

ONLINE VERSION

THE LAND PLANNING AND DEVELOPMENT (GUERNSEY) LAW, 2005
AND SECTION 19 OF THE LAND PLANNING AND DEVELOPMENT (GENERAL
PROVISIONS) ORDINANCE, 2007

NOTIFICATION OF REFUSAL OF PLANNING PERMISSION

PROPOSALS: Erect six houses, demolish north west boundary wall and construct footpath and bus stop.

LOCATION: Land at La Pointe, La Route Du Braye, Vale.

APPLICANT: Hillstone Guernsey Limited

I refer to the application referred to below received as valid on 26/06/2019 regarding the above proposals as described more fully in the application and drawings referred to below.

Date of refusal of permission: 04/03/2020

Drawing Nos: Lovell Ozanne:- AA28-10342-S1- 02A, 03A, 04A, 05, 06, 07, 08, 09, 10, 11, 12, 13, 14, 15, 18
Sexton Green:- SGLPOINTE 001/02, 002/01

Application Ref: FULL/2019/1336

Property Ref: C008620000

The Development & Planning Authority has decided to refuse your application under the provisions of section 16 of the Land Planning and Development (Guernsey) Law, 2005 for the following reasons:-

1. The proposed development is clearly contrary to both the general purposes and specific provisions of the Law and the aims and objectives of criterion b) to Policy GP1, in that it would lead to the loss of a substantial number and proportion of the existing north and south boundary trees that are protected under an Area Tree Protection Order with a consequently significant and wholly unacceptable impact on landscape character and local distinctiveness.

OTHER REMARKS:-

Right of appeal against planning decisions

Your attention is drawn to the provisions of Section 68(1) of the Land Planning and Development (Guernsey) Law 2005, which provides a right of appeal, against a decision to refuse an application for planning permission or outline planning permission to the Planning Tribunal on the merits. An appeal to the Planning Tribunal under section 68 of the Law against this decision must be made before the expiry of the period of six months beginning with the date on which the Authority made this decision.

Copy of representations made

In reaching this decision the Development & Planning Authority took into account any written consultations made under Section 11(1) of the Land Planning and Development (General Provisions) Ordinance, 2007 ('the Ordinance'). A copy of any consultation responses made to the Authority under section 11 will be included with this decision in accordance with section 19 of the Ordinance.

A J ROWLES

Director of Planning
Planning Service



PLANNING APPLICATION REPORT

Application No: FULL/2019/1336
Property Ref: C008620000
Valid date: 26/06/2019
Location: Land at La Pointe La Route Du Braye Vale Guernsey
Proposal: Erect six houses, demolish north west boundary wall and construct footpath and bus stop.
Applicant: Hillstone Guernsey Limited

RECOMMENDATION - Refusal with Reasons:

REASONS FOR REFUSAL

1. The proposed development is clearly contrary to both the general purposes and specific provisions of the Law and the aims and objectives of criterion b) to Policy GP1, in that it would lead to the loss of a substantial number and proportion of the existing north and south boundary trees that are protected under an Area Tree Protection Order with a consequently significant and wholly unacceptable impact on landscape character and local distinctiveness.

OFFICER'S REPORT

Site Description:

The application site comprises an agricultural field located in The Bridge Main Centre Outer Area, with no other specific designation applying to it. The site extends to some 0.2049Ha, is relatively level and triangular in shape and bounded by the Les Mares Pellees road to the north, La Route Du Braye road to the south and by residential properties (Protected Buildings) to the east.

There are some 46 mature or otherwise established trees (comprising 23nr European Ash, 13nr Sycamore, 7nr Black Poplar, 2nr Elm, 1nr Hawthorn) set behind roadside granite walls along the north and south boundaries of the site. These trees are the subject of an area Tree Protection Order (TPO) ref: PT90, which was imposed during consideration of this application.

Relevant History:

FULL/2018/2602 - Erect 8 dwellings with associated parking, create 2 new accesses and alterations to existing access.
Refused 04-06-2019

Existing Use(s):

Agricultural

Brief Description of Development:

The proposal submitted is for the development of 6no. 2 and 2 ½ storey semi-detached dwellings of the following mix:

- 4 x 3 bed
- 2 x 2 bed

The proposal would be served by 4 vehicular accesses (3 new, 1 existing repositioned) onto Les Mare Pellees, which would involve the demolition of the existing roadside granite wall and creation of a new public footpath. The submitted plans also indicate the removal of 23 existing trees, including all of those along the north west site boundary adjacent to Les Mares Pellees.

The junction of Les Mare Pellees with La Route Du Braye would be modified, and a bus stop shelter is proposed to be created facing onto La Route Du Braye.

