

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

NOTIFICATION OF GRANT OF PLANNING PERMISSION

PROPOSALS: Erect 26 dwellings with associated landscaping and parking, erect cycle storage and alterations to public parking area, vehicle access and pedestrian access link to east of site (revised).

LOCATION: Briarwood, Car park & Blanches Pierres, La Grande Rue, St. Martin.

APPLICANT: Sarnian Property Ltd & Infinity Construction

This permission is granted under the terms of Sections 15 and 16 of the Land Planning and Development (Guernsey) Law, 2005 (the 'Law').

Date of Grant of Permission: 10/03/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 24/12/2021 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: TDA - 1911/03.01D, 02E, 03C, 04C, 05C, 06B, 07B, 08B, 09C, 10C, 11C, 12C, 13C, 14C, 15C, 16C, 17C, 18C, 19C, 20C, 21C, 22C, 23B, 24C, 25C, 26B, 27C, 28C, 29B, 30D, 31D, 32C, 34F, 35D, 36D, 37C, 50C, 51B, 52B, 53A, 54A, 55A, 56A, 57B, 58B, 59B & 61C.

Guernsey Gardens: 025-2022-001A & 002A

Regal Cycle Shelter

Rowlinson Shed Details

Broxap - Ludworth Seat & Maelor Trafflex 90L Round Litter Bin

Application Ref: FULL/2021/2605

Property Ref: J000580000+J000590000+J00059B000+J00059C000

Conditions and reasons:-

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

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

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

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

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

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

4. No development, including demolition and site works, shall begin until there has been submitted to and agreed in writing by the Authority a desktop study identifying any potential contaminating features.

Reason - To make sure that the site, when developed is free from contamination, in the interests of public health and safety.

5. Unless the Authority has confirmed in writing that such a report is unnecessary, no development, including demolition and site works, but excluding works required to meet the requirements of this condition, shall begin until there has been submitted to and agreed in writing by the Authority a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desktop study.

Reason - To make sure that the site, when developed is free from contamination, in the interests of public health and safety.

6. Unless the Authority has confirmed in writing that such a report is unnecessary, no development, including demolition and site works, shall begin until there has been submitted to and agreed in writing by the Authority a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases

when the site is developed and proposals for future maintenance and monitoring. The development shall be carried out only in accordance with the agreed scheme.

Reason - To make sure that the site, when developed is free from contamination, in the interests of public health and safety.

7. Unless the Authority has confirmed in writing that verification is unnecessary, no part of the development shall be occupied or brought into use until there has been submitted to and agreed in writing by the Authority a report providing verification that the remediation scheme agreed under condition 6 above has been implemented fully in accordance with the agreed details. The development shall be monitored and maintained in accordance with the scheme agreed under condition 6 above for a period of 2 years or in accordance with a programme previously agreed in writing by the Authority.

Reason - To make sure that the site, when developed is free from contamination, in the interests of public health and safety.

8. No development, including demolition and site works, shall begin until a programme of works detailing the phasing of the works and the availability of public car parking has been submitted to and agreed in writing by the Authority. The works shall then be carried out in accordance with the agreed details.

Reason - To minimise the loss of and impact on public parking provision during the construction phase of the development.

9. No development, including demolition and site works, shall begin until a revised Construction Environmental Management Plan, to include the details set out in the consultation response dated 18/02/2022 from The Office of Environmental Health and Pollution Regulation, has been submitted to and approved in writing by the Authority. The works shall then be carried out in accordance with the agreed Construction Environmental Management Plan.

Reason - To minimise the effect of the construction phase of the development on surrounding uses.

10. No development, including site works, shall begin on site until each tree shown to be retained on the approved plans has been protected, in a manner previously agreed in writing by the Authority and a method statement setting out details of any construction works within the root protection area of each tree to be retained has been submitted to and agreed in writing by the Authority. Each tree shall be protected and works shall be undertaken in the agreed manner for the duration of building operations on the application site. Within the areas agreed to be protected, the existing ground level shall be neither raised nor lowered unless permitted by the approved method statement, and no materials or temporary building or surplus soil of any kind shall be placed or stored thereon. If any trenches for services are required in the protected areas, they shall be excavated and back-filled by hand and any tree

roots encountered with a diameter of 5cm or more shall be left unsevered.

Reason - The trees are important features in the area and this condition is imposed to make sure that they are properly protected while building works take place on the site.

11. No development, including site works, shall begin on site until such time as full details of the way in which surface water is to be managed and disposed of from the site have been submitted to and agreed in writing by the Authority. The works shall then be completed in accordance with the agreed details.

Reason - To make sure that surface water can be managed on the site without increasing flows into the public drainage systems.

12. No development, excluding demolition and site works, shall begin on site until precise details of all hard surfaced areas have been submitted to and agreed in writing by the Authority. The works shall be carried out only in accordance with the agreed details.

Reason - In the interests of visual amenity.

13. No development, excluding demolition and site works, shall begin until details of the construction, including levels, of the pedestrian crossing at the entrance to units 19 to 26 and the pavement along La Grande Rue at the entrances to the site have been submitted to and approved in writing by the Authority. The works shall then be carried out in accordance with the agreed details.

Reason - To ensure the pedestrian crossing and pavement is accessible to all and gives a clear priority to pedestrians.

14. Prior to the first occupation of any part of the development an updated landscape scheme to replace plan number 025-2022-001A, which takes account of the revised layout for Briarwood, shall be submitted to and agreed in writing by the Authority.

Reason - To help assimilate the development into its surroundings in the interests of visual amenity.

15. The landscaping scheme shall be fully completed, in accordance with Guernsey Gardens plan numbers 025-2022-001A, 002A and as updated by the details agreed under condition 14, in the first planting season following the first occupation of any part of the development or completion of development whichever is the sooner, or in accordance with a programme previously agreed in writing by the Authority. Any trees or plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by trees or plants of a size and species similar to those originally required to be planted.

Reason - To help assimilate the development into its surroundings in the interests of

visual amenity.

16. No occupation of any of the dwellings shall take place until such time as the car park, including the turning point and bicycle parking, has been fully completed and made available for use.

Reason - To make sure that the public car park is completed in the interests of road safety and effective traffic management.

17. No occupation of dwellings 19 to 26 shall take place until such time as the pedestrian path to the supermarket to the south-east of the site has been fully completed and made available for use.

Reason - To encourage the use of active travel as an alternative to the car.

18. The solar panels shall not be installed and the permeable hard surfaces shall not be constructed until details of their construction has been submitted to and agreed in writing by the Authority. Thereafter the development shall not be occupied until the solar panels, permeable hard surfacing, electric car charging points, electric car charging points ducting within the car park and all other sustainable design features set out in the Strategic Planning & Property Ltd letter dated 24/11/2021 have been installed/completed/made operational.

Reason - In the interests of sustainable development, these features having been proposed to address the requirements of Island Development Plan Policy GP9.

19. Notwithstanding the details submitted, no dwelling shall be occupied until details of bird and bat boxes to be installed within the section of the site comprising of units 1 to 19 have been submitted to and agreed in writing by the Authority and the bird and bat boxes have been installed in accordance with the approved details.

Reason - In the interests of biodiversity.

20. Prior to the construction of the granite walls along the north and east boundaries of Briarwood, details of the type, colour, texture, method of bonding and pointing of the walls shall be submitted to and agreed in writing by the Authority. The works shall be carried out only in accordance with the agreed details.

Reason - In the interests of visual amenity.

21. No part of the development, hereby permitted, shall be occupied or used until details of any lighting within the car park, access roads and pedestrian paths have been submitted to and agreed in writing by the Authority. Any lighting shall then be installed only in accordance with the agreed details.

Reason - To make sure the level of lighting provides a safe environment and is not excessive in order to secure a sustainable form of development and one which does

not unduly interfere with residential amenity or traffic and pedestrian safety.

22. The metal access gates to units 1 to 18 and 19 to 26 shall not be installed until details of the gates and posts, including an elevation at a scale of 1:100, have been submitted to and agreed in writing by the Authority. The development shall thereafter be carried out only in accordance with the agreed details.

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

23. Notwithstanding the details submitted, no fence or gate shall be constructed across the pedestrian footpaths at the entrance to the residential developments.

Reason - To prevent obstructions to pedestrians and in the interests of the character and amenity of the area.

24. No part of the public car park shall be used until details of the bollard at the western end of the turning point has been submitted to and agreed in writing by the Authority and the bollard has been installed in accordance with the agreed details. The bollard at the western end of the turning point shall thereafter remain in situ at all times except for when it is required to be temporarily removed to enable the use of the access by maintenance or emergency vehicles.

Reason - To minimise the number of points of vehicular access, in the interests of highway safety.

25. No development, including site clearance and demolition, shall take place until an updated version of the Site Waste Management Plan submitted as part of this application has been submitted to and approved in writing by the Authority. The updated Site Waste Management Plan shall take into account any further site surveys or changes to the construction programme, and shall identify an individual with responsibility for regularly monitoring the Site Waste Management Plan. The development shall thereafter be carried out only in accordance with the Site Waste Management Plan so approved.

Reason - To ensure that the development is managed to minimise waste during the demolition of any existing buildings or structures or during construction, that existing materials are reused, recycled or disposed of either on or off site, and that residual waste will be dealt with appropriately, in accordance with the aims and objectives of Policy GP9.

26. No part of the development hereby permitted shall be occupied or brought into use until there has been submitted to the Authority a report providing verification that the development has been carried out and monitored fully in accordance with the Site Waste Management Plan approved under Condition 25 above. Where there has been any variation from the approved Site Waste Management Plan, the report shall

highlight and detail the reasons for this.

Reason - To ensure that the development is managed to minimise waste during the demolition of any existing buildings or structures or during construction, that existing materials are reused, recycled or disposed of either on or off site, and that residual waste will be dealt with appropriately, in accordance with the aims and objectives of Policy GP9.

Expiry Date: This permission will cease to have effect on 09/03/2026 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

The site is known to be or suspected to be contaminated. Please be aware that the responsibility for the safe development and secure occupancy of the site rests with the developer.

Conditions 4 to 7 of this permission require a phased approach involving:

- collection of information about the site to establish if it is likely to be affected by contamination;
- if the first phase indicates potential contamination, a full site investigation to confirm any contamination;
- remediation proposals to satisfactorily address any contamination identified by the site investigation; and
- verification that the necessary remediation works have been fully completed.

