

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 3 dwellings with associated parking and landscaping and alter and widen vehicle access (Protected Building).

LOCATION: Land Adjacent To, Les Amballes Lodge, Les Amballes, St. Peter Port.

APPLICANT: Mr & Mrs M H Allisette

I refer to the application referred to below received as valid on 21/09/2021 regarding the above proposals as described more fully in the application and drawings referred to below.

Date of refusal of permission: 29/03/2022

Drawing Nos: Tyrrell Dowinton Associates - 1535 03.01A, 03.02A & 03.03

Application Ref: FULL/2021/1809

Property Ref: A11093A000+A109830000

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 biodiversity interest of the site has not been fully taken into account and the limited landscaping details and other measures submitted are not sufficient to demonstrate that the negative impacts of the development on the Area of Biodiversity Importance have been mitigated. The proposal does not accord with Policy GP3.
2. The removal of a section of granite wall and its replacement with a 6m wide opening to a parking area and a 6m high rendered wall and the loss of the green and open aspect of this section of the site would have a negative effect on the setting of the adjacent protected building which would not be outweighed by the benefits of the development. The proposal does not comply with Policy GP5.
3. The site links the urban environment with a wider corridor of green space and forms an important feature within the Conservation Area. The proposal, and particularly the parking area, will result in the permanent loss of open land and green backdrop which is prominent in public views. The loss of open land and the removal of a section of granite wall and its replacement with a 6m wide opening to a parking area and a 6m

high rendered wall does not make an equal or enhanced contribution to the character and appearance of the Conservation Area. The proposal does not respect the local built environment or the open landscape concerned and is contrary to Policies GP1, GP4 and GP8.

4. Sightlines from the access are significantly below the required standard, which represents a significant road safety risk. This is compounded by the proximity of the access to the junction with Piette Road and the internal geometry of the parking area which would not enable vehicles to turn around within the site. As a result, the proposal raises significant road safety concerns and it conflicts with Policy IP9.

5. It has not been demonstrated that the development would provide adequate secure covered storage for bicycles, contrary to Policy IP6.

6. The information submitted does not demonstrate that the dwellings will be accessible for people of all ages and abilities or that they offer flexible or adaptable accommodation, contrary to Policy GP8.

7. The information submitted is not sufficient to demonstrate that the proposal complies with Policy GP9 with particular regard to how the proposal has been located and orientated to minimise the use of energy and resources, the form of construction, the use of renewable energy technologies and the proposed building materials.

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/2021/1809
Property Ref: A11093A000+A109830000
Valid date: 21/09/2021
Location: Land Adjacent To Les Amballes Lodge Les Amballes St. Peter Port Guernsey GY1 1WU
Proposal: Erect 3 dwellings with associated parking and landscaping and alter and widen vehicle access (Protected Building).
Applicant: Mr & Mrs M H Allisette

RECOMMENDATION - Refusal with Reasons:

REASONS FOR REFUSAL

1. The biodiversity interest of the site has not been fully taken into account and the limited landscaping details and other measures submitted are not sufficient to demonstrate that the negative impacts of the development on the Area of Biodiversity Importance have been mitigated. The proposal does not accord with Policy GP3.
2. The removal of a section of granite wall and its replacement with a 6m wide opening to a parking area and a 6m high rendered wall and the loss of the green and open aspect of this section of the site would have a negative effect on the setting of the adjacent protected building which would not be outweighed by the benefits of the development. The proposal does not comply with Policy GP5.
3. The site links the urban environment with a wider corridor of green space and forms an important feature within the Conservation Area. The proposal, and particularly the parking area, will result in the permanent loss of open land and green backdrop which is prominent in public views. The loss of open land and the removal of a section of granite wall and its replacement with a 6m wide opening to a parking area and a 6m high rendered wall does not make an equal or enhanced contribution to the character and appearance of the Conservation Area. The proposal does not respect the local built environment or the open landscape concerned and is contrary to Policies GP1, GP4 and GP8.
4. Sightlines from the access are significantly below the required standard, which represents a significant road safety risk. This is compounded by the proximity of the access to the junction with Piette Road and the internal geometry of the parking area which would not enable vehicles to turn around within the site. As a result, the proposal raises significant road safety concerns and it conflicts with Policy IP9.
5. It has not been demonstrated that the development would provide adequate secure covered storage for bicycles, contrary to Policy IP6.