Environmental Impact Assessment Screening Opinion

This application proposes the removal of a number of protected trees. In accordance with the requirements of s.44(3) of The Land Planning and Development (Guernsey) Law, 2005 and The Land Planning and Development (Environmental Impact Assessment) Ordinance, 2007, the Authority carried out a Screening exercise to determine whether an Environmental Impact Assessment (EIA) would be required. The Authority's Screening Opinion concluded that the characteristics of the development, the development site, and of the potential environmental impact of the development are such that an EIA is not required.

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

Island Development Plan

MC2 – Housing in Main Centres and Main Centre Outer Areas

GP1 – Landscape Character and Open Land

GP5 – Protected Buildings

GP8 – Design

GP9 – Sustainable Development

GP18 – Public Realm and Public Art

IP6 – Transport Infrastructure and Support Facilities

IP7 – Private and Communal Car Parking

IP9 – Highway Safety, Accessibility and Capacity

Representations:

45 letters and emails of objection, concerns raised summarised as follows:

- The site is an oasis of nature in an overdeveloped area.

- Pockets of green interconnecting spaces must be retained and protected for both human well-being and biodiversity support- the site is a vital refuge and staging post for many varieties of birds.
- Felling healthy mature trees will destroy the biodiversity of the field, the proposed gardens will fall far short of what is there now and replacement tree planting will take many years to achieve the same effect.
- A number of the trees identified as Ash are actually Chestnut.
- There are very few real controls and/or safeguards over landscaping conditions.
- Development will increase the risk of flooding in a known flood-prone area.
- The felling of trees and reconstruction of the existing Les Mares Pellees roadside wall would be more in keeping with urban St Peter Port.
- New vehicle entrances will be created near blind bends and junctions, increasing the likelihood of accidents.
- Although classed as a neighbourhood road, the Les Mares Pellees is comparatively busy, being used by through-traffic avoiding the Braye Road, which itself is heavily congested and cannot cope with additional traffic from this and other planned developments.
- The amount of parking proposed will not be sufficient for the size of houses proposed, so residents/visitors will inevitably abandon their vehicles in the surrounding lanes.
- Disappointing that electric vehicle charging points are not shown to be provided.
- The proposed houses are unaffordable for most first time buyers.
- The site is bordered by numerous listed buildings whose setting is important and whose amenity will be reduced.
- The site should not be developed while brownfield sites like Leale's Yard and other more suitable sites remain undeveloped.
- Since 2013, 94 dwellings have been built or approved in the Braye Road area. It is madness to add to the increased traffic they're causing.
- The quality of life and natural surroundings of northern residents keep getting taken away little by little and future generations will not be able to enjoy their natural surroundings.
- There is more than enough currently available housing stock to meet demand for many years, while approvals in place on other sites mean there is no requirement for any building on this site.
- Existing infrastructure may not have the capacity to serve the proposed development.
- A reduction in the total number of dwellings proposed and the provision of a single vehicular access onto La Route Du Braye would help to alleviate but not solve some of the identified problems.
- The density, size and style of the new houses continues to propagate ribbon development and relative to those adjacent means they wouldn't be out of place in any anonymous UK urban development.
- Bizarre that back gardens will face the major road, meaning occupants will have no privacy unless they erect fences or plant dense hedges which will reduce the landscape value of the site.
- Although a reduction from the previous application, six dwellings still represents overdevelopment on this triangular shaped piece of land.

- Although not part of an Agriculture Priority Area, all agricultural land is important- small fields such as this are needed by horse owners and by non-dairy farmers and smallholders.
- An online petition demonstrates widespread support for rejection of this application, or for any decision to be made at an Open Planning Meeting.

4 representations of objection from States' Deputies, raising similar concerns to those set out above.

2 representations of support, summarised as follows:

- The site has lain empty for many years, and its development has been encouraged in the last two island development plans.
- The current application is sensitive to the surroundings and provides great infrastructure improvements to both pedestrian and vehicle safety.
- The application proposes an appropriate mix and type of houses.
- The proposals reflect the local vernacular and have been designed with living accommodation having a southerly aspect providing good levels of lighting, adequate amenity space, and a new public footpath and bus stop.
- Solar panels will be provided and the buildings will exceed the thermal requirements of the Building Regulations, whilst surface water will be dealt with by a sustainable drainage system.
- The relationship with adjoining protected buildings appears to be in compliance with Policy GP5.

A further lengthy representation in support of this application has been received from a local Advocates firm, although it is not specified on whose behalf this representation has been made. In short, it is contended that the current application satisfactorily addresses the previous reasons for refusal and complies with the requirements of IDP policies MC2, GP1, GP5, GP8, GP9, GP18, IP6, IP7 and IP9, and that consequently planning permission should be granted.