It is strongly recommended that in submitting details in accordance with the above conditions that the applicant has reference to Land Contamination risk management available at <https://www.gov.uk/guidance/land-contamination-risk-management>.

If anything of possible archaeological interest is uncovered during construction it is requested that you contact the States Archaeologist, Culture & Heritage Service. The Archaeology team can be contacted on 01481 220729 or 01481 220722, or mobiles 07781 102219 or 07911 721210.

To increase the biodiversity value of the proposed landscape scheme, it is recommended that plants with low biodiversity value, such as hydrangeas, Euonymus and Azaleas are replaced with native plants. Further advice can be found in the Wildlife Friendly Gardens Guidance note which is available on the Planning Service website.

The Guernsey Fire & Rescue Service advises that both of these new building developments will require the installation of a Fire Hydrant. The developers will have to cover the cost of the two new Fire Hydrants. The exact location of the two required Fire Hydrants will be specified by the Guernsey Fire & Rescue Service.

As proposed the dwellings do not meet all of the Lifetime Homes Standards. To improve the adaptability and flexibility of the dwellings it is recommended that all of the dwellings are designed to fully meet the Lifetime Homes Standards. In particular your attention is drawn to criteria: 10 (Entrance level WC and shower drainage); 11 (WC and bathroom walls); 12 (Stairs and potential through-floor lift in dwellings); 13 (Potential for fitting of hoists and bedroom/bathroom relationship); 14 (Bathrooms); and 16 (Location of service controls).

Effect of planning permission:

Section 18 of the Land Planning and Development (Guernsey) Law, 2005 ('the Law') defines the effect of the planning permission hereby granted, namely:

- (1) Planning permission ceases to have effect unless the development permitted by it is commenced within a period of three years immediately following the date on which it is granted (or such shorter period as may be specified in the permission).
- (2) Planning permission enures for the benefit of the land concerned and of every person for the time being having an interest in it.
- (3) Any conditions subject to which planning permission is issued are enforceable in accordance with the provisions of Part V of the Law.
- (4) Planning permission for the erection of a building is only permission to use it for the purpose specified in the permission or, subject to any restriction so specified, for any other purpose for which it is designed.
- (5) Planning permission is only permission to carry out the development specified in it (subject to any conditions so specified), and does not imply the giving of any other approval or consent required under this Law or any other enactment or under any rule of law.

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, on the merits against a decision to grant planning permission subject to conditions (except a building condition), to the Planning Tribunal, which is independent of the States of Guernsey. 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. The official Appeal Notice Forms are available on the States of Guernsey website at www.gov.gg/planningpanel and must be completed with all enclosures in multiples as requested and received within the six months deadline.

Copy of representations made:

In reaching this decision the 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 under section 11 will be included with this decision in accordance with section 19 of the Ordinance.

Other Remarks:

Please note that any work which abuts or affects the public highway requires prior approval by Traffic and Highway Services. Please contact Traffic & Highway Services (highways@gov.gg) for further advice. You must also ensure that any access/es to the development are constructed to meet the existing road/footway levels in accordance with their requirements.

This document is not a Building Licence and confers no approval under the Building Regulations.

A separate Building Control Licence may be required and it is the responsibility of the developer to ensure that ALL necessary consents are obtained and that any pre-commencement conditions are discharged prior to development being commenced.

A J ROWLES

Director of Planning
Planning Service



PLANNING APPLICATION REPORT

Application No: FULL/2021/2605
Property Ref: J000580000+J000590000+J00059B000+J00059C000
Valid date: 24/12/2021
Location: Briarwood, Car park & Blanches Pierres La Grande Rue St. Martin Guernsey GY4 6RX
Proposal: Erect 26 dwellings with associated landscaping and parking, erect cycle storage and alterations to public parking area, vehicle access and pedestrian access link to east of site (revised).
Applicant: Sarnian Property Ltd & Infinity Construction

RECOMMENDATION - Grant: Planning Permission with Conditions:

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

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

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Reason - To make sure that the site, when developed is free from contamination, in the interests of public health and safety.

5. Unless the Authority has confirmed in writing that such a report is unnecessary, no development, including demolition and site works, but excluding works required to meet the requirements of this condition, shall begin until there has been submitted to and agreed in writing by the Authority a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desktop study.

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6. Unless the Authority has confirmed in writing that such a report is unnecessary, no development, including demolition and site works, shall begin until there has been submitted to and agreed in writing by the Authority a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. The development shall be carried out only in accordance with the agreed scheme.

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Reason - To minimise the loss of and impact on public parking provision during the construction phase of the development.

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Reason - To minimise the effect of the construction phase of the development on surrounding uses.

10. No development, including site works, shall begin on site until each tree shown to be retained on the approved plans has been protected, in a manner previously agreed in writing by the Authority and a method statement setting out details of any construction works within the root protection area of each tree to be retained has been submitted to and agreed in writing by the Authority. Each tree shall be protected and works shall be undertaken in the agreed manner for the duration of building operations on the application site. Within the areas agreed to be protected, the existing ground level shall be neither raised nor lowered unless permitted by the approved method statement, and no materials or temporary building or surplus soil of any kind shall be placed or stored thereon. If any trenches for services are required in the protected areas, they shall be excavated and back-filled by hand and any tree roots encountered with a diameter of 5cm or more shall be left unsevered.

Reason - The trees are important features in the area and this condition is imposed to make sure that they are properly protected while building works take place on the site.

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Reason - In the interests of visual amenity.

13. No development, excluding demolition and site works, shall begin until details of the construction, including levels, of the pedestrian crossing at the entrance to units 19 to 26 and the pavement along La Grande Rue at the entrances to the site have been submitted to and approved in writing by the Authority. The works shall then be carried

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Reason - To ensure the pedestrian crossing and pavement is accessible to all and gives a clear priority to pedestrians.

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16. No occupation of any of the dwellings shall take place until such time as the car park, including the turning point and bicycle parking, has been fully completed and made available for use.

Reason - To make sure that the public car park is completed in the interests of road safety and effective traffic management.

17. No occupation of dwellings 19 to 26 shall take place until such time as the pedestrian path to the supermarket to the south-east of the site has been fully completed and made available for use.

Reason - To encourage the use of active travel as an alternative to the car.

18. The solar panels shall not be installed and the permeable hard surfaces shall not be constructed until details of their construction has been submitted to and agreed in writing by the Authority. Thereafter the development shall not be occupied until the solar panels, permeable hard surfacing, electric car charging points, electric car charging points ducting within the car park and all other sustainable design features set out in the Strategic Planning & Property Ltd letter dated 24/11/2021 have been installed/completed/made operational.

Reason - In the interests of sustainable development, these features having been proposed to address the requirements of Island Development Plan Policy GP9.

19. Notwithstanding the details submitted, no dwelling shall be occupied until details of bird and bat boxes to be installed within the section of the site comprising of units 1 to 19 have been submitted to and agreed in writing by the Authority and the bird and bat boxes have been installed in accordance with the approved details.

Reason - In the interests of biodiversity.

20. Prior to the construction of the granite walls along the north and east boundaries of Briarwood, details of the type, colour, texture, method of bonding and pointing of the walls shall be submitted to and agreed in writing by the Authority. The works shall be carried out only in accordance with the agreed details.

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Reason - To make sure the level of lighting provides a safe environment and is not excessive in order to secure a sustainable form of development and one which does not unduly interfere with residential amenity or traffic and pedestrian safety.

22. The metal access gates to units 1 to 18 and 19 to 26 shall not be installed until details of the gates and posts, including an elevation at a scale of 1:100, have been submitted to and agreed in writing by the Authority. The development shall thereafter be carried out only in accordance with the agreed details.

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

23. Notwithstanding the details submitted, no fence or gate shall be constructed across the pedestrian footpaths at the entrance to the residential developments.

Reason - To prevent obstructions to pedestrians and in the interests of the character and amenity of the area.

24. No part of the public car park shall be used until details of the bollard at the western end of the turning point has been submitted to and agreed in writing by the Authority and the bollard has been installed in accordance with the agreed details. The bollard at the western end of the turning point shall thereafter remain in situ at all times except for when it is required to be temporarily removed to enable the use of the access by maintenance or emergency vehicles.

Reason - To minimise the number of points of vehicular access, in the interests of highway safety.

25. No development, including site clearance and demolition, shall take place until an updated version of the Site Waste Management Plan submitted as part of this application has been submitted to and approved in writing by the Authority. The updated Site Waste Management Plan shall take into account any further site surveys or changes to the construction programme, and shall identify an individual with responsibility for regularly monitoring the Site Waste Management Plan. The development shall thereafter be carried out only in accordance with the Site Waste Management Plan so approved.

Reason - To ensure that the development is managed to minimise waste during the demolition of any existing buildings or structures or during construction, that existing materials are reused, recycled or disposed of either on or off site, and that residual waste will be dealt with appropriately, in accordance with the aims and objectives of Policy GP9.

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Reason - To ensure that the development is managed to minimise waste during the demolition of any existing buildings or structures or during construction, that existing materials are reused, recycled or disposed of either on or off site, and that residual waste will be dealt with appropriately, in accordance with the aims and objectives of Policy GP9.

INFORMATIVES

The site is known to be or suspected to be contaminated. Please be aware that the responsibility for the safe development and secure occupancy of the site rests with the developer.

Conditions 4 to 7 of this permission require a phased approach involving:

- collection of information about the site to establish if it is likely to be affected by contamination;
- if the first phase indicates potential contamination, a full site investigation to confirm any contamination;
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It is strongly recommended that in submitting details in accordance with the above conditions that the applicant has reference to Land Contamination risk management available at <https://www.gov.uk/guidance/land-contamination-risk-management>.

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The Guernsey Fire & Rescue Service advises that both of these new building developments will require the installation of a Fire Hydrant. The developers will have to cover the cost of the two new Fire Hydrants. The exact location of the two required Fire Hydrants will be specified by the Guernsey Fire & Rescue Service.

As proposed the dwellings do not meet all of the Lifetime Homes Standards. To improve the adaptability and flexibility of the dwellings it is recommended that all of the dwellings are designed to fully meet the Lifetime Homes Standards. In particular your attention is drawn to criteria: 10 (Entrance level WC and shower drainage); 11 (WC and bathroom walls); 12 (Stairs and potential through-floor lift in dwellings); 13 (Potential for fitting of hoists and bedroom/bathroom relationship); 14 (Bathrooms); and 16 (Location of service controls).

