approval to any variation.

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

INFORMATIVES

Please find enclosed a copy of the Petroleum Officer's comments on this application.

Please find enclosed a copy of comments made by the Traffic Services Unit on this application. These comments should be taken into account when preparing detailed drawings pursuant to the requirements of condition 9.

Please find enclosed a copy of comments made by the Waste Regulation Officer on this application. These comments should be taken into account when providing details pursuant to the requirements of condition 10.

Please find enclosed a copy of comments made by Guernsey Water on this application. These comments should be taken into account when providing details pursuant to the requirements of condition 11.

For the purposes of condition 13, the details should include the following:

A statement of why the lighting is needed;

An indication of the proposed frequency of use of the lights and the hours of illumination;

An accurate site plan showing the area to be lit;

Details of the number, location, height and colour scheme of any lighting columns or other fixtures;

The type, number, mounting height and alignment of the lights (luminaires) and the beam angles and upward waste light ratio for each light;

A diagram showing the predicted levels of illumination at the site boundaries; and
A diagram showing the predicted vertical illumination affecting any adjacent residential properties.

For the purposes of condition 16, the enclosed comments from the Waste Regulation Officer should be taken into account. In addition, the wider comments made should be considered. This grant of planning permission does not prevent the possibility of action being taken independently under Environmental Health legislation.

For the purposes of condition 19, the scheme should be designed to take account of the comments made by the Traffic Services Unit in relation to visibility at the entrance to and exit from the site.

A separate application must be made to the Department for permission to erect any signs on the premises. Any application must include details of the precise position, lettering, size and colour of any sign proposed and whether or not such signs are to be illuminated.

The decision to grant planning permission in this case has been taken despite the fact that the application does not fully comply with relevant planning policies. Taking into account the Development Brief which has been approved for this site and the advantages of developing this vacant and derelict site, the Department has granted permission on the basis that the proposal involves only a minor departure from policy, in accordance with Section 12(2) of the Land Planning and Development (General Provisions) Ordinance, 2007.

OFFICER'S REPORT

Site Description:

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

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

An earth bank has been constructed on the roadside frontage through which two vehicular access points have been retained. The eastern access currently serves as the primary site access with the south western opening used as a parking space.

This is a Settlement Area within the Urban Area Plan.

Relevant History:

On 18 July 2013, it was confirmed in response to a request for screening that the proposal does not require Environmental Impact Assessment as it is unlikely to have significant environmental effects. The proposed development raises issues related to site contamination, the production of landfill gas, potential contamination of surface water run-off, traffic generation and noise and odours resulting from the operation of the fuel filling station. However, in relation to the site specific problems associated with the previous use of the site for landfill and the deposit of contaminated soil, the evidence submitted with the screening request indicated that the gas regime of the landfill is declining and groundwater quality is generally improving. In addition, the proposal would result in the capping of the former landfill

site ensuring that the contaminated waste material is neither removed nor disturbed in the future.

2010/0094 26/03/2010 Refusal of outline planning permission to develop the southern part of the site as a petrol filling station

There have been a number of historic planning applications relating to this site, including for car sales/showroom which was a previous use of the site.

2004/4420 29/11/2005 PIP for Bouet Redevelopment (Admiral Park) - Erection of retail and leisure facility and petrol filling station

Existing Use(s):

Former quarry and landfill site to rear.

Brief Description of Development:

The application seeks planning permission to erect a two storey building close to the site frontage with a fuel filling station behind. Beyond this, a new warehouse building is proposed.

The front building would comprise the filling station shop and store at ground floor level with offices above.

A letter from the agents which accompanies the application includes a brief site description, a reference to EIA, a reference to relevant planning policies and formally requests that any departure from planning policy be regarded as minor, in accordance with Section 12(2) of the Land Planning and Development (General Provisions) Ordinance, 2007.

The application is accompanied by a Traffic Impact Assessment, an Environmental Assessment and a Planning & Design Statement. The Statement includes an assessment of the site and its surroundings and identifies the site assets. It then describes the Design Process, including the design principles and concepts before setting out the conclusions.