Consultations:

Traffic & Highway Services

I advise that an access should: -

- Enable a driver 2.0m from the edge of the carriageway to see a minimum of 33m in the direction of oncoming traffic;
- Not have any obstructions or planting greater than 900mm high above the road surface within the visibility splays;
- Have sufficient width to enable cars and light vehicles to exit and enter the drive without crossing into the path of vehicles on the opposite side of the carriageway;
- Be square to the carriageway;
- Be sited at a distance not less than 20m from a junction.

THS has noted that the latest proposal reduces the number of dwellings from 8 to 6 and provides for all vehicular access from Mares Pellees Road as opposed to a combination of Mares Pellees Road and Braye Road. It has also been noted that the latest proposal

include provision of a bus stop seating area and realignment of the eastern side of the Mares Pellees Road/Braye Road junction. Further, the proposals include the provision of a new footpath along the north-western boundary of the site.

As has previously been advised, THS's preference would normally be for a single access to serve a development of this scale. However, it understands that the shape of the land parcel complicates this being achieved at this location and with this type of development.

Mares Pellees Road is defined in the Committee's Traffic Engineering Guidelines for Guernsey as a Neighbourhood Road. The relevant policies describe the functional emphasis of this classification of road as being primarily one of access to individual properties and provision for vulnerable road users. It states that in Neighbourhood Roads, the control of frontage activities is not important and a greatly relaxed regime of traffic management is permissible.

Policy NCR02 advises that on sub-urban neighbourhood roads, a safe environment should be created for vulnerable road users, and through traffic should be discouraged. Part of Policy NCR06 advises that any proposed developments must be suitable in terms of the volume of traffic or the types of vehicles they will attract.

With the above policy context in mind, THS is not unduly concerned with the proposal to create the 4 separate access vehicular accesses along Mares Pellees Road, particularly given:-

- none are within 20m of a junction
- the access (currently serving the field) that has poor sightlines is being relocated further south thus providing an opportunity for improved sightlines
- the other 3 accesses would meet the minimum sightline standards albeit careful consideration would need to be given to the tree planting scheme to ensure that the trunks/branches do not in the future provide any significant obstruction to the sightlines for drivers attempting to exit

In terms of policy NCR06, the types of vehicle associated with residential development and the volumes generated by 6 units will not have any significant impact from a traffic management or junction capacity perspective.

With regard to policy NCR02, THS welcomes the provision of the footpath along the north-western boundary of the site given the lack of existing footpath and the slightly substandard width of the road for 2-way flow cars and light vans meaning vehicles can pass in close proximity to pedestrians. THS also welcomes the realignment of the eastern side of the junction of Mares Pellees and Braye Road which will increase the road width at this point.

With regard to the provision of the new bus stop shelter this is supported by THS given its promotion of the public bus service. However, it is noted that the wall on the western side of the shelter is at such a height that it would prevent people from viewing an approaching bus and it is also unclear whether it is intended for the shelter to be fitted with any form

of a roof or canopy. THS would welcome if the visibility issue could be addressed and the shelter designed to protect waiting passengers from the elements as far as is practical.

In conclusion, there are some traffic management grounds to oppose the application due to the lack of carriageway width in this portion of Mares Pellees but they are not significant given the scale of development proposed. There are also some road safety concerns that the sightlines from the proposed accesses could in the future be obscured as trees become established but the extent of the concern will depend on the type of tree and planting position.

Summary of Issues:

- Principle of development
- Mix and type of housing
- Impact on openness and landscape character
- Quality of design
- Impact on setting of adjacent protected buildings
- Impact on neighbouring amenity
- Access, highway safety and parking

Assessment against:

- 1 - Purposes of the law.**
- 2 - Relevant policies of any Plan, Subject Plan or Local Planning Brief.**
- 3 - General material considerations set out in the General Provisions Ordinance.**
- 4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).**

The purposes of the Land Planning and Development (Guernsey) Law, 2005, are to protect and enhance, and to facilitate the sustainable development of, the physical environment of Guernsey.

Section 34 of the Law explains the general functions of authorities in respect of protected buildings. This states that:

It is the duty of any department of the States when exercising its functions under this Law –

- (a) to secure so far as possible that the special historic, architectural, traditional or other special characteristics of buildings listed on the protected buildings list (“protected buildings”) are preserved, and*
- (b) in particular, in exercising its functions with respect to a protected building or any other building or land in the vicinity of a protected building, to pay special attention to the desirability of preserving the protected building’s special characteristics and setting.*

Section 35(1) goes on to set out that:

There is a strong presumption against planning permission being granted for any development which –

- (a) Involves the demolition or destruction of any part of a protected building, or*
- (b) Adversely affects its special character or features.*

Section 42(b) relates to trees or land the subject of a Tree Protection Order, stating that:

It is the duty of any department of the States when exercising its functions under this Law –

- (b) in particular, in exercising its functions with respect to any buildings or other land in the vicinity of a tree or land subject to [a Tree Protection Order] under section 43, to pay special attention to the desirability of protecting that tree or land.*

In respect of these statutory duties, the word ‘preserve’ is taken in its ordinary meaning as set out in Chamber’s dictionary, which is ‘to keep safe from harm or loss’.