OFFICER'S REPORT

Application No: FULL/2021/2605
Property Ref: J000580000+J000590000+J00059B000+J00059C000
Valid date: 24/12/2021
Location: Briarwood, Car park & Blanches Pierres La Grande Rue St. Martin Guernsey GY4 6RX
Proposal: Erect 26 dwellings with associated landscaping and parking, erect cycle storage and alterations to public parking area, vehicle access and pedestrian access link to east of site (revised).
Applicant: Sarnian Property Ltd & Infinity Construction

ADDENDUM TO PLANNING APPLICATION REPORT

Introduction

The above application was initially heard at an Open Planning Meeting on 12th December 2022 and a decision on the application was deferred, due to concerns in

respect of the viability assessment for Policy GP11 and regarding the impact of the development on the Office of the Children's Convenor at Briarwood.

This report is to be read as an addendum to the Planning Application Report dated 2nd December 2022 published prior to the Open Planning Meeting on 12th December 2022 (Appendix 2 of this report). The content of this report therefore focuses on the issues raised during the Open Planning Meeting and the reasons for deferral. The report does not address other issues in relation to the application, which were addressed within the original planning application report and were considered in detail by the Committee at the previous Open Planning Meeting.

Background

As stated above, a decision on this application was deferred at an Open Planning Meeting on 12th December 2022, due to concerns in respect of the viability assessment for Policy GP11 and regarding the impact of the development on the Office of the Children's Convenor at Briarwood. In particular, Members requested that:

- The Committee for Employment & Social Security is consulted regarding the viability information submitted and the subsequent report by the independent assessor.
- Further clarification/information is provided regarding aspects of the viability information submitted and the subsequent report by the independent assessor.
- The access to Briarwood and the impact on the Office of the Children's Convenor at Briarwood is reviewed.

Following the Open Planning Meeting an additional consultation was carried out with The Committee *for* Employment & Social Security and consultation was carried out with States Property Services.

The independent assessor provided a spreadsheet setting out details of their assessment in comparison to the assessment submitted by the applicant and an addendum dated 19th January to their original viability assessment dated 29th September 2022 was provided to clarify and provide additional explanation on specific aspects.

A meeting was held between the Committee of the Development & Planning Authority, officers of the Planning Service and officers of States Property Services. A meeting was also held between the Committee of the Development & Planning Authority, officers of the Planning Service, the independent assessor and the applicants. Both of these meetings were held to discuss and clarify aspects of the submitted viability assessment and the report and subsequent information provided by the independent assessor.

Revisions to the Application

To address concerns raised about the access to Briarwood and the impact on the Office of the Children's Convenor, the access to Briarwood has been relocated to the west by approximately 7 metres, the car park layout has been revised, the hard surfaced area to the front (east) of Briarwood has been removed and hedging is proposed along the north boundary between Briarwood and the new access road.

In addition, the existing east boundary roadside earth bank is indicated to be faced with a low granite wall and the pedestrian access to St Martin's Primary School at the western end of the public car park has been widened slightly to create a maintenance access with a removable bollard.

Publication

In the absence of any substantive changes to the proposal, the application has not been re-advertised. This report and the revised plans will however be published online prior to the Open Planning Meeting, and all members of the public that previously made representation against the application will be given the opportunity to speak at the meeting in respect of the outstanding issues.

Consultation

The Committee for Employment & Social Security, 17/01/2023

"I am writing in relation to the planning application for the development of Briarwood, Car park and Blanches Pierres ('Briarwood development'). This follows the Development & Planning Authority's (DPA) decision at the Open Planning Meeting, held on 12 December 2022, to defer consideration of the application until further consultation with the Committee *for* Employment & Social Security ('the Committee') had been undertaken.

The Committee's original representation, dated 21 February 2022, is appended for ease of reference, as the arguments presented in it still stand. The purpose of submitting this additional representation is to add further weight to the Committee's position, based on information that has become available more recently.

The Committee would like to express its concern over the process used in the independent viability assessment, which concluded that no units of affordable housing should be provided on the Briarwood site. The Committee contends that the financial logic underpinning this assessment was flawed in respect of assessing whether the amount paid by the developer for the land involved was reasonable. The Committee is further concerned that, should this development be approved without any affordable housing, it sets a precedent that encourages developers to use this same logical loophole that undermines the efficacy of the Island Development Plan (IDP) Policy GP11.

One important loophole that the Committee feels has been demonstrated through this application is in relation to the price that the developer has agreed for the land. A comparison was drawn in the report, which concluded that the developer had negotiated a fair price for the land. However, the comparison was made with sites that do not engage Policy GP11. Therefore, the Committee's view is that the developer is likely to have paid a higher price for the land than they should have done, as the affordable housing contribution was not factored into the land value. The Committee urges the DPA to scrutinise this closely, as this is far more likely to be the reason that the project is not financially viable, when the affordable housing requirement is taken into account, than the actual cost of providing the land or units for affordable housing being the reason.

This brings me to question why the calculation for affordable housing is the last one to be done when assessing the financial viability of a development. It ultimately means that if costs are unreasonable elsewhere in the project, then affordable housing will suffer. The Committee considers that this kind of loophole for developers to avoid meeting the obligation to provide affordable housing on larger sites is unacceptable, and makes a mockery of the intention behind Policy GP11.

It has been clearly identified in the States Strategic Housing Indicator (SSHI) Policy Letter, recently published by the Committee *for the* Environment & Infrastructure (E&I), that there is a need for a significant number of affordable and private sector homes to be built in the next five years. The proposals in that Policy Letter indicate that there is a need for 721 units of affordable housing within that timeframe. This far exceeds the funds and land available for development through the Affordable Housing Development Programme. Therefore, it is imperative that private developers make a contribution to affordable housing, where possible, if government is realistically to work towards meeting this identified need.

Further, the Committee hopes that the DPA is satisfied that the density proposed in the application is the maximum that the site can accommodate. In the context of the SSHI modelling, it is likely that developments will need to be higher density in the future to meet the identified need in both the private and affordable sectors. The Committee considers that a higher density development could improve the financial viability of the project and enable some affordable housing to be delivered on the site, even if not the full 28% contribution required.

It is important to the Committee that affordable housing is provided in multiple locations in the Island, including in the South, and not just on its own large sites, which are predominantly in the North of the Island. The location of the Briarwood development is perfect for key workers, being just a short walk from the Princess Elizabeth Hospital, but also close to the amenities of St Martin's village for those with families.

In conclusion, the Committee hopes that the DPA more closely scrutinises the price paid for the land, as this is what the Committee feels has led to the independent

viability assessment determining that the development is not viable when the GP11 contribution is included”.

Summary of Issues:

The application was deferred on 12th December 2022 at an Open Planning Meeting due to concerns in respect of the viability assessment for Policy GP11 and regarding the access to Briarwood and the impact of the development on the Office of the Children’s Convenor at Briarwood.

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).**

Whether the principle, mix and type of new housing is acceptable

The planning application report dated 02/12/2022 set out the assessment of the application in terms of the provision of affordable housing and the viability of the proposal under Policy GP11 (see Appendix 2).

Further to the Open Planning Meeting on 12th December 2022, the independent assessor has provided additional information and clarification regarding the assessment of viability. This included an assessment of land values paid or agreed for the site. The information provided indicates to achieve a profit level of 20% on costs, the land values paid or agreed would need to be reduced to such an extent that there would be little or no incentive to sell land, and for the full allocation of affordable housing to be provided, land values would be required to have a negative value. The independent assessor reiterates their original conclusions that the application of a full or even partial Policy GP11 requirement in addition to this would negatively impact the development to a point it is not considered to be viable.

Discussions with and the consultation response from officers of the States Property Services have provided no reasons to dispute the conclusions of the independent assessor.

A consultation response from The Committee *for* Employment & Social Security suggests increasing the density of the development could improve the financial viability of the project. However, the proposed density already marginally exceeds the density anticipated in the approved Development Framework and there are concerns that a substantial increase in the density of the development would not respect the character of the area and is likely to increase concerns raised in representations against the application.

In conclusion, a thorough assessment has been carried out that supports the application as proposed without any affordable housing and the proposal therefore complies with Policy GP11.

Alterations to Briarwood

The relocation of the access to Briarwood, the installation of a hedge along its north boundary and the creation of a private garden/amenity space to the front of Briarwood addresses road safety concerns raised and increases the level of privacy for users of the services at Briarwood.

The installation of a low granite wall along the face of the roadside earth bank would reduce the rural character of this boundary but the wall would respect the design and appearance of walls along the highway and it would conserve the character and appearance of the Conservation Area, in accordance with Policy GP4.

Other Matters

The slight widening of the pedestrian access to St Martin's Primary School at the western end of the public car park and the installation of the removable bollard would increase opportunities for infrequent access to the school, such as for maintenance purposes, whilst having a minimal impact on the character and appearance of the area. The slight widening of the access would reduce the number of bicycle parking spaces from 40 to 38 but this marginal reduction would have no material adverse effect on traffic management.

Fencing or gates appear to be indicated across pedestrian footpaths at the entrance to the residential developments. Whilst information has been submitted to justify the installation of gates across vehicular access points, there are concerns that the installation of gates across pedestrian footpaths will introduce an unnecessary obstruction to pedestrians and it is recommended that they are omitted, this can be dealt with by condition.

All material considerations as set out in the Land Planning and Development (Guernsey) Law, 2005 and the Land and Planning (General Provisions) Ordinance 2007 have been taken into account in the assessment of this application.

It is recommended that the application is approved, subject to conditions as set out in Appendix 1.

Date: 01/03/2023

Appendix 1: Recommended conditions

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

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

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

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

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

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

4. No development, including demolition and site works, shall begin until there has been submitted to and agreed in writing by the Authority a desktop study identifying any potential contaminating features.

Reason - To make sure that the site, when developed is free from contamination, in the interests of public health and safety.

5. Unless the Authority has confirmed in writing that such a report is unnecessary, no development, including demolition and site works, but excluding works required to meet the requirements of this condition, shall begin until there has been submitted to and agreed in writing by the Authority a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desktop study.

Reason - To make sure that the site, when developed is free from contamination, in the interests of public health and safety.

6. Unless the Authority has confirmed in writing that such a report is unnecessary, no development, including demolition and site works, shall begin until there has been submitted to and agreed in writing by the Authority a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. The development shall be carried out only in accordance with the agreed scheme.

Reason - To make sure that the site, when developed is free from contamination, in the interests of public health and safety.