In order to allow screening for EIA, a report comprising an updated assessment of Land Contamination Risks was submitted.

Consideration of the application was deferred so the following issues could be raised:

- lack of crossing facilities for pedestrians and cyclists;
- lack of drainage details;
- lack of updated environmental data, a risk assessment model and a suitable design for a gas control system;
- lack of information about noise and proposed business hours;
- need to deal with the presence of Japanese Knotweed;
- need for further information for the Petroleum Officer;

In response, the architects have provided further information:

- a revised drawing to include drop kerbs and a central refuge to the south-west of the site;
- a drawing showing proposed drainage details;
- an updated report dealing with an Assessment of Land Contamination Risk;
- further details of the car wash and associated noise and an indication that hours of operation would be normal business hours for the industry;
- confirmation that the remaining Japanese Knotweed on site would be eradicated;

- revised drawings dealing with issues raised by the Petroleum Officer and some minor changes to the configuration of the new access points;

The additional information provided has been the subject of a further round of consultation with the parties set out below.

The scheme has been further amended to reduce by 10 the number of parking spaces, with additional planting, and to make various changes to the access arrangements in accordance with recommendations made by Traffic Services. In addition, the applicants have agreed to incorporate a bus lay by and shelter on the road frontage.

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

Urban Area Plan

- GEN1 - Sustainable development
- GEN2 – Comprehensive development
- GEN5 – Design
- GEN6 – Character & Amenity
- GEN7 - Roads and infrastructure
- GEN8 - Safe and convenient access
- GEN9 – Open Space & Parking
- GEN10 - Hazardous developments
- GEN12 - Effect on adjoining properties
- DBE1 – Design – General
- DBE4 – Landscape Design
- DBE6 – Skyline and public views
- EMP1 - New office developments
- EMP2 - Small-scale professional and support services
- EMP6 - Industrial development outside Key Industrial Areas
- CEN2 - New retail development outside the Central Areas
- WWM1 - Protection of water resources from pollution
- GT Cars Site Development Brief approved in April 2012

Representations:

Seven letters and e-mails of objection from local residents have been received. A further two have been received, one from a resident living in St Peter's, the other from a resident of Grande Maisons Road. The reasons for objection are summarised as follows:

1. no need for an additional petrol station, convenience store and offices. Proposal would detract from viability of local centres. Development is not appropriate in a residential area;
2. environmental, health and safety issues related to previous use as infilled quarry and presence of petrol on site. Fuel storage tanks present a serious safety risk, as does their filling by tankers;
3. issues relating to presence of gas on site and extending beyond;
4. increased traffic generation would make congestion in the area worse. There are limited crossing facilities in the area while the presence of bus stops and use of the coast road by HGV's would increase problems;
5. possible damage to properties as a result of construction works;
6. possible flooding as a result of drainage works;
7. design, height and extent of buildings would not blend in with surroundings and would result in loss of light to windows and gardens and views including sea views;
8. noise resulting from construction works and fumes, noise, disturbance and light pollution as a result of site operations. No details of the proposed warehouse use are provided and concerns are expressed about any 'heavy work' or storage of hazardous

materials taking place. Proposal to use acoustic fencing suggests noise would be an issue;

9. concern about access from the road to the north, which is privately owned;
10. removal of Japanese Knotweed should be required;
11. removal of existing much needed parking which takes place at one of the proposed site entrances;
12. suggestion that re-defining boundary wall could provide extra parking for local residents and access could be provided at the rear of the site for the convenience of local residents;

One of the letters, while expressing concerns, welcomes development of this long neglected site.