6. The information submitted does not demonstrate that the dwellings will be accessible for people of all ages and abilities or that they offer flexible or adaptable accommodation, contrary to Policy GP8.

7. The information submitted is not sufficient to demonstrate that the proposal complies with Policy GP9 with particular regard to how the proposal has been located and orientated to minimise the use of energy and resources, the form of construction, the use of renewable energy technologies and the proposed building materials.

OFFICER'S REPORT

Site Description:

The site comprises of an area of undeveloped open land which forms part of a larger woodland area along an escarpment, below Les Cotils and Beau Sejour.

The site is visible from various points along Les Banques and St George's Esplanade, as well as from Piette Road and Les Amballes. Parts of the site are visible from Les Cotils and the woodland to the rear.

The Habitat Survey, 2018 classifies the site as Semi Natural Broadleaved Woodland and a Preliminary Ecological Assessment dated March 2017, submitted with a previous application, set out that the site comprised of a young semi-natural woodland dominated by Sycamore with a bramble understory. However, the site appears to have been cleared of trees since March 2017.

The site includes alterations to the vehicular access of a neighbouring property to the north, Les Amballes Lodge. Les Amballes Lodge, together with its roadside wall and railings is a protected building.

Relevant History:

May to Oct 2020 - PREA/2020/0677 – Pre-application advice regarding residential development.

13/11/2018 – FULL/2018/0771 – Permission refused to erect three storey building providing nine flats with basement parking, create new vehicular access and associated landscaping.

Existing Use(s):

Woodland/Open land

Brief Description of Development:

Planning permission is requested to erect a terrace of three, 3 bedroom dwellings with associated parking for 3 vehicles to the north of the dwellings and accessed via altering

and widening an existing vehicular access on an adjacent neighbouring property, Les Amballes Lodge. The terrace is proposed to be a three storey pitched roof design with the 2nd floor set back slightly with balconies in front. The terrace would be finished with a mix of rendered and composite clad walls, dark grey fenestration and a natural slate roof.

The application was accompanied by:

- A letter from the agent dated 04/08/2021 setting out supporting comments in relation to Island Development Plan policies.
- A Biodiversity Summary dated January 2021 by GD Environmental Consultancy Ltd.

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

MC2 – Housing in Main Centres and Main Centre Outer Areas

GP1 – Landscape Character and Open Land

GP3 – Areas of Biodiversity Importance

GP4 – Conservation Areas

GP5 – Protected Buildings

GP8 – Design

GP9 – Sustainable Development

IP6 – Transport Infrastructure and Support Facilities

IP7 – Private and Communal Car Parking

IP9 - Highway Safety, Accessibility and Capacity

Representations:

Three letters of objection were received, main points as follows:

- Another major development is already taking place in Les Amballes and the land in question is the only green space left in Les Amballes providing a haven for birds and wildlife and an area of peace and tranquillity in this already built up area.
- The site is designated as a Site of Significant Biodiversity and concerned that any of this land is under threat.
- Traffic frequency and speed along the highway has increased since 1975, the existing road infrastructure cannot cope with recent and this proposed development and will compromise road safety.
- Impact of development on Important Open Land and loss of long and short range public views of open green space.
- Concerned about noise, disruption and traffic during construction phase and highlights issues with recent nearby development on health and wellbeing of neighbours.
- Concerned about the excavation of the site and the impact on the structural integrity of adjoining properties.

Consultations:

Traffic and Highway Services, 03/02/2022

“Further to our meeting and discussion this morning in relation to the above application FULL/2021/1809 relating to the site “Les Amballes Lodge” I can comment as follows;

A previous application in 2018 (FULL/2018/0771) was assessed by Traffic and Highway Services, where we objected to the application on road safety grounds. This was due to significantly sub-standard sightlines from the access under those plans, and in particular the oncoming sightline, which given the 85th percentile speeds of vehicles oncoming (coming down the hill from Les Canichers) presented an easily identified road safety risk.