7. Unless the Authority has confirmed in writing that verification is unnecessary, no part of the development shall be occupied or brought into use until there has been submitted to and agreed in writing by the Authority a report providing verification that the remediation scheme agreed under condition 6 above has been implemented fully in accordance with the agreed details. The development shall be monitored and maintained in accordance with the scheme agreed under condition 6 above for a period of 2 years or in accordance with a programme previously agreed in writing by the Authority.

Reason - To make sure that the site, when developed is free from contamination, in the interests of public health and safety.

8. No development, including demolition and site works, shall begin until a programme of works detailing the phasing of the works and the availability of public car parking has been submitted to and agreed in writing by the Authority. The works shall then be carried out in accordance with the agreed details.

Reason - To minimise the loss of and impact on public parking provision during the construction phase of the development.

9. No development, including demolition and site works, shall begin until a revised Construction Environmental Management Plan, to include the details set out in the consultation response dated 18/02/2022 from The Office of Environmental Health and Pollution Regulation, has been submitted to and approved in writing by the Authority. The works shall then be carried out in accordance with the agreed Construction Environmental Management Plan.

Reason - To minimise the effect of the construction phase of the development on surrounding uses.

10. No development, including site works, shall begin on site until each tree shown to be retained on the approved plans has been protected, in a manner previously agreed in writing by the Authority and a method statement setting out details of any

construction works within the root protection area of each tree to be retained has been submitted to and agreed in writing by the Authority. Each tree shall be protected and works shall be undertaken in the agreed manner for the duration of building operations on the application site. Within the areas agreed to be protected, the existing ground level shall be neither raised nor lowered unless permitted by the approved method statement, and no materials or temporary building or surplus soil of any kind shall be placed or stored thereon. If any trenches for services are required in the protected areas, they shall be excavated and back-filled by hand and any tree roots encountered with a diameter of 5cm or more shall be left unsevered.

Reason - The trees are important features in the area and this condition is imposed to make sure that they are properly protected while building works take place on the site.

11. No development, including site works, shall begin on site until such time as full details of the way in which surface water is to be managed and disposed of from the site have been submitted to and agreed in writing by the Authority. The works shall then be completed in accordance with the agreed details.

Reason - To make sure that surface water can be managed on the site without increasing flows into the public drainage systems.

12. No development, excluding demolition and site works, shall begin on site until precise details of all hard surfaced areas have been submitted to and agreed in writing by the Authority. The works shall be carried out only in accordance with the agreed details.

Reason - In the interests of visual amenity.

13. No development, excluding demolition and site works, shall begin until details of the construction, including levels, of the pedestrian crossing at the entrance to units 19 to 26 and the pavement along La Grande Rue at the entrances to the site have been submitted to and approved in writing by the Authority. The works shall then be carried out in accordance with the agreed details.

Reason - To ensure the pedestrian crossing and pavement is accessible to all and gives a clear priority to pedestrians.

14. Prior to the first occupation of any part of the development an updated landscape scheme to replace plan number 025-2022-001A, which takes account of the revised layout for Briarwood, shall be submitted to and agreed in writing by the Authority.

Reason - To help assimilate the development into its surroundings in the interests of visual amenity.

15. The landscaping scheme shall be fully completed, in accordance with Guernsey Gardens plan numbers 025-2022-001A, 002A and as updated by the details agreed under condition 14, in the first planting season following the first occupation of any part of the development or completion of development whichever is the sooner, or in accordance with a programme previously agreed in writing by the Authority. Any trees or plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by trees or plants of a size and species similar to those originally required to be planted.

Reason - To help assimilate the development into its surroundings in the interests of visual amenity.

16. No occupation of any of the dwellings shall take place until such time as the car park, including the turning point and bicycle parking, has been fully completed and made available for use.

Reason - To make sure that the public car park is completed in the interests of road safety and effective traffic management.

17. No occupation of dwellings 19 to 26 shall take place until such time as the pedestrian path to the supermarket to the south-east of the site has been fully completed and made available for use.

Reason - To encourage the use of active travel as an alternative to the car.

18. The solar panels shall not be installed and the permeable hard surfaces shall not be constructed until details of their construction has been submitted to and agreed in writing by the Authority. Thereafter the development shall not be occupied until the solar panels, permeable hard surfacing, electric car charging points, electric car charging points ducting within the car park and all other sustainable design features set out in the Strategic Planning & Property Ltd letter dated 24/11/2021 have been installed/completed/made operational.

Reason - In the interests of sustainable development, these features having been proposed to address the requirements of Island Development Plan Policy GP9.

19. Notwithstanding the details submitted, no dwelling shall be occupied until details of bird and bat boxes to be installed within the section of the site comprising of units 1 to 19 have been submitted to and agreed in writing by the Authority and the bird and bat boxes have been installed in accordance with the approved details.

Reason - In the interests of biodiversity.

20. Prior to the construction of the granite walls along the north and east boundaries of Briarwood, details of the type, colour, texture, method of bonding and pointing of the walls shall be submitted to and agreed in writing by the Authority. The works shall be carried out only in accordance with the agreed details.

Reason - In the interests of visual amenity.

21. No part of the development, hereby permitted, shall be occupied or used until details of any lighting within the car park, access roads and pedestrian paths have been submitted to and agreed in writing by the Authority. Any lighting shall then be installed only in accordance with the agreed details.

Reason - To make sure the level of lighting provides a safe environment and is not excessive in order to secure a sustainable form of development and one which does not unduly interfere with residential amenity or traffic and pedestrian safety.

22. The metal access gates to units 1 to 18 and 19 to 26 shall not be installed until details of the gates and posts, including an elevation at a scale of 1:100, have been submitted to and agreed in writing by the Authority. The development shall thereafter be carried out only in accordance with the agreed details.

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

23. Notwithstanding the details submitted, no fence or gate shall be constructed across the pedestrian footpaths at the entrance to the residential developments.

Reason - To prevent obstructions to pedestrians and in the interests of the character and amenity of the area.

24. No part of the public car park shall be used until details of the bollard at the western end of the turning point has been submitted to and agreed in writing by the Authority and the bollard has been installed in accordance with the agreed details. The bollard at the western end of the turning point shall thereafter remain in situ at all times except for when it is required to be temporarily removed to enable the use of the access by maintenance or emergency vehicles.

Reason - To minimise the number of points of vehicular access, in the interests of highway safety.

25. No development, including site clearance and demolition, shall take place until an updated version of the Site Waste Management Plan submitted as part of this application has been submitted to and approved in writing by the Authority. The updated Site Waste Management Plan shall take into account any further site surveys or changes to the construction programme, and shall identify an individual with responsibility for regularly monitoring the Site Waste Management Plan. The development shall thereafter be carried out only in accordance with the Site Waste Management Plan so approved.

Reason - To ensure that the development is managed to minimise waste during the demolition of any existing buildings or structures or during construction, that existing materials are reused, recycled or disposed of either on or off site, and that residual waste will be dealt with appropriately, in accordance with the aims and objectives of Policy GP9.

26. No part of the development hereby permitted shall be occupied or brought into use until there has been submitted to the Authority a report providing verification that the development has been carried out and monitored fully in accordance with the Site Waste Management Plan approved under Condition 25 above. Where there has been any variation from the approved Site Waste Management Plan, the report shall highlight and detail the reasons for this.

Reason - To ensure that the development is managed to minimise waste during the demolition of any existing buildings or structures or during construction, that existing materials are reused, recycled or disposed of either on or off site, and that residual waste will be dealt with appropriately, in accordance with the aims and objectives of Policy GP9.

INFORMATIVES

The site is known to be or suspected to be contaminated. Please be aware that the responsibility for the safe development and secure occupancy of the site rests with the developer.

Conditions 4 to 7 of this permission require a phased approach involving:

- collection of information about the site to establish if it is likely to be affected by contamination;
- if the first phase indicates potential contamination, a full site investigation to confirm any contamination;
- remediation proposals to satisfactorily address any contamination identified by the site investigation; and
- verification that the necessary remediation works have been fully completed.

It is strongly recommended that in submitting details in accordance with the above conditions that the applicant has reference to Land Contamination risk management available at <https://www.gov.uk/guidance/land-contamination-risk-management>.

If anything of possible archaeological interest is uncovered during construction it is requested that you contact the States Archaeologist, Culture & Heritage Service. The Archaeology team can be contacted on 01481 709738, 01481 709739 or mobiles 07781 102219 or 07781 131061.

To increase the biodiversity value of the proposed landscape scheme, it is recommended that plants with low biodiversity value, such as hydrangeas, Euonymus and Azaleas are replaced with native plants. Further advice can be found

in the Wildlife Friendly Gardens Guidance note which is available on the Planning Service website.

The Guernsey Fire & Rescue Service advises that both of these new building developments will require the installation of a Fire Hydrant. The developers will have to cover the cost of the two new Fire Hydrants. The exact location of the two required Fire Hydrants will be specified by the Guernsey Fire & Rescue Service.

As proposed the dwellings do not meet all of the Lifetime Homes Standards. To improve the adaptability and flexibility of the dwellings it is recommended that all of the dwellings are designed to fully meet the Lifetime Homes Standards. In particular your attention is drawn to criteria: 10 (Entrance level WC and shower drainage); 11 (WC and bathroom walls); 12 (Stairs and potential through-floor lift in dwellings); 13 (Potential for fitting of hoists and bedroom/bathroom relationship); 14 (Bathrooms); and 16 (Location of service controls).

Appendix 2: Planning application report dated 02/12/2022



States of Guernsey
Planning Service

PLANNING APPLICATION REPORT

Application No: FULL/2021/2605
Property Ref: J000580000+J000590000+J00059B000+J00059C000
Valid date: 24/12/2021
Location: Briarwood, Car park & Blanches Pierres La Grande Rue St.
Martin Guernsey GY4 6RX
Proposal: Erect 26 dwellings with associated landscaping and parking,
erect cycle storage and alterations to public parking area,
vehicle access and pedestrian access link to east of site
(revised).
Applicant: Sarnian Property Ltd & Infinity Construction

RECOMMENDATION - Grant: Planning Permission with Conditions:

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

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

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

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

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

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

4. No development, including demolition and site works, shall begin until there has been submitted to and agreed in writing by the Authority a desktop study identifying any potential contaminating features.

Reason - To make sure that the site, when developed is free from contamination, in the interests of public health and safety.