Consultations:

Traffic Services Unit:

I advise that an access should: -

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

In view of the additional information received in regard to this site, the two memoranda have been considered using the latest set of plans (in particular – ARUP plan SKC001 and S85-9480-S1-104/Rev E)

Proposed access serving overall site

The supplied plans show that the access has been designed with radii on both sides, however it would appear from the plans that the recommended radius of 10metres (to accommodate HGV traffic) has not been used; this shortcoming would particularly affect large vehicles entering the site from a westerly direction as it would potentially require them to cross the centre of the road so as to gain access to the site. Such a manoeuvre would raise road Safety and Traffic Management concerns. The strong recommendation of the TSU therefore would be for the radius on the western side of the access in particular to be redesigned so as to meet with the Engineering Guideline's minimum recommended radius of 10 metres.

The proposed access width is shown as 5 metres which meets with the Engineering Guideline minimum recommended width and the inclusion of a pavement is welcomed by the TSU as it provides a continuation into the site of the existing public footpath route for those pedestrians wishing to access the convenience store in particular. However, the radius of the access should be remodelled so as to provide a 10 metre radius for larger vehicles as mentioned above.

Proposed exit serving overall site

In regard to the sightlines that would be observed from the exit point, the proposed realignment of the carriageway and footpath to the west of the access, would benefit the sightline in a westerly direction and as a result it has been calculated that the 33 metre

standard would be met in terms of oncoming traffic. It is noted however that the visibility splay in this direction could be compromised by the adjacent planting shown on the plans, the recommendation of the TSU therefore is for the proposed planting to be repositioned so as to leave a clear margin between the planting and the visibility splay so as to allow for future plant growth that could potentially compromise the sightline in this direction.

With regard to the sightline of traffic approaching from the east – Bulwer Avenue direction, this has been calculated using the supplied plans in conjunction with Digimap and observations made at the time of previous site visits; accordingly, the sightline would exceed the recommended minimum distance.

With regard to the proposed exit design, it is noted that the radii shown on the supplied plans do not appear to meet the 10 metre recommended minimum for an access that would potentially be used by HGV's. The TSU strongly recommends therefore that serious consideration be given to redesigning the exit so as to meet with the recommended 10 metre minimum radius.

The proposed access width is shown as 5 metres which meets with the Engineering Guideline minimum recommended width and again the continuation of the existing public footpath into the site, is welcomed by the TSU.

The overall parking provision would appear to be commensurate with the scale of proposed development, and the design of the parking and internal road layout would facilitate easy vehicle movements through the site.

In view of the fact that it is proposed to have a convenience/forecourt store associated with the development, it is likely that disabled drivers would use the site in this regard whilst not specifically in connection with fuel sales; as a result, the TSU notes that no Disabled Parking provision has been included within the scheme (also mentioned in TIA Rev B). Given this observation, the TSU strongly recommends that serious consideration be given to providing disabled person vehicle parking adjacent to the convenience store.

The supplied plans do not indicate any directional signage for drivers using the site, therefore the TSU strongly recommends that the entrance and exit are clearly defined so that all vehicles enter on the south westernmost corner of the site and exit on the north eastern corner, so as to adopt a clockwise flow through the site. Consideration could also be given to adopting a clockwise flow around the warehouse/distribution units if this was deemed practical for users of these units.

Given the potential for numerous traffic movements within the site, and in particular movements of larger vehicles associated with the warehouse/ facilities management area, the TSU strongly recommends that serious consideration be given to establishing clear 'priority' status for the various patrons of the site. This is especially relevant at the exit of the car wash facility where it exits directly from behind Unit 1 gable, as well as the traffic associated with the petrol pumps wishing to also exit from that area.

Public Highway considerations

The latest supplied plans show a realigned pavement and roadway adjacent to the front boundary of the proposed development, and the TSU recognises the benefit that this will bring in so far as providing additional public highway width so that a right turn 'ghost island' – providing sufficient space for a number of vehicles intending to turn in from the east, can be incorporated within the central area of the public highway. Likewise the provision of a similar facility would provide the opportunity for a vehicle to exit the site to the right and wait in the central part of the road until a break in traffic allows them to continue their journey. On a

technical note, the alignment of the 'clear' area within the hatched markings appears not to be aligned with the path that a vehicle would naturally take when exiting to the right from the exit of the development; however the TSU would expect that such road markings would be put in place in consultation with the appropriate authority so as to ensure correct alignment and location.