Under the revised scheme that forms this application, Traffic and Highway Services has three main area of concern:

1. From the plans supplied with this application, the oncoming sightline using a datum of 2m is approximately 4.5m due to the boundary wall adjacent to the access obstructing the driver’s view of oncoming vehicles. As a neighbourhood road, Les Amballes would attract a sightline standard of 20m. The sightline available under these plans is significantly below the required standard, and represents a significant road safety risk.
2. In combination with the oncoming sightline as commented, the proximity of the access to the junction raises further road safety concerns, inasmuch that due to the sightline being so poor, the only method by which a driver egressing the access will obtain a direct view of oncoming vehicles is by moving into the carriageway. Given the geometries involved, this manoeuvre is highly likely to require the driver’s vehicle to be extending nearly 2m into the road before the visibility splay extends enough to enable the driver to see an oncoming vehicle. The risk in this scenario, is that a driver egressing Piette Road and turning left into Les Amballes is then likely to be in the driving line of any vehicle oncoming towards the site (from Les Canichers) where the site’s egressing vehicle has caused the oncoming to move out into the carriageway to avoid colliding with the egressing vehicle.
3. I am also concerned with the internal geometry of the parking area. As discussed, I do not believe that it will be possible to turn a representative vehicle within the parking area, and this either leads to a driver being required to reverse into the access to park, in order to drive out in a forward direction, or where the driver elects to drive in and then reverse out. Given the location of the access, both scenarios cause serious road safety concerns and to a lesser extent in the case of a vehicle reversing in, a minor traffic management concern.

Therefore, on the basis on the significantly sub-standard sightline alone, I would strongly object to this application on road safety grounds, with the other factors as detailed further amplifying the road safety risk”.

La Société Guernesiaise, 02/12/2021

"Firstly, please disregard an earlier message (or two) on this subject which was/were copied to the Planning Services email address, sent by a member in error during discussions on this project. Apologies.

We have now fully read through the Biodiversity Summary - it is basically a re-working of the original Environment Guernsey one. However the new report has introduced a few inaccuracies and references to species not found in Guernsey. For example, our native Common Hawthorn is *Crataegus monogyna* rather than *C. laevigata* (Midland Hawthorn). Also we do not have nesting yellowhammers or white admiral butterflies on the island. More minor errors include the Latin name of our ivy which is *Hedera hibernica* (not *H. helix*) and Sycamore is *Acer pseudoplatanus* not *pseudoplantus*.

Overall, the summary broadly repeats the recommendations made by Environment Guernsey in 2017 - these would remain applicable to the current proposals.

It would be useful to have the full details of any proposed bird and bat boxes to ensure they are designed for relevant species and further, that they are installed in suitable locations (for example bat boxes generally need to face a southerly direction, bird boxes generally face a northerly direction)".

La Société Guernesiaise, 21/10/2021

"Development proposals for this land have been considered previously and we are aware that an ecological assessment was completed for the area in 2017.

We would suggest that such reports have a limited 'shelf life', generally remaining valid for 12-24 months. We would also highlight that the local Strategy for Nature now places a greater emphasis on the environmental impacts of new development and the need for overall biodiversity gain. We would therefore recommend that if the proposal is considered further, an updated independent ecological assessment be undertaken".

Guernsey Water, 22/10/2021

"The above planning application for 3 new houses is on land that Guernsey Water has a sewer on and looking at the plans Unit No 3 would sit right on the sewer.

I have made contact with the architects, Tyrell Dowinton, as the agents to make them aware. Guernsey Water is currently looking at the sewer and what it feeds with a plan to carry out work".

Summary of Issues:

The main issues in deciding this application are:

1. The impact of the development on the Area of Biodiversity Importance.
2. The impact of the development on the setting of the adjacent protected building.
3. The design and impact of the development on the character and appearance of the Conservation Area.
4. The impact of the development on the amenity of people living in the area.
5. Road safety and traffic management issues.

6. Whether the development would result in a satisfactory living environment for the occupiers of the new dwellings.

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).**

Planning permission was refused in November 2018 to erect a three storey building on the site providing nine flats with basement parking (FULL/2018/0771). The application was refused on account of its impact on the character and appearance of the Conservation Area through the loss of an area of open and undeveloped land; the application did not respect the character of the open landscape; the proposal did not mitigate the negative impacts on the Area of Biodiversity Importance; insufficient information was provided to demonstrate that the proposal would provide a flexible, adaptable and sustainable design; there were road safety concerns due to substandard sightlines and the proposal did not provide an appropriate mix and type of dwellings.

The current revised application seeks to address the reasons for the refusal of the previous scheme and a letter from the agent provides supporting comments with regards to these aspects.