5. Unless the Authority has confirmed in writing that such a report is unnecessary, no development, including demolition and site works, but excluding works required to meet the requirements of this condition, shall begin until there has been submitted to and agreed in writing by the Authority a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desktop study.

Reason - To make sure that the site, when developed is free from contamination, in the interests of public health and safety.

6. Unless the Authority has confirmed in writing that such a report is unnecessary, no development, including demolition and site works, shall begin until there has been submitted to and agreed in writing by the Authority a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. The development shall be carried out only in accordance with the agreed scheme.

Reason - To make sure that the site, when developed is free from contamination, in the interests of public health and safety.

7. Unless the Authority has confirmed in writing that verification is unnecessary, no part of the development shall be occupied or brought into use until there has been submitted to and agreed in writing by the Authority a report providing verification that the remediation scheme agreed under condition 6 above has been implemented fully in accordance with the agreed details. The development shall be monitored and maintained in accordance with the scheme agreed under condition 6 above for a period of 2 years or in accordance with a programme previously agreed in writing by the Authority.

Reason - To make sure that the site, when developed is free from contamination, in the interests of public health and safety.

8. No development, including demolition and site works, shall begin until a programme of works detailing the phasing of the works and the availability of public car parking

has been submitted to and agreed in writing by the Authority. The works shall then be carried out in accordance with the agreed details.

Reason - To minimise the loss of and impact on public parking provision during the construction phase of the development.

9. No development, including demolition and site works, shall begin until a revised Construction Environmental Management Plan, to include the details set out in the consultation response dated 18/02/2022 from The Office of Environmental Health and Pollution Regulation, has been submitted to and approved in writing by the Authority. The works shall then be carried out in accordance with the agreed Construction Environmental Management Plan.

Reason - To minimise the effect of the construction phase of the development on surrounding uses.

10. No development, including site works, shall begin on site until each tree shown to be retained on the approved plans has been protected, in a manner previously agreed in writing by the Authority. Each tree shall be protected in the agreed manner for the duration of building operations on the application site. Within the areas agreed to be protected, the existing ground level shall be neither raised nor lowered, and no materials or temporary building or surplus soil of any kind shall be placed or stored thereon. If any trenches for services are required in the protected areas, they shall be excavated and back-filled by hand and any tree roots encountered with a diameter of 5cm or more shall be left unsevered.

Reason - The trees are important features in the area and this condition is imposed to make sure that they are properly protected while building works take place on the site.

11. No development, including site works, shall begin on site until such time as full details of the way in which surface water is to be managed and disposed of from the site have been submitted to and agreed in writing by the Authority. The works shall then be completed in accordance with the agreed details.

Reason - To make sure that surface water can be managed on the site without increasing flows into the public drainage systems.

12. No development, excluding demolition and site works, shall begin on site until precise details of all hard surfaced areas have been submitted to and agreed in writing by the Authority. The works shall be carried out only in accordance with the agreed details.

Reason - In the interests of visual amenity.

13. No development, excluding demolition and site works, shall begin until details of the construction, including levels, of the pedestrian crossing at the entrance to units

19 to 26 and the pavement along La Grande Rue at the entrances to the site have been submitted to and approved in writing by the Authority. The works shall then be carried out in accordance with the agreed details.

Reason - To ensure the pedestrian crossing and pavement is accessible to all and gives a clear priority to pedestrians.

14. The landscaping scheme shall be fully completed, in accordance with Guernsey Garden plan numbers 025-2022-001A & 002A, in the first planting season following the first occupation of any part of the development or completion of development whichever is the sooner, or in accordance with a programme previously agreed in writing by the Authority. Any trees or plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by trees or plants of a size and species similar to those originally required to be planted.

Reason - To help assimilate the development into its surroundings in the interests of visual amenity.

15. No occupation of any of the dwellings shall take place until such time as the car park, including the turning point and bicycle parking, has been fully completed and made available for use.

Reason - To make sure that the public car park is completed in the interests of road safety and effective traffic management.

16. No occupation of dwellings 19 to 26 shall take place until such time as the pedestrian path to the supermarket to the south-east of the site has been fully completed and made available for use.

Reason - To encourage the use of active travel as an alternative to the car.

17. The solar panels shall not be installed and the permeable hard surfaces shall not be constructed until details of their construction has been submitted to and agreed in writing by the Authority. Thereafter the development shall not be occupied until the solar panels, permeable hard surfacing, electric car charging points, electric car charging points ducting within the car park and all other sustainable design features set out in the Strategic Planning & Property Ltd letter dated 24/11/2021 have been installed/completed/made operational.

Reason - In the interests of sustainable development, these features having been proposed to address the requirements of Island Development Plan Policy GP9.

18. Notwithstanding the details submitted, no dwelling shall be occupied until details of bird and bat boxes to be installed within the section of the site comprising of units 1 to 19 have been submitted to and agreed in writing by the Authority and the bird and bat boxes have been installed in accordance with the approved details.

Reason - In the interests of biodiversity.

19. The ends of the new and altered openings onto La Grande Rue shall be finished off using materials and a method of construction which match the remainder of the existing roadside earth bank prior to the first occupation of any part of the development or completion of development whichever is the sooner.

Reason - In the interests of visual amenity.

20. No part of the development, hereby permitted, shall be occupied or used until details of any lighting within the car park, access roads and pedestrian paths have been submitted to and agreed in writing by the Authority. Any lighting shall then be installed only in accordance with the agreed details.

Reason - To make sure the level of lighting provides a safe environment and is not excessive in order to secure a sustainable form of development and one which does not unduly interfere with residential amenity or traffic and pedestrian safety.

21. Notwithstanding the details submitted, dwellings 1 to 18 shall not be occupied until a scheme for the treatment of the north-west boundary to the front of Briarwood has been submitted to and agreed in writing by the Authority. No occupation of dwellings 1 to 18 shall begin until the agreed scheme for the boundary treatment has been fully completed.

Reason - To prevent the use of the hardstanding area in front of Briarwood by vehicles in the interests of road safety and traffic management.

22. The metal access gates to units 1 to 18 and 19 to 26 shall not be installed until details of the gates and posts, including an elevation at a scale of 1:100, have been submitted to and agreed in writing by the Authority. The development shall thereafter be carried out only in accordance with the agreed details.

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

23. No development, including site clearance and demolition, shall take place until an updated version of the Site Waste Management Plan submitted as part of this application has been submitted to and approved in writing by the Authority. The updated Site Waste Management Plan shall take into account any further site surveys or changes to the construction programme, and shall identify an individual with responsibility for regularly monitoring the Site Waste Management Plan. The development shall thereafter be carried out only in accordance with the Site Waste Management Plan so approved.

Reason - To ensure that the development is managed to minimise waste during the demolition of any existing buildings or structures or during construction, that existing materials are reused, recycled or disposed of either on or off site, and that residual waste will be dealt with appropriately, in accordance with the aims and objectives of Policy GP9.

24. No part of the development hereby permitted shall be occupied or brought into use until there has been submitted to the Authority a report providing verification that the development has been carried out and monitored fully in accordance with the Site Waste Management Plan approved under Condition 23 above. Where there has been any variation from the approved Site Waste Management Plan, the report shall highlight and detail the reasons for this.

Reason - To ensure that the development is managed to minimise waste during the demolition of any existing buildings or structures or during construction, that existing materials are reused, recycled or disposed of either on or off site, and that residual waste will be dealt with appropriately, in accordance with the aims and objectives of Policy GP9.

INFORMATIVES

The site is known to be or suspected to be contaminated. Please be aware that the responsibility for the safe development and secure occupancy of the site rests with the developer.

Conditions 4 to 7 of this permission require a phased approach involving:

- collection of information about the site to establish if it is likely to be affected by contamination;
- if the first phase indicates potential contamination, a full site investigation to confirm any contamination;
- remediation proposals to satisfactorily address any contamination identified by the site investigation; and
- verification that the necessary remediation works have been fully completed.

It is strongly recommended that in submitting details in accordance with the above conditions that the applicant has reference to Land Contamination risk management available at <https://www.gov.uk/guidance/land-contamination-risk-management>.

If anything of possible archaeological interest is uncovered during construction it is requested that you contact the States Archaeologist, Culture & Heritage Service. The Archaeology team can be contacted on 01481 709738, 01481 709739 or mobiles 07781 102219 or 07781 131061.

To increase the biodiversity value of the proposed landscape scheme, it is recommended that plants with low biodiversity value, such as hydrangeas, Euonymus and Azaleas are replaced with native plants. Further advice can be found in the draft

Wildlife Friendly Gardens guidance note enclosed with the consultation response from Agriculture Countryside and Land Management Services.

The Guernsey Fire & Rescue Service advises that both of these new building developments will require the installation of a Fire Hydrant. The developers will have to cover the cost of the two new Fire Hydrants. The exact location of the two required Fire Hydrants will be specified by the Guernsey Fire & Rescue Service.

As proposed the dwellings do not meet all of the Lifetime Homes Standards. To improve the adaptability and flexibility of the dwellings it is recommended that all of the dwellings are designed to fully meet the Lifetime Homes Standards. In particular your attention is drawn to criteria: 10 (Entrance level WC and shower drainage); 11 (WC and bathroom walls); 12 (Stairs and potential through-floor lift in dwellings); 13 (Potential for fitting of hoists and bedroom/bathroom relationship); 14 (Bathrooms); and 16 (Location of service controls).

OFFICER'S REPORT

Site Description:

The site covers an area of approximately 1 hectare (6.1 vergées) and is currently occupied by the Office of the Children's Convenor building at Briarwood, a section of the rear garden of the dwelling known as Les Blanchés Pierres, the St Martin's public car park and footpaths and an agricultural field.

The site is located in the St Martin's Local Centre. Part of the rear garden of the dwelling known as Les Blanchés Pierres lies within the St Martin's Church and Sausmarez Manor Conservation Area. The remainder of the site is outside of the Conservation Area but is bounded by the Conservation Area to the north-east along La Grande Rue.

Relevant History:

Pre-application advice was provided for the residential development of the site.

Briarwood Development Framework approved August 2018

Existing Use(s):

Public car park

Residential use class 1: dwelling house

Administrative, financial and professional services use class 15

Agricultural use class 28

Brief Description of Development:

Planning permission is requested to erect 26 dwellings and to replace and alter the layout of the public car park.