The purposes of the Law are reflected in the Island Development Plan, the principal aim of which is to help maintain and create a socially inclusive, healthy and economically strong Island, while balancing these objectives with the protection and enhancement of Guernsey’s built and natural environment and the need to use land wisely. Relevant policies will be addressed below in assessing the key issues.

Section 13 to Part IV of The Land Planning and Development (General Provisions) Ordinance, 2007, sets out a number of general material considerations, the following of which are considered to be relevant in this instance:

- (a) The likely effect of the development on the natural beauty and landscape quality of the locality in question,*
- (b) the character and quality of the natural and built environment which is likely to be created by the development,*
- (c) the appropriateness of the development in relation to its surroundings in terms of its design, layout, scale, siting and the materials to be used,*
- (d) the likely effect of the development on the character and amenity of the locality in question,*
- (e) the likely effect of the development on roads and other infrastructure, traffic and essential services,*
- (h) the likely effect of the development on parks, playing fields and other open spaces,*
- (i) the likely effect of the development on the reasonable enjoyment of neighbouring properties.*

Section 14 to Part IV of The Land Planning and Development (General Provisions) Ordinance, 2007, goes on to set out a number of additional material considerations that apply to protected monuments, of which the following is relevant:

- a) *the desirability of preserving the special interest by reason of which the protected monument is listed,*
- b) *where any alteration to a protected monument is proposed, the appropriateness and compatibility of that alteration in relation to that monument, and*
- c) *the opportunity that the development may afford to restore, enhance or improve the protected monument or its setting.*

Section 15 clarifies that the considerations referred to in paragraphs (b) and (c) of section 14 also apply to protected buildings.

Principle of development

The application site is located within a Main Centre Outer Area, where Policy MC2 provides in-principle support for new residential development both on allocated and windfall housing sites. 'Windfall' housing sites are undesignated sites that come forward for development during the Island Development Plan period which are not specifically identified for housing development but where policies exist to support its provision.

The preceding text to Policy MC2 explains that, *"This approach will enable the Main Centres to be maintained and enhanced as attractive and sustainable places to live, by encouraging regeneration and increasing residential accommodation close to services, employment, leisure opportunities, public transport links and walking and cycling networks."*

The application site is not designated as Important Open Land, nor is it designated as an Agriculture Priority Area, Site of Special Significance, or Area of Biodiversity Importance. The existence of a TPO on the site is a constraint, but not a fundamental barrier to development.

In light of the above, the principle of residential development on this site is considered to be acceptable in accordance with the aims and objectives of Policy MC2.

Mix and type of housing

Policy MC2 makes clear that *"where housing proposals can accommodate a variety of dwellings, it will normally be expected that the mix and type of dwellings is reflective of the demographic profile of households requiring housing."*

Analysis of current evidence regarding private market housing suggests a need for homes of 1-3 bedrooms, with an emphasis on 2 and 3 bedrooms (as of September 2019). The proposed mix and type is consistent with the current analysis of private housing need in the Island.

Impact on openness and landscape character

Policy GP1 states that *"Proposals will not be supported if they would result in the unnecessary loss of open and undeveloped land which would have an unacceptable impact on the open landscape character of an area."*

The identification of the boundaries of the Main Centres and Main Centre Outer Areas was undertaken using a clear, consistent and robust process as outlined in the published report 'Identifying Main Centre Boundaries, September 2014'. The boundary was identified following detailed site assessment and using a set of specifically developed criteria.

In relation to the inclusion of this site within the Main Centre Outer Area, following such an assessment the Authority considered that this site forms part of the settlement pattern of the more densely developed and urban Main Centre Outer Area and has a weaker relationship with more rural areas outside of the Main Centre Outer Area boundary. The Planning Inspectors agreed with this assessment stating '*Taking into account the road layout and nature of the surrounding development the site is logically within the Main Centre...*' (Report of Planning Inspectors into the draft IDP, paragraph 49, page 29).