Such measures mitigate the Traffic Management concerns that would be raised as a result of delays caused by vehicles queuing on the public highway whilst waiting to turn in to the site from the east.

The TSU notes from the latest supplied plans (S85-9480-S1-104/Rev E) that the proposed carriageway widths associated with the area where the 'ghost islands' are to be created, provide ample width for vehicles travelling east – 3.6 metres minimum, but only 2.5 metres minimum width for vehicles travelling from the east towards the Vale Road/Les Banques filter junction. This lower figure would not accommodate all vehicle types currently in circulation on the island and whilst the 'ghost islands' are not physically constructed areas, Traffic related concerns exist as it could lead to the lane being blocked by HGV's whilst vehicles intending to turn across Bas Courtils Road into the development do not allow sufficient room for these large vehicles to safely pass.

The dimensions shown on the above plan appear to be at odds with the supplied ARUP plan SKC001 which indicates a 3 metre lane width for all lanes both east and west bound. The TSU would require further clarification of this aspect as it is very significant to the traffic movements associated with the Inter Harbour Route.

Inclusion of a formal crossing point with a central refuge is supported by the TSU as it would provide a safe link between the coastal footpath and the existing public footpath on the northern side of the road that would also serve the proposed development, and in particular the proposed Convenience Store element. The TSU is not of the view that a Zebra crossing or similar is warranted at this point due to the expected low numbers of pedestrian movements from the landward to seaward side of the road – given that there are no properties on the seaward side of the road.

The location of the proposed crossing provides adequate sightlines of traffic in both directions for pedestrians (see note 1 below) and the distances from the landside pavement to central refuge and onwards to the coastal footpath are satisfactory in terms of pedestrian safety when crossing the road.

Note 1 – achievement of the sightline of oncoming traffic for a pedestrian wishing to cross from the landward side footpath to the central refuge would require the removal of the public parking spaces (approx 4) to the west of the proposed crossing point.

Summary

The proposed design of the vehicular access / egress points (including the new pavements into the site) raise some concerns in regard to radii, as outlined above and it is noted that there is no provision for Disabled persons parking within the site. There are also significant concerns relating to the public highway carriageway width, specifically in respect of the vehicle lane for traffic heading towards the Vale Road/Les Banques junction from the east.

The TSU has some concerns regarding the proximity of cars and light vehicle movements associated with the petrol station/convenience store, in relation to the HGV movements associated with the proposed warehouse/facilities management facility and would strongly recommend that on site traffic flows and priorities are well signed and established from the point of entry to the site.

A recent TIA has indicated that the petrol filling station, associated convenience store and vehicle storage/facilities management development, would not significantly impact on traffic flows in the area and the Traffic Services Unit supports this view in regard to the proposed development. However, should the proposed use of the warehouse/facilities management element of the development change in the future, the TSU would have concerns relating to such a change of use that would result in an increase in HGV movements to/from the site. These concerns relate particularly to right turning manoeuvres from the east by HGVs, as this could result in delays to westbound traffic caused by a HGV being required to wait in the centre of road whilst waiting for an opportunity to cross into the site, thus significantly reducing the available carriageway width for west bound traffic.

In addition, as mentioned above, there are concerns in regard to the 'mix' of HGV movements with public vehicle/pedestrian movements associated with the petrol filling station and convenience store within the proposed development. An increase in HGV movements within the site would exacerbate such concerns.

Given the above observations, the Traffic Services unit considers that there are Road Safety and Traffic Management grounds on which to oppose the application in its current form; however, should a future application satisfactorily address the concerns raised above, the TSU would have no significant traffic related grounds on which to oppose such an application.

The Traffic Services Unit has been involved in discussions about the proposed bus lay by and supports this proposal. The Public Transport Unit has indicated that there should be a bus shelter available for this site.