The proposal would comprise of 22, three bedroom dwellings and 4, two bedroom dwellings. The site is laid out with 2 separate housing developments. Units 1 to 18 would be located on the agricultural field to the rear (west) of Briarwood and comprise of a mix of 2 or 2½ storey pitched roof semi-detached dwellings aligned in two rows running north-east to south-west. Each of the dwellings include private rear gardens and 2 car parking spaces. The dwellings would be served by a new vehicular access onto La Grande Rue situated to the north of Briarwood and which would also serve Briarwood. The car parking layout of Briarwood would be altered with vehicular access and parking to the rear of the building and the existing access to the south would be infilled.

Units 19 to 26 would be located within the rear garden of the dwelling Les Blanchés Pierres and comprise of 4 pairs of semi-detached 2½ storey pitched roof dwellings. Each of the dwellings include private rear gardens and would have 2 car parking spaces in a communal parking court. The dwellings would be served by a vehicular access onto and through the public car park and a public footpath is proposed through the site linking the public car park and the supermarket to the south-east.

The works to the public car park involve altering its layout and creating a turning point/drop off area at its western end and the provision of footpaths along both sides of the entire length of the car park. The submitted plans indicate the total number of car parking spaces would be reduced from 77 to 75 but it would include 40 additional bicycle parking spaces, 16 of which would be covered. There would be 5 motorcycle parking spaces. A small public open space is to be created at the western end of the car park, adjacent to the footpath to the school.

The application is supported by letters from the agents, a Construction Environmental Management Plan, an Environmental Screening Report, an Arboricultural Impact Assessment and a Site Waste Management Plan.

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

Policy LC2: Housing in Local Centres

Policy GP1: Landscape Character and Open Land

Policy GP4: Conservation Areas

Policy GP7: Archaeological Remains

Policy GP8: Design

Policy GP9: Sustainable Development

Policy GP10: Comprehensive Development

Policy GP11: Affordable Housing

Policy GP18: Public Realm and Public Art

Policy IP6: Transport infrastructure and support facilities

Policy IP7: Private and Communal Car Parking
Policy IP8: Public Car Parking
Policy IP9: Highway Safety, Accessibility and Capacity

Representations:

45 representations were received in response to the original application, 2 of which support the development in principle. The representations include comments from 3 States Deputies, La Société Guernesiaise and the Guernsey Housing Association, the main points are as follows:

- Objections to the density of the development which is considered to be excessive, the size is not appropriate and the area is already built up.
- St Martin's Primary School is at capacity.
- Objections to the insufficient parking provision for the proposed dwellings resulting in new residents using the public car park and a reduction in the availability of public parking. Proposal does not meet section 9.19 of the Development Framework as 77 parking spaces are proposed and there is no assessment of existing car park users requirements. However, two representations raised no concerns about the capacity of the public car park and two representations recommended reducing the parking provision for the dwellings.
- Objections to no affordable housing being provided, GP11 should be applied.
- Improvements to parking are welcome but are necessary to make the development work and additional traffic from the housing will neutralise benefits to parking.
- Objections to the increased traffic from the development, including construction traffic and road safety issues with the new access onto La Grande Rue and accessing dwellings through the public car park. Need to improve road safety and traffic volumes along Grande Rue as a whole. Questions whether traffic studies have been carried out.
- Objections to the loss of the field which would be detrimental to the area. Development on open land is unnecessary, brownfield sites should be developed first such as St Martins Hotel.
- Objections to the loss of greenfield land, biodiversity and the removal of a high number of mature trees.
- Objections to the detrimental impact of the proposal on the beauty of the area, including loss of hedging and trees.
- One representation notes that the loss of green space is unfortunate but accepts that it aligns with the IDP spatial land use principles.
- Requests that biodiversity net gains are carried out.
- The proposed format of the public car park is deeply suboptimal especially in terms of safety and children travelling to and from the school including the potential for traffic to cut Les Blanches Pierres corner, the location of bicycle parking and shelters, the lack of a crossing point across the car park and to the bicycle shelter, the width of footpaths should be 2m where possible, there should be level access to the footpaths for blue badge holders and the

crossing to Les Blanches Pierres needs to be raised to prevent kerbs for pedestrians.

- A shelter should be provided in the public open space for parents to wait in.
- Concerned that the application is a done deal, no consultation was carried out by the developers with the Constables and residents.
- Concerns are raised about the mix and type of dwellings, the parish is short of small easily managed housing for the elderly.
- Requests are made that the application is decided at an Open Planning Meeting.
- Public car park must be managed by the States in future with disc zones as at present.
- Public parking should be maintained during construction or works carried out during school holidays.
- The amenity for the houses is not suitable for the area.
- The design and character of the dwellings is not appropriate.
- Potential for damage to be caused to neighbouring properties due to loss of mature trees and resultant rise in water levels.
- Objections to the increase in pollution, including traffic pollution from the development.
- Environmental screening report including one survey in July is insufficient to record all flora and fauna on the site. The field acts as a wildlife corridor and should be retained. Proposals will not lead to biodiversity net gain.
- Electric charging points should be provided in the public car park and for the dwellings.
- A bus lay by should be provided in front of Briarwood and a pedestrian crossing should be installed to La Vequesse.
- Impact on neighbour amenity to north-east due to noise, disruption and light pollution from the siting and use of the access to units 1 to 18.
- Impact on neighbour amenity to north-east due to the scale, design and siting of units 1 and 2 and the resultant overlooking and overbearing impact and loss of views.
- Impact on neighbour amenity to north-west due to overlooking.

A representation on behalf of La Société Guernesiaise advises that:

- Due to the size of the site an EIA screening opinion is required.
- Questions whether the ecological report is sufficient to serve as a Screening Opinion.
- The Ecology Report is rather dismissive of the grassland and its associated biodiversity. By developing this area the long term loss of species rich grassland will continue. No mitigation of the loss of grassland is provided as required by the Development Framework.
- The Ecology Report does not adequately consider the biodiversity value of the trees within a developed landscape. Landscaping scheme required to provide mitigation. Only suitable mitigation would be to retain most of the existing trees and to remove Les Blanches Pierres plot from the developable area.

- Proposed density exceeds density range in Development Framework by 18 to 73%.
- The provision of bird and bat boxes is welcomed in principle but design and siting is critical.
- It is recommended that the density of the development is reduced significantly to retain more of the existing trees and habitats and to increase the scope for further planting. It would be preferable to retain Les Blanches Pierres as an undeveloped area and it is not possible to develop the field and to achieve a biodiversity net gain and therefore suitable environmental offsetting measures elsewhere in the vicinity will be required.

A representation on behalf of the Guernsey Housing Association advises that:

- They object to the omission of affordable housing.
- The cost of the car park development is not a valid argument. The car park cost in any valuation exercise should come off the land value. The south-east development area is land locked by the car park and as a result has a very low residential value. A detailed viability assessment is required which will identify the car park cost as a development cost that the developers have to incur and has to be taken off the residual land value. A qualified RICS valuer would assess a residual land value by taking off the car park cost. Hence the affordable housing should be provided as it is a separate development cost.
- There are over 400 households who need affordable housing and hence this site should provide its fair share as defined by the IDP.

4 representations were received in response to the revised application, 1 of which did not comment on the original application. The representations reiterated objections previously raised regarding the principle of developing the site for housing; the loss of greenfield land; the density of the development; additional traffic generation, road safety and traffic management concerns; pollution from traffic; insufficient parking provision and increased pressure on the public car park; and other more suitable sites for housing are available, such as derelict hotels.

Consultations in response to the original application:

Head of Fire Safety, 31/01/2022

"After having carefully considered the full application for Briarwood, Car Park & Blanches Pierres, La Grande Rue, St. Martins, your reference FULL/2021/2605, I am pleased to inform you that the Fire Service would have no fire safety related reasons to object to a future building development on this site, as long as the proposed development is built in strict accordance with the guidance issued in the Guernsey Technical Standard, Volume 1, B1-B5 inclusive.

Please note the following comment:

Both of these new building developments will require the installation of a Fire Hydrant. The developers will have to cover the cost of the two new Fire Hydrants. The exact location of the two required Fire Hydrants will be specified by the Guernsey Fire & Rescue Service".

Constables of St Martins, 04/02/2022

"On behalf of the Douzaine and Constables of St Martins we strongly oppose the planning application for the Briarwood development adjacent to the public car park in St Martins.

Our reasons are:

- a. Increased traffic in and out of Grande Rue from the residents of the new build onto an already busy road.
- b. Visitors to the residents would need to use the car park as not enough parking is available per property, which would restrict places for shoppers in the parish.
- c. St Martins School have no more capacity for children, so young families living there will need to send their children out of the parish.
- d. Loss of mature trees and natural habitats in the area.

We feel that the volume of the build on the current plans are excessive due to the size of the area although something on a smaller scale maybe more acceptable".

States Archaeologist, 16/02/2022

"As indicated in the Development Framework (paragraph 4.9) there are no known archaeological sites within this site, and only two relatively small areas (adjacent to the western boundary, and towards the south-east corner) which have some potential archaeological interest.

The area towards the western boundary is largely unaffected by the proposed development and therefore does not warrant any further investigation. The area in the south-east of the site will be affected by the construction of units 25 and 26 (*contra* the assertion in paragraph 6.24 of the letter from Strategic Planning and Property Ltd). However as with the western boundary I do not consider that this merits any archaeological excavation in advance, or indeed a watching brief at the time of construction, and would therefore request that a simple informative notice is placed on any approval requiring the developers to contact me if anything of possible archaeological interest is uncovered".

The Office of Environmental Health and Pollution Regulation, 18/02/2022

"I have reviewed the proposed plans for development to take place on the above mentioned address which were received by email on 28th January 2022 and I would recommend the following conditions.

Potential Contaminated Land Condition

Please note this is one condition with multiple sub-sections:

(1) No works pursuant to this permission shall commence until there has been submitted to and approved in writing by Planning Services: (A desktop study shall be the very minimum standard accepted. Pending the results of the desk top study, the applicant may have to satisfy the requirements of b and c below, however, this will all be confirmed in writing).

(a) A desktop study documenting all the previous and existing land uses of the site and adjacent land in accordance with national guidance as set out in Contaminated land Research Report Nos. 2 and 3 and BS10175:2001 - Investigation of Potentially Contaminated Sites - Code of Practice;

and unless otherwise agreed in writing by Planning Services,

(b) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS10175;

and, unless otherwise agreed in writing by Planning Services,

(c) a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such scheme shall include nomination of a competent person to oversee the implementation of the works.