The assessment of sites within the Centres with regard to designation as Important Open Land was a separate process. As the spatial strategy requires the concentration of development within and around the edges of the urban centres of St Peter Port and St Sampson/Vale with the consequent restriction on development elsewhere, it was considered appropriate to only designate the most important open spaces within the Main Centres and Main Centre Outer Areas as Important Open Land as this places constraints on the development potential of the land. Again, criteria were developed and consistently applied and detailed site assessments carried out, as set out in the report 'Survey of Important Open Land in Proposed Main Centres and Local Centres, October 2014'.

For the Bridge Main Centre, areas designated as Important Open Land consist of large swathes of land that form part of a 'green wedge' in the urban landscape. These areas define the characteristic settlement pattern of the Main Centre and are sensitive to change, particularly when experienced cumulatively and sequentially as part of the wider landscape.

In response to a representation at the IDP Inquiry, the Authority assessed the potential for the application site to be designated as Important Open Land and concluded that it did not meet the criteria for designation. The Inspectors also considered the potential for the site to be allocated as Important Open Land and concluded that this is a very small triangle of land that does not relate to any larger area of Important Open Land.

In the Authority's response to written representations about this site at Public Inquiry stage, it stated that Policy GP1 would apply to any proposals on the identified site. This policy indicates that proposals will not be supported if they would result in the unnecessary loss of open and undeveloped land which would have an unacceptable impact on the open landscape character of an area, and allows for an assessment of the importance of the site in terms of landscape value and contribution to open and undeveloped land when assessing development proposals.

The application site is within the "Wetlands" lowland landscape character area, as set out in Annexe V to the IDP, and in the 18th Century would have been part of the north shore of the La Braye Du Valle. La Braye Du Valle was covered with water at high tides before it

was reclaimed in the early 19th century by constructing embankments at each end and draining the area. This comprehensive reclamation, as a single military defence exercise, resulted in a layout of straight roads and a gridiron pattern of field divisions to the south and west of the application site.

However, the application site is not part of the gridiron that is characteristic of that period of military reclamation. Instead, in landscape character terms, it is more closely related to a historic network of irregular shaped fields and narrow winding roads to the north and east, albeit the southern boundary is formed by the La Route Du Braye which is a relatively straight road.

The application site is further identified on page 32 in the Guernsey Character Study, Stage 1 (March 2015) as being within the 'Braye Du Valle' 'Built-Up' character area. 'Built-Up' is described as:

The landscape and built form compete with each other. Spaces are enclosed by a mixture of buildings and boundary walls and landscape features. Long range views are few. The areas have a relatively medium density of development.

Although this description is somewhat generic, it accurately describes the character of the site and its surroundings. La Route Du Braye is enclosed by detached and semi-detached domestic scaled buildings of a variety of architectural styles that are set back from the road behind front gardens. The front gardens are used for car parking as well as landscaping in the form of trees and hedges. The character is similar at Les Mares Pellees, although this road turns more often and has much less vehicular traffic. The character changes at the industrial estate to the south of the application site where there are industrial scale buildings with little landscape. The application site is enclosed by granite walls in front of established trees.

Although the site was not assessed as warranting designation as Important Open Land it can nonetheless be recognised as forming a pleasant undeveloped open space in an otherwise built up area. However, it does not form part of a wider area of open landscape so in and of itself its development would not have an unacceptable impact on open landscape character in the area, and would not be contrary to the provisions of Policy GP1.

Policy GP1 goes on to make clear that where development would not have an unacceptable impact on open landscape character, it will be supported where it:

- a. respects the relevant landscape character type within which it is set; and,*
- b. does not result in the unacceptable loss of any specific distinctive features that contribute to the wider landscape character and local distinctiveness of the area concerned; and,*
- c. takes advantage, where practicable, of opportunities to improve visual and physical access to open and undeveloped land; and,*
- d. accords with all other relevant policies of the Island Development Plan.*

Criterion a) is assessed in the following section on design.

With regards to criterion b), the existing trees on this site and the boundary walls that they sit behind are considered to contribute to local character and therefore form a feature which contributes to local distinctiveness. The Authority has formally recognised this during the consideration of this application, imposing an Area TPO covering all of the existing trees on the site. Section 42(b) of the Law requires special attention to be paid to the desirability of protecting protected trees, establishing a high threshold when considering proposals for the removal of protected trees.

Notwithstanding the commentary provided within the covering letter and subsequent specialist reports submitted as part of this application, it is considered that the removal of half of the existing protected trees on the site would have a significant and wholly unacceptable impact on landscape character and local distinctiveness. This impact is a direct result of the proposed layout and means of access, and would not be mitigated by the proposed replacement tree planting, which might only begin to make an equivalent contribution to visual amenity and landscape character in the medium to longer term.

Regarding criterion c), as the site does not form part of a wider area of open land, it is clearly not possible for the proposed development to improve visual and physical access to open and undeveloped land.