Environmental Health (Waste Regulation Officer):

The Conceptual Site Model (CSM) addresses the risks adequately but I am concerned that the further data from the Phase 2 investigations have not been supplied. The design of the site incorporating an impermeable membrane, if correctly installed, should control the potential for migration of gas into the proposed development. I am concerned that the membrane will lead to lateral migration of gas and cause an increased risk to adjacent properties. There is an assumption that some adjacent properties have gas protection measure in place, however, it has not been substantiated that the risk has been diminished as this equipment may not be currently operational. Whilst the adjacent sites have a reduced risk because of the current practice of natural venting on site this risk will alter in the future and needs further work to ensure that these properties are protected as a result of the development.

As mentioned previously the car wash facility will need to be assessed with regard to potential noise nuisance for local residents. There is very limited noise information that has been submitted and no hours of operation have been proposed. I have concerns relating to the close proximity of noise sensitive premises to the site.

The application should include details of all potential noise sources and ideally the applicant should appoint an acoustic consultant who can produce a full acoustic report taking into account all the noise sources. Manufacturer's details of all proposed plant and machinery should be submitted. I would expect the applicant to demonstrate that the rating level of the noise emitted from the site shall not exceed the background noise level at any time, in accordance with BS4142:1997. Further information must be provided relating to the acoustic features of any proposed units as well as the hours of operation and the specific use of the units e.g. office area.

All noise sources that are proposed to be incorporated in this application need to be considered. Any air handling units (for retail and offices) will need to be taking into account and the cumulative affect of all noise sources accounted for.

There are no details of proposed opening times. A lighting plan should be submitted, detailing the location and intensity of proposed lighting across the whole site. Will there be any odour or lighting attenuation measures integrated in the development? Any details need to be submitted.

Petroleum Officer: No objection in principle.

Guernsey Water:

The GT cars site according to our current map is situated just outside the Water Catchment Area. However, with the proposed connection of the site into the existing surface water drain that transects the south eastern corner of the site, this allows the water to be collected at Marais pumping station and thus be part of the 'Water Catchment Area' and subject to our pollution prevention powers and conditions.

The GT cars site is built on an infilled quarry, as you are aware; this site was used to remediate contaminated soil from the Admiral Park development. It is therefore highly possible that leaching of contaminants into the sub-soil may have occurred, and in this respect, all excavated material must be removed and disposed of or remediated outside the water catchment area. It is also be a requirement for the excavated soil to be regularly and thoroughly analysed to determine its suitability for re-use on the site or on any other site, which is within the Water Catchment Area.

The fill material of the quarry is unknown but is likely to be mixed similar to Dyson's Quarry. There is a risk that excavation or piling work could puncture drums or containers which may potentially contain hazardous substances.

Any excavations may contain groundwater polluted by any or all of the following: hydrocarbons, heavy metals, chloride (from saltwater intrusion). The developer must therefore take suitable precautions to prevent the risk of pollution to Guernsey Water resources. We would require that all de-watering is over-pumped into the sewer or tankered off site for disposal in an environmentally acceptable manner.

The surface water system that is proposed to be used to discharge surface runoff does become surcharged at approximately ½ tide upwards, due to this we would recommend that as much as possible surface water should be diverted to soakaways on site and only an overflow go to the surface water system. Guernsey Water will allow the use of Formpave over the entire site to facilitate this and this would then do away with the need for an interceptor. The location of the surface water system is not believed to be accurately reflected on the drainage plan and requires investigation as to how this will be connected to.

Discharges to the sewer will only be allowed to discharge into either an existing manhole (2 are available in the road at the north and south boundary) or a new manhole constructed by the developer, any redundant sewer connections are to be capped off.

Oil storage will require secondary containment and be designed and constructed for the environment in which it will be situated. Below ground oil storage will specifically need to be designed and constructed with high ground water levels of a brackish nature in mind. All pipe work below ground used for transferring oil in to be sleeved in a continuous length with no below ground joints.