(2) The development hereby permitted shall not be occupied or brought into use until there has been submitted to Planning Services verification by a competent person approved under the provisions of condition (1)c that any remediation scheme required and approved under the provisions of condition (1)c has been implemented fully in accordance with the approved details (unless varied with the written agreement of Planning Services in advance of implementation). Unless otherwise agreed in writing by the local planning authority such verification shall comprise:

(a) as built drawings of the implemented scheme;

(b) photographs of the remediation works in progress;

(c) certificates demonstrating that imported and/or material left in situ is free from contamination.

Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under condition (1)c."

Informatives/Advice Notes

The phased risk assessment should be carried out also in accordance with the procedural guidance and UK policy.

The site is known to be or suspected to be contaminated. Please be aware that the responsibility for the safe development and secure occupancy of the site rests with the developer.

It is strongly recommended that in submitting details in accordance with the above conditions that the applicant has reference to Land Contamination risk management available at <https://www.gov.uk/guidance/land-contamination-risk-management>.

Construction Environmental Management Plan (CEMP)

Prior to any demolition a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Authority. Agreed details shall be carried out as approved unless otherwise agreed in writing by the Authority. At a minimum the following should be included:

- (1) A scheme of how the contractors will liaise with local residents to ensure that residents are kept aware of site progress and how any complaints will be dealt with reviewed and recorded (including details of any considerate constructor or similar scheme)
- (2) A scheme of how the contractors will minimise complaints from neighbours regarding issues such as noise and dust management, vibration, site traffic and deliveries to and from the site
- (3) Details of hours of construction including all associated vehicular movements
- (4) Details of the construction compound
- (5) A plan showing construction traffic routes.

The construction shall be carried out in accordance with the approved CEMP.

I would be grateful if these issues are considered during the determination of this application.

In addition to these conditions, I would ask for the standard condition requiring a site Waste Management Plan to be submitted is also attached to the consent”.

Committee for Employment & Social Security, 21/02/2022

“The Committee for Employment & Social Security (“the Committee”) notes that a planning application has been submitted in respect of the Briarwood site, Grande Rue, St Martin (“Briarwood”), for two proposed residential development areas comprising 26 dwellings and the re-provision of the existing States-owned public car park. As the number of proposed dwellings on the site exceeds 20, Policy GP11 is applicable and it is specifically on this point that the Committee has comment.

The Committee wishes to express its sincere concern in respect of the request made in the planning application letter (paragraph 6.38) that the proposed improvement works to the public car park be accepted as an “*alternative public contribution*” to the provision of a proportion of the site for affordable housing, as would ordinarily result from the requirements of Policy GP11. The Committee considers that acceding to this request could set an extremely dangerous precedent for any future planning applications in which Policy GP11 is triggered. The Committee asks that the three points detailed below be taken into account when considering this request.

Firstly, the Committee notes that the Affordable Housing SPG allows the percentage requirement of Policy GP11 to, as an exception, be reduced where the application of the Policy would make the proposed development economically unviable. The Committee believes it is essential for a detailed viability assessment to be carried out

in respect of the Briarwood planning application, and that the results of this assessment inform any decision regarding the affordable housing requirement for the site.

Secondly, the Committee notes that the planning application letter cites the expense of purchasing and improving the public carpark, before returning it to the community, as the rationale for not additionally providing land for affordable housing units required by Policy GP11. The Committee would have assumed that the cost of the car park work was factored into the valuation of the land for purchase by the developers. In particular, the development area to the south-east of the site can only be accessed by road via this car park, therefore this area is currently land-locked and the car park work essential to its development, and as such the cost of this work must have been factored into the land value negotiations. Also, while the proposed development makes some design improvements on the current arrangements in and through the car park, these will be balanced out by the additional vehicle movements that the development will generate, meaning that the car park improvements are unlikely to be perceived as a net positive to the community in terms of its transport impact overall. In other words, the car park improvements are a necessary mitigation rather than a community benefit per se. The Committee would therefore suggest that there is no justification to remove the requirement for affordable housing provision on the site on the grounds set out by the applicant.

Finally, and of utmost importance, there is a current and urgent need for affordable housing on the Island with over 400 households on the waiting list for social rental housing and partial ownership. There is also increasing pressure to provide additional housing for relocating keyworkers. The provision of affordable housing on this site would provide key units of accommodation at a time of high levels of unmet housing requirement. While the Committee is mindful of the need to allow private housing developments to progress in order to provide much-needed private housing for Islanders, it does not consider Policy GP11 to be an impediment to this progress, but rather a vital way of securing urgently-needed affordable housing at no cost to the taxpayer.

For the above reasons, the Committee requests that the Development & Planning Authority undertakes the necessary viability modelling to determine the viability of the development with Policy GP11 applied and, if absolutely necessary, give consideration to what reductions to the provision requirements of the Policy could be applied rather than following the applicant's proposal to just not apply it at all.

Thank you for the opportunity to provide this response to the current planning application for Briarwood".

The Office of the Children's Convenor, 28/03/2022

"I am writing to provide some information regarding the above application. The Office of the Children's Convenor (the "OCC") and the Child, Youth and Community Tribunal (the "Tribunal") both operate from the building known as Briarwood (formerly known as Orchard House) that is located within the proposed

development. The building is occupied on the basis of a lease agreement between Briarwood House Limited and the States of Guernsey. This lease agreement was entered into in March 2009 and is for a period of 21 years up to and including 31 December 2029.

The OCC is a public office created by the Children (Guernsey and Alderney) Law, 2008. It is funded by the States of Guernsey however is independent from it and operates as an arm's length body.

The daily operations of both the OCC and the Tribunal are delivered from Briarwood. Both entities are part of the Children's Tribunal System that safeguards and promotes the welfare of children and young people who are in need of care, protection, and guidance.

The building has been adapted to provide appropriate facilities to hold hearings of the Tribunal. The role of the Tribunal is akin to that of a Court and it deals with the majority of children when there are concerns about their care, protection or behaviour. Hearings of the Tribunal are held each day of the working week with around 250 – 300 hearings held each year. A hearing usually lasts around 90 mins however can last considerably longer if there are complex matters to discuss.

The work of the OCC and the Tribunal is confidential and often involves highly sensitive issues such as physical or sexual abuse and child neglect. Decisions of the Tribunal can have far reaching consequences and can result in a child being removed from the care of their parents. Families are therefore often attending hearings at times of crisis in their lives and many of them have suffered significant trauma.

The Tribunal is designed to be an informal, relaxed setting to encourage and support the direct participation of children and young people in line with our responsibility under the United Nations Convention on the Rights of the Child. Children and their parents or carers attend hearings along with a range of professionals who support them. Key to providing this relaxed setting has been:-

1. The privacy afforded to families in attending hearings at Briarwood. The building is set back from the main road and is hidden from view by mature trees and shrubbery. There is also currently a large curtilage around the building which means that confidential conversations and discussions are not overheard from within the building particularly when windows are open for ventilation.
2. The outside green space that provides a relaxed calming experience when individuals feel overwhelmed and need to take some space away from the building.

It appears from the plans that the development will utilise some of the land that is currently included within the terms of the Briarwood lease. It appears that the outside space and curtilage of the property will be significantly reduced. This will have implications for our business operations and therefore while not opposed to

the development of the site in principle we have concerns about the impact of the development both during and after the development”.

Committee for Education Sport and Culture, 07/04/2022

“Thank you for your letter dated 4 March 2022 in respect of the above proposed development. Having consulted with a number of colleagues, including the Headteacher of St. Martin’s Primary School, there are a number of aspects that I would wish to comment on; these are as detailed below:

Overlooking

From the perspective of residents of the proposed development being able to overlook the school site, we are pleased to note that the western elevation of unit 10 has no windows proposed and that the only glazing proposed on the western elevation of unit 11 is at ground floor level.

Parking

The proposed layout of the new public car park is a significant improvement on the existing arrangement and the inclusion of the proposed drop-off area is likely to be helpful to parents/carers, although we are not sure whether that area will operate as intended; traffic flow may be impeded by individuals not using the area correctly. However, even if that were to be the case the layout will be an improvement overall.

As you may be aware, the Committee for Education, Sport & Culture had previously expressed a desire, if possible, for access into the site to be established for school buses, which would facilitate a significant improvement on the current arrangements, which rely on the use of the Professor Shaw Community Centre. While we are aware that an option was drawn up by the architect some time ago which seemed to achieve that, we note that access into the site within the current proposal is narrower than had been the case at that time, seemingly due to the buildings to the north-west of the Les Blanches Pierres site (J00058000) no longer being included within the proposed development, for whatever reason. From our perspective it is a great shame that this has not been possible to achieve, although we acknowledge that there are physical and commercial considerations that will have influenced/constrained potential provision and that this was not a requirement of the Development Framework.

It is noted that 2 parking spaces are included within the proposed development for each of the units. While appreciating that developments should not encourage car ownership, it is felt likely that some of the 3- and 4-bed units may have more than 2 vehicles associated with them; it would, therefore, seem possible that the availability of spaces within the public car park might be reduced slightly as that appears to be an obvious overspill site – this may reduce the availability of spaces for parents/carers.

The timing of the works to the public car park area will be a matter that we would request careful consideration of. Clearly when any works are undertaken this will have a significant impact for parents/carers using that area for drop-off and

collection. We would be grateful if appropriate measures could be considered for those works to minimise disruption, potentially through phasing such that availability is maintained and/or works being undertaken during the school holidays.

Access

There is a possibility that, at some point, we may require vehicular access to the eastern end of the St. Martin's Primary School site. Although this may be able to be facilitated to some extent via Rue De La Vallee, it would be beneficial for there to be some form of provision for vehicular access via the "Public Open Space" proposed at the western boundary of the proposed public car park. Such access would not necessarily need to be available on a permanent basis (although that might become the case at some point in the future), but our preference would be for any such access to be possible on at least a planned basis if required.

Noise

It is appreciated that any building development will inevitably generate noise, but we would be grateful if any particularly noisy activities that might affect learners within the school could, where possible, be undertaken outside of normal school hours (these currently being 8.40am – 3.00pm) or during school holidays.