On the basis of the assessment set out above, the proposal is clearly contrary to both the general purposes and specific provisions of the Law and the aims and objectives of criterion b) to Policy GP1.

Quality of design

Policy GP8 generally expects new development to achieve a good standard of architectural design, but in the Island's more sensitive areas, which can include sites adjacent or close to protected buildings, development *"...will be expected to achieve a particularly high standard of design which should respect the character of the particular environment concerned."* The preceding text goes on to state that *"This may result in either a contemporary or traditional approach to design but, whatever the chosen approach, new development in such circumstances should consider, without necessarily replicating, the scale, mass, detail and special interest of the surrounding built form to complement the local character"*, and also identifies that *"the correct approach to building design will depend upon the particular location of development and the specific factors affecting the proposals. Whilst new development should acknowledge the surrounding built form, flexibility in the design of development will be allowed in order to ensure proposals also address issues of sustainable design, mitigation and adaptation to climate change and creating flexible and adaptable spaces within buildings as well as recognising the personal choice and aspirations of property owners."*

The application materials describe how site and context analysis has been undertaken which identified a number of constraints and opportunities, including:

- opportunities to enhance the highway/pedestrian infrastructure;
- consider the protected buildings within the design proposals;
- consider the existing tree planting/types of planting/soft landscaping proposals

It is also stated that the layout of the site considered the opportunity for passive solar gain with the orientation of the dwellings facing south, the retention of the treeline to La Route Du Braye and opportunities for highway improvements to Les Mares Pellees.

Dealing with each criterion of Policy GP8 in turn, the following conclusions are drawn:

a) Achieve a good standard of architectural design

Although it cannot be considered innovative, the design of the proposed buildings represents a coherent architectural composition that draws, in terms of scale and external materials, from the local context. In general terms therefore the development achieves a good standard of architectural design. As noted above however, in the Island's more sensitive areas development "...will be expected to achieve a particularly high standard of design". In that context the coherence of the design can be further analysed as paying much closer attention to the scale, form, proportions and detailing of the traditional Victorian villas that it seeks to reflect than was the case with the previously refused application. The site layout, access and parking arrangements, and more generous and useable private garden provision, are also of a higher quality than previously.

b) Demonstrate the most effective and efficient use of land

The requirement to achieve an effective and efficient use of land is not a charter for high density development in every situation, particularly where such density would result in adverse environmental impacts or be achieved through a poor quality of design. In this case the significant and wholly unacceptable impact on landscape character and local distinctiveness resulting from the loss of protected trees is noted above, and is a fundamental consequence of the scheme as proposed. As such, and notwithstanding that the design and layout of the proposed development is otherwise acceptable in design terms, it cannot be concluded that the development demonstrates the most effective and efficient use of land.

c) Respect the local built or open landscape character

In terms of its scale, architectural design, layout and treatment of the Les Mares Pellees roadside boundary, the proposed development is considered to respect the character of the local built environment.

The application site does not form part of an open landscape. However, it is recognised that existing trees to the site boundaries make a positive contribution to landscape character and local distinctiveness, and they have the benefit of formal protection under an Area TPO. Although the proposed development would result in the loss of half of the existing protected trees, in the medium to longer term the proposed replacement tree planting could make a similar contribution to visual amenity and landscape character.

d) Consider the health and well-being of the occupiers and neighbours

This criterion is explained in more detail in Annex I of the IDP. The main points are:

- The objective to build at high densities will be balanced against (i.e. will not override) the need to create acceptable living and working environments
- The Annex does not repeat the Building Regulations or Guernsey Technical Standards (GTS)
- There are no rigid standards or figures for amenities provision because each site and use will have its own particular amenities considerations and requirements which could be achieved in a number of ways
- Matters that must be considered are:
 - Internal space provision,
 - Privacy
 - Aspect/outlook
 - Access to external open space
 - Daylight/sunlight.

Internal Space Provision, Layout and Arrangement

The development consist of 4no. 3-bedroom houses and 2no. 2-bedroom houses. The internal space standards of each house exceed GTS Part G7 and the DGLC Technical Housing Standards - Nationally Described Space Standard (March 2015), which although carrying no formal weight in Guernsey nonetheless is recognised as representing best practice, and as such may be referred to when assessing new housing development. The internal layout and arrangement is considered to be fit for purpose as a speculative residential development.

Privacy

Due to the distance between the buildings, their location and orientation they will not have unreasonable inter-visibility between windows that might compromise the internal privacy of each house.

Neighbouring residential amenity is addressed separately below.