Any chemical storage or process effluent will require bunding of 110% to contain any spillages and may only be discharged to the sewage system with consent from Guernsey Water once the chemical composition, volume, velocity and physical properties are provided.

Guernsey Water will not supply water to the site if there is a risk of contamination of water supply pipe work unless suitable controls are put in place. All vessels and equipment which may use the Public Water Supply must comply in every respect with "The Water Byelaws (Guernsey) Ordinance, 2003." The developer must therefore consult with Guernsey Water regarding the supply of mains water to the site and provide notice prior to works as required.

Commerce & Employment Department:

Reference is made to comments made in relation to the Development Brief. It is confirmed that the overarching position remains unchanged, notwithstanding that the formal submission includes the additional feature of a car wash and petrol station.

As stated at that time, an employment related development in a densely populated area would not only be convenient for employees it would also reduce demand on transport infrastructure through limiting the need to commute.

Summary of Issues:

The main issues in deciding this application are:

1. whether the proposed uses are appropriate in policy terms;
2. health & safety issues, including potential pollution;
3. the impact of the development on the character and appearance of the area;
4. the impact of the development on the amenity of people living in the area; and
5. parking and access issues,

taking into account the policies and guidance in the Development Brief set out above and the previous decision to refuse permission for a petrol filling station on the site.

Assessment against:

1 - Purposes of the law.

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

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

The previous application, refused in 2010, was made in outline form and was only for a petrol filling station. The reasons for refusal related to retail policy, visual impact, traffic generation and the lack of a comprehensive approach to development of the site.

These reasons are addressed in the current application.

Whether the proposed uses are appropriate in policy terms

The proposal involves retail (the fuel filling station and shop), offices and storage & distribution uses.

CEN2 of the Urban Area Plan (UAP) deals with new retail development outside the Central Areas and indicates that generally such development will be resisted unless it falls within the MURA's. The supporting text does indicate that certain retail developments may not be easily

accommodated in or adjoining the established centres. Examples quoted are supermarkets, DIY and garden stores.

EMP1 limits proposals for new office space to the MURA's and existing office sites in the Central Areas and proposals which comply with EMP2. EMP2 allows proposals for small-scale offices offering a direct service to members of the public calling at the site within the Settlement Areas.

EMP6 relates to industrial development (including storage & distribution) outside the Key Industrial Areas. The site is within the Settlement Area and comprises previously developed land. As such, the policy allows for new premises for storage & distribution provided:

- a) the proposal would have minimal impact on the amenities of any adjoining uses;
- b) access, parking, and servicing arrangements would be satisfactory; and
- c) the proposal is compatible with Policy EMP10 and other policies of the Plan.

The Development Brief does not identify a specific use or uses for the site. It does refer to the possibility of housing or small scale offices offering services to visiting members of the public on the front part of the site and light industry or storage & distribution on the rear part of the site. The office and storage & distribution uses are acceptable in policy terms as proposed.

Although it is indicated that the UAP does not support most office and retail uses, the Brief states that the Department may consider exceptionally, on a without prejudice basis, proposals for a petrol filling station (PFS) on part of the site as a minor departure provided:

- A compelling case is made by the applicant
- Such a use is wholly supported by other States Departments

The applicant has submitted the following case to support the inclusion of a PFS and ancillary shop as a minor departure from the Plan:

- The proposed PFS is the economic enabler for the remediation and redevelopment of the site which has lain derelict for at least 15 years;
- The main commuter route between Town and The Bridge is currently poorly served by filling stations. A map submitted indicates eight existing PFS's and their location within or around Town & The Bridge;
- In the past, prior to the development at Admiral Park, the eastern seaboard of Guernsey between St Peter Port and St Sampson was served by a PFS at the former Bougourd Brothers. While several applications for development at Admiral Park included a PFS, none have come to fruition. The latest approved permission for development at Admiral Park no longer contains a PFS;
- It is preferable for the main commuter route to be served by a PFS on this site as provision of such a facility will not increase traffic movements, as demonstrated in studies undertaken and may even reduce current unnecessary traffic movements diverting off their intended route to the existing stations;
- It is submitted the proposed development including the PFS meets all the requirements of the General Material considerations of the Land Planning and Development (General Provisions) Ordinance 2007 and therefore should be approved.