As set out in Policy MC2, the majority of the Island's housing supply is to be provided within and around the Main Centres. The site is located in a Main Centre Outer Area and does not form Important Open Land. Current evidence regarding private market housing suggests a need for homes of 1-3 bedrooms, with an emphasis on 2 and 3 bedrooms. The proposal broadly reflects current housing need and taking into account the layout and character of the site and surrounding area, the proposed mix and type of housing is considered to be appropriate in this case. As such Policy MC2 supports the development of the site for housing where it accords with all other relevant policies of the Island Development Plan.

The impact of the development on the Area of Biodiversity Importance

The site forms part of an Area of Biodiversity Importance. Policy GP3 requires proposals to demonstrate that the biodiversity interest of the site has been considered, and protected and where possible enhanced, or that any negative impacts on biodiversity are mitigated.

The published (gov.gg) document '*Approach to the Designation of Areas of Biodiversity Importance, 2014*', describes the site: '*Rope walk (SNCI no 19 in UAP) Map ref: 43: Site mainly consisting of planted and regenerated broadleaved woodland or scrub. These areas are good for nesting and foraging birds and allow mixed feeding parties into the heart of town. (Justification: Former UAP SNCI)*'.

The application was accompanied by a Biodiversity Summary dated January 2021, prepared by GD Environmental Consultancy Ltd. The report concludes that *“the Rope Walk is of relative high biodiversity within the urban setting. However, from the site visit conducted in January 2021, the site showed a lower ecological status on comparison to the rest of the Rope Walk”*. The report does not reach a conclusion or quantify the harm or benefits of the development. To mitigate the loss of the part of the Area of Biodiversity Importance that is to be developed, the report proposes incorporating native landscaping and installing bird and bat boxes.

However, the site has been largely cleared of trees since the refusal of the previous application in November 2018. This is illustrated through the photographs submitted with the previously refused application, photographs taken by the Planning Service during the assessment of the previously refused scheme and the current application, the 2010 and 2018 Habitats Surveys which classified this land as semi-natural broadleaved woodland, and the Preliminary Ecological Assessment dated March 2017 which was submitted with the previously refused scheme which advised that the site at that time comprised of a young semi-natural woodland dominated by Sycamore with a bramble understory.

No explanation is provided about the clearance works undertaken at the site and although on the face of it the site has a lower biodiversity value than it did in 2017, the devaluation of the site in terms of biodiversity due to its clearance should not be rewarded with a reduction in the levels of protection afforded to the site under Policy GP3, otherwise this would encourage the clearance of similar sites prior to the submission of development proposals in order to enhance the prospects of development within Areas of Biodiversity Importance. It is therefore considered that the site should remain to be viewed as having a relatively high biodiversity value within the urban setting, even if that biodiversity value is mainly based on its high potential.

The footprint of the buildings have been substantially reduced from the previously refused scheme and their siting towards the southern end of the site helps to create a more consolidated remaining area of open land, as opposed to the open land being formed of a series of thin strips. However, the majority of the reduction in the footprint of the buildings is offset by the creation of a separate parking area to the north of the buildings. Consequently, the proposed scheme only includes a marginal reduction in the overall footprint of the built area of the site (approximately 7%) and the built up areas would be very prominent in public views, particularly the car park at the northern end of the site which would be visible along Piette Road.

La Société Guernesiaise conclude that the biodiversity summary broadly repeats recommendations made in the Preliminary Ecological Assessment dated March 2017 and these would remain applicable to the current proposals. In addition, details of bird and bat boxes are recommended to ensure that they are designed for relevant species and are installed in suitable locations.

The submitted biodiversity summary gives an indication of planting that could be undertaken, however, the information is vague and generic with no details of the location, numbers or density of planting and recommendations are not carried through

to the proposed drawings, such as no bird or bat boxes are indicated on the proposed buildings. In addition, the biodiversity summary is based on the site being of low biodiversity value. Whilst, the site may currently have little planting of biodiversity value, this is due to the clearance of the site since 2017 which has devalued the biodiversity value of the site and it remains the case that due to its relationship with the Rope Walk area, the site should be viewed as having a relatively high biodiversity value within the urban setting, even if that biodiversity value is mainly based on its high potential. As a result, the biodiversity interest of the site has not been fully taken into account and the limited landscaping details and other measures submitted are not sufficient to demonstrate that the negative impacts of the development on the Area of Biodiversity Importance have been mitigated. The proposal does not accord with Policy GP3.

The impact of the development on the setting of the adjacent protected building

The neighbouring property to the north, Les Amballes Lodge, together with its roadside wall and railings is a protected building. The listing includes the boundary wall up to the boundary line. The application site includes part of the property of the protected building and the development affects the protected wall.