Aspect/Outlook and Daylight/Sunlight

The 23 trees to be retained, together with new/replacement trees shown to be planted, are considered to be located a sufficient distance from the rear elevations of Units 1-4 such that the outlook, sunlight and daylight levels from and within those properties will not be adversely affected. Whilst retained trees to the rear and side of Units 5-6 would be closer, and would affect the outlook, sunlight and daylight levels from and within those properties, it is not considered that this would adversely affect the amenity of those units to such a degree that refusal would be warranted on that ground alone.

Access to external open space

It is likely that over time some or all of the proposed houses will be occupied by families and thus need access to private open space of sufficient size and quality for family use. All of the proposed houses would be provided with rear/side gardens, which vary in size and layout, and which overall are considered to represent a good quality of external amenity space.

e) *Provide hard and soft landscaping*

Detailed hard and soft landscaping proposals are included as part of this application. Amongst other things the submitted details indicate permeable gravel driveways and paved patios to each unit, with lawned gardens, native species hedging and shelter belt, ornamental planting, and new and replacement tree planting. Although in and of itself this landscaping scheme is considered to be acceptable, and to respect the character of the surrounding landscape, it is not considered to outweigh the harm caused through the loss of a significant proportion of existing protected trees.

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

The application demonstrates the development has been designed so that it is accessible, in accordance with the requirements of this criterion.

g) *With regard to residential development, offers flexible and adaptable accommodation*

The application demonstrates how the development has been designed so that it is flexible and adaptable to allow people to age in their own homes, in accordance with the requirements of this criterion.

In all respects other than in relation to criterion b), the proposed development is considered to comply with the aims and objectives of Policy GP8.

Policy GP9 makes clear that *“the design, layout and orientation of buildings, their form of construction and the materials used have a key role in delivering more sustainable development and reducing energy demand.”* The intention of this policy is not to repeat the Building Regulations or Technical Standards. Instead it is to ensure that matters such as the design, method of construction and location of proposals and how this will help to achieve more sustainable development are considered at the earliest stages of the design and development process.

As submitted the application was supported by a ‘Sustainability Statement’ and covering letter which seek to address the requirements of Policy GP9. Although the quality of the submitted information varies, overall it is considered that the requirements of Policy GP9 have been satisfactorily addressed.

The preceding text to Policy GP9 also notes that:

The design of development, and the extent of impermeable surfaces proposed as part of it, can have significant implications for flood risk management and the management of the surface water run-off resulting from development. The drainage implications of development should be considered at the early stages of the design process. Drainage solutions will need to form part of development proposals and should address and, where necessary, mitigate any unacceptable increase in flood risk as a result of the development proposed. Consideration should be given to incorporating sustainable drainage measures as part of the development process. The design of soft and hard landscaping can help address drainage and runoff issues positively whilst reinforcing local character and

distinctiveness. The Authority will also encourage greater water efficiency through rainwater harvesting.

A number of representors have highlighted instances of surface water flooding in the immediate vicinity of the site. The applicant has stated that all of the hard surfacing around the development will be self-draining, and the application is supported by a Flood Risk Assessment and Drainage Report. This concludes that *“the contribution of the proposed development towards increased flood risk is negligible and will not unduly increase the risk to the local area and neighbouring properties.”*

The application is accompanied by a draft waste management plan, the implementation and outcomes of which could be monitored by way of condition in accordance with the relevant Supplementary Planning Guidance and the requirements of Policy GP9.

In the wider context of encouraging a high standard of design, Policy GP18 requires potential improvements to the public realm and public art to be given consideration as part of development proposals. The public highways surrounding the site clearly form part of the public realm, and on that basis the proposed footpath, bus stop and junction improvements are considered to appropriately address the requirements of Policy GP18.

Notwithstanding the identified conflict with criterion b) to Policy GP8 resulting from the proposed removal of protected trees, it can be concluded that the proposed development generally complies with the aims and objectives of policies GP8, GP9 and GP18.

Impact on setting of adjacent protected buildings

Policy GP8 notes that *“where development relates to protected buildings or protected monuments or their settings, 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.”*

In that context Policy GP5 provides that development will be supported where it *“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.”*

The preceding text to Policy GP5 also makes clear that *“applicants will be expected to demonstrate an understanding of the special interest of the protected building so that it can be taken into consideration at the outset of the design and development process and, wherever possible, any negative effects on the special interest can be avoided.”*

The application materials describe how the setting of ‘Homeland’ and ‘Mares Pellees’, the two protected buildings immediately adjacent to the east, were taken into account in developing the proposed scheme. They state that by locating the proposed buildings as shown the setting of ‘Homeland’ will be unaffected, whilst in relation to ‘Mares Pellees’ the building containing Units 1-2 is set away from the boundary and further

back from the building line to maintain the setting of that building as far as possible. The juxtaposition between the existing and new buildings is acknowledged, but additional boundary landscape planting is identified as a way to mitigate this.