No objection to the principle of the proposed development has been received from any States Department.

The subject application overcomes a previous reason for refusal as it includes a comprehensive scheme for the entire site. The proposal provides for the complete remediation of the land and its ongoing management in accordance with the Development

Brief. Remediation of this site would greatly improve the appearance of the site and the general amenity of the surrounding area. It would make a positive contribution to the character of the area. The redevelopment would bring back the land into active use and provide employment/services/facilities in the area.

In relation to whether the proposal can be considered as a minor departure from the Plan, the relevant policy context for the retail chapter of the UAP recognises that certain retail developments, "may not be easily accommodated in or adjoining established centres". This could include filling stations. There was a previous PFS which served the area in the past and the provision of a PFS at this location would have an acceptable impact on traffic movements. Permission was granted in 2005 for a PFS at Admiral Park, but this has been omitted from the most recent proposals to develop this site.

The size of the proposed convenience store (285m²) is comparable with the convenience store associated with the PFS at St. Andrew's (290m².) and slightly larger than those associated with L'Aumone (244m²) and Doyle Road (217m²).

There are significant constraints relating to the costs of remediation which provide justification for the inclusion of a PFS as part of a viable and feasible development of the site. The present proposal would effectively "unlock" development of this site.

Taking these factors into consideration, it is considered the proposal in this particular case represents a minor departure from policy CEN2 of the UAP and would not set a precedent for similar development elsewhere. It complies with EMP1 and 2 and with EMP6 and the Development Brief agreed for this site.

Health & safety issues, including potential pollution

GEN10 indicates that where development proposals may be affected by significant risks to public health and safety and the environment, satisfactory measures will be required to address risks arising from the development.

The Petroleum Officer has been involved in the consideration of the application and revisions have been made to satisfy his requirements. He offers no objection to the principle of development.

The information provided with the application indicates that the gas regime of the landfill is declining and groundwater quality is generally improving. In addition, the proposal would result in the capping of the former landfill site ensuring that the contaminated waste material is neither removed nor disturbed in the future.

Although the Waste Regulation Officer is seeking further information and details of proposed remediation measures, these can be required by condition. The applicants have agreed to this approach.

WWM1 requires adequate measures to prevent pollution of water storage areas or catchments. The application site is located just outside the Water Catchment Area, but is likely to impact on it. Guernsey Water expresses concern about possible contamination and makes a number of technical recommendations which will involve some change to the proposed drainage methodology. This can be covered by planning condition.

Impact on the character and appearance of the area

The application site is not located within a conservation area or close to protected buildings. However, it does occupy a prominent position on the coast road and is adjoined by buildings of domestic style and character.

The proposal provides for two storey development on the site frontage to reflect the scale and form of the existing frontage development along the coast road. The front elevation is split so that it appears as five units all with a domestic character. This would serve to conceal the real purpose of the building for commercial use. The frontage building is designed to screen the fuel filling station to the rear and the warehouse building beyond.

Although the architectural concept adopted is false when applied to a new building and although the commercial nature of the site would remain apparent when viewed from Les Bas Courtils Road, the proposal would result in the removal of the ugly screen fencing and piles and greatly improve the overall appearance of the site and its surroundings. The design approach overcomes the previous design reasons for refusal. However, it is essential that the frontage building is completed before or at the same time as the remainder of the development to the rear. A condition is recommended seeking agreement of full details of the appearance of the frontage building.

Impact on the amenity of people living in the area

The site is located within a predominantly residential area. The development would bring activity to a site which is presently unused. This would include noise and potentially disturbance and fumes from the fuel filling station.