The proposal would involve retaining the north side of the opening closest to the protected building but the lintel over the driveway which is concrete would be removed as would the remainder of the tall granite wall and the granite retaining wall which extends south into the site. The width of the opening would be increased from approximately 2.7m to 6m and whilst the wall on the road would be granite, the new retaining walls bounding the parking area would be rendered blockwork and up to 6m high from the parking area. The parking area would be axial with Piette road and would therefore act as the stop end to Piette road, and would form a prominent feature from the public highway.

Part of the protected wall would be required to be removed but as this would only involve the concrete lintel and a small section of wall above, the harm in terms of the loss of fabric would be minimal. However, there would be a negative effect on the setting of the protected building due to the removal of a granite wall which appears to be contemporary with the protected building and its replacement with a 6m wide opening to a parking area and a 6m high rendered wall. This is compounded as the green and open aspect of the Area of Biodiversity Importance is part of the 'stop-end' to Piette Road and this view will be significantly diminished by the development.

In terms of Policy GP5 any potential harm must be balanced against the benefits of the scheme. In this case the benefits of the scheme are the provision of housing in an area in which housing is encouraged by policy. However, housing could be provided on the site with less harmful effects on the setting of the protected building. The proposal does not comply with Policy GP5.

The design and impact of the development on the character and appearance of the Conservation Area

The site is within the 'Escarpment' zone (Island Development Plan, p276) and is described as "*The **Inland Scarp** has also been affected by development. The landform is*

less evident than on the West Coast, but the Scarp still reads as a strong landscape feature standing up against the horizon. Though there is little actual woodland, the combined effect of garden and hedgerow trees creates an impression of woodland from a distance. As the Scarp is sheltered from the sea and trees tend to occur in gardens, the tree species are more varied than on the West Coast Scarp". The escarpment is described as the fossil cliff forming the northern edge of the upland plateau and as such it is prominent from the lowlands to the north.

The underlying landscape is one of the principal features that contribute to the character of the Town Conservation Area, the valleys and hills on which the town is built give the distinctive appearance. In particular, when viewed from the north or from the approach by sea, the appearance of the town climbing the hill is accentuated by the green spaces on either side of it. As set out in the St Peter Port Conservation Area Appraisal, December 2021: Part Two Study of the Hillside Town, the Hillside Town is bookended by two wooded areas, to the south is Le Val des Terres and Havelet Valley; and to the north is a swathe of land that runs from St Jacques to Beau Sejour. These green bookends are key characteristics of the Conservation Area as they are the background/counterpoint to the blanket of built development. The St Peter Port Conservation Area Appraisal sets out guidance for new development and states that *"The green book-ends of woodland and large groups of trees (see page 7) should be retained. Development within these areas will need to be carefully considered so as to not erode character. If it is expedient, statutory protection for the trees in these areas should be considered. This study demonstrates that individual trees and groups of trees, including those within private gardens, (see page 7) make a valuable contribution to the character of the Hillside Town and to public amenity. These trees should be considered for statutory protection if it is expedient to do so".*

Whilst the site has not been identified as Important Open Land, the undeveloped/open nature of the site does contribute to the character of the Conservation Area by virtue of:

- its contribution to the readability of the underlying landscape character;
- its open nature from far viewpoints and the contribution to the town as a whole;
- its open nature from nearer viewpoints and the contribution to the amenity of the immediate area including the coast road, Piette Road, Les Amballes and the nature walk and woodland behind; and
- its designation as an Area of Biodiversity Importance, and the habitat that it provides.

In terms of the immediate area, the site is of particular importance when viewed from the coast and up Piette Road, to which it is a stop end and it gives a strong visual link to an undeveloped and green space. From Les Amballes the break in development and the resultant connection with a wider green open space does contribute highly to the amenity of the surrounding buildings. When viewed from the publicly accessible woodland walk the site has the potential to bolster the woodland, which is quite sparsely planted at the boundary of the site with trees but minimal low level planting.

Any well-established green space which breaks the pattern of development in an otherwise urban environment has value, but this site in particular is important as it links the urban environment with a wider corridor of green space which extends up and over

the top of the hill. Therefore, the value of the green backdrop, of which this application site forms part, has a very high contribution to the character of the Conservation Area.