Although this assessment is limited in terms of its insight into the specific characteristics of those buildings' setting and how that contributes to their special interest, and does not acknowledge the contribution made to setting by the existing undeveloped field and protected trees, when taken together with the assessment on design under Policy GP8 set out above, it is not considered that there would be any significant adverse impact on the setting of those protected buildings as a result of the proposed development. The application is therefore considered to accord with both the Law and the aims and objectives of Policy GP5 in this respect.

Impact on neighbouring amenity

There are a number of dwellings opposite the application site to the south on La Route Du Braye and to the north on Les Mares Pellees, none of which would be adversely affected by the proposed development.

The two dwellings that adjoin the site's east boundary face onto La Route Du Braye and Les Mares Pellees ("Homeland" and "Mares Pellees" respectively), and back onto each other with a separation distance of c.23m across rear gardens.

Proposed Units 1-2 would be positioned closest to the east site boundary and those neighbouring dwellings. The orientation of those units would be such that there would be some overlooking from first and second floor rear-elevation windows towards the rear garden of "Homeland", and oblique overlooking of the rear garden of "Mares Pellees". However, given a back-to-back separation distance of c.19m (at the closest point) between Unit 1 and "Homeland", proposed boundary tree planting, and the generally urban character of the area to the south and east of the application site, it is not considered that such overlooking would unreasonably impact on the amenity of neighbouring properties.

The scale and position of the proposed buildings are generally well related to neighbouring dwellings such that there would be no unacceptably adverse overbearing or overshadowing impacts.

The application is considered to comply with guidance set out in Annexe I of the IDP and the aims of Policy GP8 as it relates to neighbouring amenity.

Access, highway safety and parking

The application site is currently accessed by a single, narrow access directly opposite the junction of Roseland Lane with Les Mares Pellees.

It is proposed to reposition the existing access some 4m to the west to serve a single dwelling, and to create three additional shared or single accesses from Les Mares Pellees.

In considering this application Traffic and Highway Services (THS) concluded that *“there are some traffic management grounds to oppose the application due to the lack of carriageway width in this portion of Mares Pellees but they are not significant given the scale of development proposed. There are also some road safety concerns that the sightlines from the proposed accesses could in the future be obscured as trees become established but the extent of the concern will depend on the type of tree and planting position.”*

Notwithstanding the concerns that have been raised following public consultation, it is considered that the repositioned existing and three new accesses are acceptable from a road safety perspective, and that the existing public road network would be able to cope with increased demand arising from the proposed development in accordance with the relevant aims of Policy IP9.

A footpath runs along the south site boundary on La Route Du Braye. Les Mares Pellees is not served by a footpath. Policy IP6 requires *“development to be well integrated with the transport network and where potential exists, proposals will need to demonstrate excellent pedestrian and bicycle access to, within and through the site, taking opportunities to increase connectivity and create linkages and public through-routes where appropriate.”* Furthermore, the preceding text to Policy IP9 makes clear that *“A key outcome statement within the Strategic Land Use Plan is to work towards achieving ‘a safe, secure and accessible environment for all’. It notes that the creation of compact, walkable communities centred on a high quality public transport system can make it possible to live a higher quality life without complete dependence on a motor car”,* and that *“Proposals for development offer the opportunity to secure a more accessible environment for both the users of the site and those travelling in the area.”*

The provision of a footpath on Les Mares Pellees and a bus stop on La Route Du Braye forms part of this application, in accordance with the aims and objectives of policies IP6 and IP9. Concerns raised by THS in relation to the bus stop design could reasonably be addressed by way of a condition should permission be granted.

Two parking spaces per dwelling would be provided, and there is space within each plot for a motorbike to be parked. This accords with the maximum standards provided for under Policy IP7 and set out in the relevant Supplementary Planning Guidance. A garden shed capable of storing bicycles would also be provided to each dwelling.

Other matters

The application is supported by an Ecological Assessment which identifies that although the site comprises habitat of generally low to moderate overall value, its position in a developed landscape means that its relative importance is somewhat higher and may support more wildlife than might otherwise be expected. The report concludes that, subject to mitigation measures being incorporated, the environmental impacts of developing the site would be generally minor in nature. On this basis, and in the absence of any explicit policy direction to consider ecological impacts on non-designated sites such as this, there are considered to be no ecological grounds to resist this application.

Conclusion

On the basis of the assessment set out above, the proposal is clearly contrary to both the general purposes and specific provisions of the Law and the aims and objectives of criterion b) to Policy GP1 in that it would lead to the loss of a substantial number and proportion of the existing north and south boundary trees that are protected under an Area Tree Protection Order with a consequently significant and wholly unacceptable impact on landscape character and local distinctiveness.

Date: 04-03-2020