However, the site has been virtually derelict for a number of years and its development would represent a significant visual improvement to the area and bring an abandoned site into beneficial use. The benefits of development are considered to outweigh any adverse impact as a result of site operations.

The position of the proposed buildings is such that their mass would have an impact on the outlook from neighbouring dwellings. However, the building to the rear of the site complies with the Development Brief, which sets out the height and scale of potential development in terms which provide space between buildings, and the impact is considered acceptable having regard to the position of the development, its scale and height, distances and orientation, and boundary treatments including opportunities for landscape screening. The loss of private views is not a material planning consideration. Satisfactory screening and planting would reduce the impact on neighbours, as would conditions limiting hours of opening/operation. The uses generally comply with the requirements of the Development Brief. Although residential development would have been a potentially welcome use, site conditions render this an impractical alternative, except for a relatively small area of the site to the front. Use of the site for residential purposes, if it had been practical, would have been likely to have equally impacted on neighbours' outlook as well as raising other issues. In the present case, conditions are recommended to mitigate any impact on neighbours.

Parking and access issues

The application is supported by a Traffic Impact Assessment (TIA). This has been considered by TSU. The revisions to the scheme generally meet their requirements and minor changes can be covered by planning condition.

The site has access to one of the major Island traffic routes. Any further traffic would increase congestion. However, this would be the consequence of any development of the site. In any event, the conclusions of the TIA, accepted by TSU, are that the proposal would not significantly affect traffic flows in the area.

The inclusion of a bus lay by would improve the present situation where the bus stop is next to the carriageway at Halfway. The proposed crossing point would provide improved access for pedestrians and cyclists.

Conclusions

The site is the subject of a Development Brief approved as recently as April 2012. Preparation of the Brief involved a consideration of the physical condition of the site, the site constraints and opportunities and the relevant planning policy background. The Brief recognises that site contamination is a key issue and rules out the possibility of residential development on most of the site. It also identifies that most office (but not offices providing professional or financial services to visiting members of the public as presently proposed) and retail uses would be contrary to planning policy. However, it does indicate that proposals for a petrol filling station may be accepted as a minor departure from policy provided:

- a compelling case is made by the applicant, and
- such a use is wholly supported by other States Departments.

The applicants have indicated that the development of this site is viable only if the proposal includes a PFS and associated shop and have made reference to a previous PFS on the coast road and the lack of a PFS in the current proposals for Admiral Park. The proposal meets the development principles outlined in the Development Brief and provides for a comprehensive development of the whole site.

The application site has been vacant and derelict for a number of years and the present proposal provides an opportunity for a significant improvement in the appearance of the site and resolution of the problems of site contamination.

There would be some impact on the amenity of people living in the vicinity of the application site. However, the most intensive use would be located close to the coast road where there is already significant activity. The adverse impact resulting from development can be mitigated by planning conditions and it is difficult to envisage any other commercial use which would be much better. Residential development is not a practical alternative for most of the site, that part which is of most commercial value.

The proposal would increase traffic generation. However, the submitted Traffic Impact Assessment demonstrates that the impact on traffic flows and road safety would be limited. The proposal provides for off-site highway works, including the provision of a pedestrian refuge to improve crossing facilities close to the site, while the applicants have agreed to provide a bus lay by. There is adequate parking while minor changes suggested by the Traffic Services Unit can be dealt with by planning condition.

It is considered that the present proposal presents the best, perhaps the only, opportunity of achieving a satisfactory development of this ugly, derelict but prominent site.

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

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

A number of issues raised by the objectors are not material planning considerations and cannot influence the decision on this planning application. These include:

- possible damage to properties as a result of construction works, a private legal matter;
- loss of views over private land;
- noise resulting from construction works, a consequence of almost all development;
- legal right to use road, a private legal matter;
- extra parking for local residents – the proposal would not result in the loss of any public parking; and
- removal of existing much needed parking which takes place at one of the proposed site entrances – the parking area in question is on private land.

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

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

Date: 02 December 2013