The site should be considered as a feature in the Conservation Area that makes a very high contribution to its character and appearance. The proposal would result in the 'demolition' or 'partial demolition' of this feature and, under Policy GP4, such a development will only be supported where the replacement makes an equal or enhanced contribution to the character of the Conservation Area.

As set out above, the footprint of the buildings have been substantially reduced from the previously refused scheme and their siting towards the southern end of the site helps to create a more consolidated remaining area of open land, as opposed to the open land being formed of a series of thin strips. However, the majority of the reduction in the footprint of the buildings is offset by the creation of a separate parking area to the north of the buildings. Consequently, the proposed scheme only includes a marginal reduction in the overall footprint of the built area of the site (approximately 7%) and the built up areas would be very prominent in public views, particularly the car park at the northern end of the site which would be visible along Piette Road.

There are two separate parts to this application, the dwellings and the parking area. Broadly speaking the siting, size, footprint and form of the dwellings respects the type of buildings in the area, they are a reduction from the previously refused plans and they appear reasonable. However, the remote parking area has a harmful effect on the Conservation Area. This is due to the impact on and permanent loss of open land and green backdrop which makes a high contribution to the character of the Conservation Area and is prominent in public views along Piette Road. The loss of this section of open land and the removal of a granite wall which appears to be contemporary with the adjacent protected building and its replacement with a 6m wide opening to a parking area and a 6m high rendered wall directly opposite an axial view along a public highway does not make an equal or enhanced contribution to the character and appearance of the Conservation Area. In addition, there are concerns about the installation of a high fence above the roadside wall and its impact on the character and appearance of the area. The proposal does not respect the local built environment or the open landscape concerned and is contrary to Policies GP1, GP4 and GP8.

The impact of the development on the amenity of people living in the area

The dwellings would approximately align with the neighbouring dwelling to the south and would face neighbouring dwellings across the street to the east. This relationship is similar to and common along this urban street and is unlikely to result in any significant adverse effects on the amenities of neighbouring residents.

Although given the relatively small size of the site it would not normally be necessary to require details of a Construction Environmental Management Plan, given the close proximity of neighbouring properties, the not insignificant element of excavation proposed, and potential conflicts between construction vehicles and other road users, a condition requiring the submission of a proportionate Construction Environmental Management Plan is considered to be justified in this instance. However, as the

proposal does not otherwise accord with policy, further details have not been requested at this stage.

Road safety and traffic management issues

Traffic and Highway Services advises that the available sightlines is significantly below the required standard, which represents a significant road safety risk. This is compounded by the proximity of the access to the junction with Piette Road and the internal geometry of the parking area which would not enable vehicles to turn around within the site. Traffic and Highway Services strongly object to the application on road safety grounds. As a result, the proposal raises significant road safety concerns and it conflicts with Policy IP9.

The proposed car parking provision of 1 space per dwelling is adequate and accords with the Parking Standards and Traffic Impact Assessment Supplementary Planning Guidance. However, it has not been demonstrated that the development would provide adequate secure covered storage for bicycles. The agent's letter indicates that the front terraces could be used to store bicycles but it is unclear how this would be achieved without adversely affecting the character and appearance of the Conservation Area, the access to the dwellings and potentially blocking the windows of the dwellings. In addition, the access for bicycles to the front terraces up the stairs would be less than ideal. The proposal does not accord with Policy IP6 and the Parking Standards and Traffic Impact Assessment Supplementary Planning Guidance.

Whether the development would result in a satisfactory living environment for the occupiers of the new dwellings

The health and well-being of the occupiers of the development requires consideration as set out in part (d) of Policy GP8 and explained in more detail in Annex I (Amenities). The objective to build at high densities is to be balanced, but not override, the need to create acceptable living environments. Although there are no rigid standards for amenity provision, the factors to be considered include internal space provision, privacy, aspect/outlook, access to external open space and daylight/sunlight.

The proposed dwellings all substantially exceed the Guernsey Technical Standards minimum internal space standards and they all exceed the best practice minimum internal space standards which are published on the Authority's website. All of the dwellings are dual aspect and would have adequate daylight and sunlight. There are issues with the privacy for the ground floor bedrooms of units 1 and 2 due to the access to the dwellings but the privacy of the remainder of the dwellings is adequate, including the main living areas at first floor level. All of the dwellings have access to some form of outdoor space, comprising of small rear courtyards and east facing balconies at second floor level. Although the rear courtyards are of limited size and quality, particularly considering the tree planting to the west, and the balconies are of limited size considering the size and nature of the dwellings, the dwellings all include a reasonable outlook over the public street and with the potential for a wider outlook above neighbouring properties to the east, and the site has access to public open spaces in close proximity, such as Cambridge Park. Given the central town location of the site, the proposed provision of and access to outdoor space could be adequate in this instance.

Overall, despite some deficiencies, the proposal would provide a satisfactory quality of residential environment for future occupiers, in accordance with Policy GP8.

Other matters

With regards to accessibility and adaptability of the dwellings, the agent's letter advises that all 3 dwellings *"include accesses for all ages and abilities via several means of transport and full disabled access and following the 16 criterion of the Lifetime Homes"*. However, this statement does not correspond with the submitted plans for example all dwellings are accessed via 20 steps which does not provide full disabled access or comply with Lifetime Homes standards and there is no opportunity to increase the width of parking spaces. In addition, the bottom of the stairs is close to the vehicle access and shielded from view which could create a pedestrian safety issue and although bedrooms are located at ground floor level the options for adaptability have not been clearly demonstrated. The information submitted does not demonstrate that the dwellings will be accessible for people of all ages and abilities or that they offer flexible or adaptable accommodation, contrary to Policy GP8.

Policy GP9 is wide-ranging and includes requirements for sustainable design and construction with reference to the design, layout and orientation of buildings, flood risk and surface water run-off, renewable energy, the use of materials and the management of waste.

A letter from the agent includes brief comments regarding Policy GP9 including that *"the insulation, light, ventilation, glazing, drainage and access all meet and exceed the Building (Guernsey) Regulations 2012"*. However, it does not set out how this would be achieved or what measures (if any) are proposed as being appropriate and practical to exceed minimum requirements. In addition, the comments include a number of generic statements such as noting the potential to install photovoltaic technology and electric car points but they are not shown on the application drawings and no commitment is made to implementing them. The information submitted is not sufficient to demonstrate that the proposal complies with Policy GP9 with particular regard to how the proposal has been located and orientated to minimise the use of energy and resources, the form of construction, the use of renewable energy technologies and the proposed building materials.

With regards to the comments received regarding the excavation of the site and the impact on the structural integrity of adjoining properties, the potential for construction works to cause damage to the neighbouring property is not a material consideration. All decisions made by the Authority are without prejudice to third party rights, and the Authority is not able to address civil matters such as damage caused to neighbouring properties, third party disputes or other related matters of ownership. Where necessary such cases should be resolved by seeking legal advice.

Conclusion

It is recommended that the application is refused on the following grounds, which are set out in detail above and summarised below:

- The biodiversity interest of the site has not been fully taken into account and the limited landscaping details and other measures submitted are not sufficient to demonstrate that the negative impacts of the development on the Area of Biodiversity Importance have been mitigated. The proposal does not accord with Policy GP3.
- The removal of a section of granite wall and its replacement with a 6m wide opening to a parking area and a 6m high rendered wall and the loss of the green and open aspect of this section of the site would have a negative effect on the setting of the adjacent protected building which would not be outweighed by the benefits of the development. The proposal does not comply with Policy GP5.
- The site links the urban environment with a wider corridor of green space and forms an important feature within the Conservation Area. The proposal, and particularly the parking area, will result in the permanent loss of open land and green backdrop which is prominent in public views. The loss of open land and the removal of a section of granite wall and its replacement with a 6m wide opening to a parking area and a 6m high rendered wall does not make an equal or enhanced contribution to the character and appearance of the Conservation Area. The proposal does not respect the local built environment or the open landscape concerned and is contrary to Policies GP1, GP4 and GP8.
- Sightlines from the access are significantly below the required standard, which represents a significant road safety risk. This is compounded by the proximity of the access to the junction with Piette Road and the internal geometry of the parking area which would not enable vehicles to turn around within the site. As a result, the proposal raises significant road safety concerns and it conflicts with Policy IP9.
- It has not been demonstrated that the development would provide adequate secure covered storage for bicycles, contrary to Policy IP6.
- The information submitted does not demonstrate that the dwellings will be accessible for people of all ages and abilities or that they offer flexible or adaptable accommodation, contrary to Policy GP8.
- The information submitted is not sufficient to demonstrate that the proposal complies with Policy GP9 with particular regard to how the proposal has been located and orientated to minimise the use of energy and resources, the form of construction, the use of renewable energy technologies and the proposed building materials.

Date: 29/03/2022