School Capacity

In respect of capacity within St. Martin's Primary School and its secondary "partner" school (i.e. the school to which children will, by default, transition for their secondary education), Les Beaucamps High, there is sufficient capacity within both sectors to be able to accommodate the children likely to be living within the proposed development. Although St. Martin's Primary School is currently operating close to its maximum capacity, should there be instances within which either school is over-subscribed there are defined mechanisms for managing this and, where required, for reallocating children to alternative schools; children displaced to alternative schools are likely to be those living furthest away from St. Martin's Primary School. The Committee's Primary and Secondary Admissions policies make provision for such instances.

It remains the intention to undertake a full review of the Primary sector across Guernsey within the next few years; this will inform the profile of the Primary estate and associated catchment areas".

Consultations in response to the revised plans received on 07/09/2022:

Constables of St Martins, 28/09/2022

"Following on from our previous concerns over the planning application for Briarwood we would like to highlight the following points to be considered.

- Traffic will increase with 26 new houses onto an already busy road and therefore we believe the density of housing is too high.

- St Martins school is at capacity and therefore any homeowners with children would need to transport them to the Forest or further afield leading to more traffic movements.
- If the development goes ahead, we would like to see parking reduced to 5 hours as we feel the over spill of cars from homeowners will take space that shoppers currently use and businesses need to thrive.
- We would like to see a pull in bus stop as part of the development to encourage the use and to allow traffic flow to be uninterrupted. We hope these points will be considered”.

Agriculture, Countryside and Land Management Services, 07/10/2022

“We are writing in response to your consultation letter dated 22nd September 2022. The applicant has supplied additional information and alterations to the proposal following the deferral of the previous application. This response focuses on those aspects relevant to our remit, namely biodiversity and the natural environment.

The Development Framework for the site stated that ‘Opportunities should be taken to retain landscape features, or to limit the impact of the loss of those features if justified through the incorporation of landscape and biodiversity enhancements into proposals.’

We welcome the alterations to the landscape design which retains more trees than the previous application. In addition, the planting of native hedges helps to improve the ecological connectivity through the site. Given the loss of improved and amenity grassland and woodland habitats, the development does not deliver biodiversity net gain. Additional opportunities for biodiversity enhancements could be taken by including the following within the landscape and construction designs:

- The proposed planting scheme within the development has low value for biodiversity (hydrangeas, Euonymus, Azaleas, etc). Replacing these species with native plants would increase their biodiversity value.
- There is currently no mention of opportunities to enhance biodiversity within the built environment. For example, the inclusion of artificial bird and bat boxes could be considered.

Advice on these two topics can be found within the soon to be published guidance document. I enclose a draft for your reference.

The above improvements will reduce the significance of the loss of biodiversity in line with the mitigation hierarchy although it will not be sufficient to ensure there is no net biodiversity loss overall from the proposed development. The loss of grassland and fragmentation of tree cover has only been partially mitigated against and therefore residual adverse impacts on biodiversity remain.

Please do not hesitate to contact us if you have any queries about this response and we would also be happy to discuss the points raised with the applicant or their representative”.

The Office of the Children's Convenor, 14/10/2022

"I am writing further to your letter of 22nd September 2022 concerning revised plans that have been submitted in relation to the above planning application. This letter should be read in conjunction with my letter to you of 28th March 2022.

It appears from the revised plans that it is proposed that the access road to Briarwood now be located adjacent to the side of the building which is away from La Grande Rue. This is of some concern to us as the public entrance/exit to Briarwood is on this side of the building and, should the proposal be adopted, the entrance/exit would open out directly on to the access road. There is also a door from a waiting room on that side of the building which likewise would open out directly on to the access road. The proposal would place our service users, predominantly children and families, at risk from traffic when visiting Briarwood. In order to mitigate this risk we would have to reconfigure the building and, in all likelihood, move our reception and waiting room to the other side of the premises which would result in significant disruption.

As an alternative, we would propose that the access road be sited on the same side of Briarwood but further away from the building. This would allow for an area between the access road and the public entrance/exit making the area safer to use. Looking at the revised plans there does appear to be scope to do this.

As stated in our letter of 28th March 2022 while not opposed to the development of the site in principle, the revised plans do raise concerns about the safety of our service users when accessing Briarwood. These concerns are in addition to those already expressed about the impact of the development generally both during and after completion".

Traffic and Highway Services, 17/10/2022

"I refer to the application by Sarnian Property Ltd & Infinity Construction in relation to the development of the Briarwood site, Grande Rue Car Park & Blanches Pierres site at Grande Rue, St Martin, which comprise this application.

I have reviewed the submissions contained with this application and referred to previous submissions to yourselves by THS, in particular the commentary supplied when THS responded to the Draft Development Framework in November 2017.

The conclusions that were submitted when responding to the Draft Development Framework, as listed below, form the main areas of consideration in respect of this application. In many areas, the current application fully or partially mitigates several of the concerns that were highlighted. In the five years since THS responded to the Draft Development Framework, THS staff have conducted a number of site visits to both the site and the surrounding area to study traffic flows past the site, and in particular to understand the daily use of the Grande Rue Car Park.

Conclusions of submission to Draft Development Framework – November 2017

1. Grande Rue, St Martin – Traffic Priority Route. High traffic flows in both directions, number of businesses with associated high volume of vehicle movements.
2. Grande Rue regularly used by HGV and LGV vehicles.
3. Good public transport links.
4. Pavement is 900mm in proximity to site.
5. Carriageway width narrows past site. Many vehicles mount pavement to pass.
6. Grande Rue has several Ruelle Tranquille designated lanes that intersect throughout the road.
7. Due to road geometry, regular conflict between vehicles mounting pavement and pedestrians.
8. Volume of vehicle movements and number of accesses onto Grande Rue cause regular traffic management issues in the area of the site(s) accesses and this in-turn means that the road is not ideal for cyclists to navigate and ride along with ease, without causing traffic management issues.
9. Access from carriageway to public car park causes road safety concerns due to poor sightlines, conflict point with pedestrians and traffic management issues at peak times.
10. Size and position of island within car park entrance causes road safety and traffic management concerns.
11. Sightlines from both public car park and Briarwood are substantially below the recommended 33m in the Engineering Guidelines.
12. Geometry of public car park and saturation of the car park at peak times causes both traffic management and road safety concerns within the car park at the access.
13. Parking provision and ratio of 10 and 2-hour parking within the car park is currently adequate in normal usage.
14. Pedestrian desire routes through the public car park cause road safety concerns. Especially given the high proportion of vulnerable road users at peak times.

Opportunities of Development Framework

1. Improve the current public car park layout, to enable a formalised drop-off and collection point for children attending the school.
2. Improve the turning area at the top of the car park.
3. Improve the access to the car park. To enable vehicles to enter and egress safely without conflict with pedestrians and the associated road safety concerns.
4. Consider any housing development in the context of vehicle movements via the car park, and designing an access to the development in such a manner that enables entry and egress onto the Grande Rue via the public car park access.
5. Consider that changes to the curtilage of the existing land parcels, may enable the maintenance of the public car park's capacity, whilst simultaneously improving and regulating the parking layout to improve road safety and traffic management within the car park.

6. Consideration given to the current access / egress of vehicles to Briarwood, and whether a suitable access to / from the car park, in a similar manner to that of a housing development (if in the vicinity of the housing development) would enable the existing Briarwood access to be closed, and enable the widening of the public car park entrance in order to allow better road safety features, due to the possible improvement in sightlines, the reduction of accesses onto the Grande Rue in that area, and the resulting improvement in traffic management within the area.
7. Consideration of whether the parking area within the Briarwood site could be combined into the public parking provision to provide the design of visitor parking and drop off point at the rear of Briarwood with staff parking being enabled within the public car park.
8. Consideration of whether the redesign of the parking layout within the public car park and possible changes of curtilage or layout of the three sites around the car park, could enable the provision of a pavement on the Western side of the car park to aid pedestrians, and assist in dissuading pedestrians to follow desire lines through the middle of the car park.

From a traffic perspective, this response is necessarily focused on the following areas of commentary:

1. The traffic management and road safety context in relation to the surrounding road network.
2. The site's context from a traffic and pedestrian perspective within the site (Grande Rue Car Park).
3. Traffic Impact Assessment requirement.

In overview, this application would bring about the development of 18 properties to the rear of the existing Briarwood property which would be accessed directly from Grande Rue, with another 8 properties in the rear of the Les Blanches Pierres property which would be accessed via the Grande Rue Car Park. Additionally, the car park layout is changed, but with the number of public vehicle parking spaces remaining the same as currently at the conclusion of development.

Grande Rue, St Martin – Traffic context past site and site access

The road section comprises the main thoroughfare through the St Martin's Local Centre, as one of the main routes between St Peter Port and the southwest of the island. With a mixture of retail outlets, a supermarket, accessed directly from the road and the St Martin's Primary School it is recognised that a high number of vehicle and pedestrian movements within the area relate to the activities of the local centre, as opposed to simply vehicles passing through the area.

From information collated by THS, the daily vehicle movements through the road section are in the order of 6000 to 7000, and although the peak morning and afternoon traffic flows witness the heaviest saturation of traffic and pedestrian movements, the road can be considered 'busy' by local standards. The area is understandably busy during school times, with the Grande Rue Car Park being a primary drop off / pick-up point for primary school children, as well as forming the

main walking route to and from the school for children and their parents who reside to the east of the parish area. In this respect, it is reasonable to state that the peak times of vehicle movement through the area can be considered aligned to both the morning and afternoon commuter traffic during the Monday to Friday period, but also throughout the mid-afternoon period during the school term.

To a large extent, it is the volume of vehicle and pedestrian movements within the area, especially at peak times which necessitate that drivers use appropriate caution when driving through the area. Although the road section is subject to a 25mph speed limit, there is no evidence that the speed of vehicles is inappropriate for the road section. Similarly, from reviewing the RTC statistics from the road sections of the Grande Rue over the years 2016 to 2022, only one RTC at the car park entrance is recorded, which was minor in nature. Junction capacity in the area, by way of the signalised junction at Les Camps and the junctions of Route des Coutures and Rue Maze, are not considered problematic from a traffic management perspective, with observations made indicating that localised congestion in the area is predominantly associated with the vehicle movements associated with school drop-off and pick-up times.

The Grande Rue is served by a regular bus service to and from St Peter Port, and also links to the west of the island.

It is noticeable when observations are made that the number of active travel participants in the area is relatively high in comparison to other local centres. Active travel is encouraged for students at St Martin's Primary School, and the introduction of drop-off hubs in and around the local centre which result in children walking the final part of their commute to and from school is a significant factor in this respect. Additionally, the supermarket, and the nearby Senner's Bakery both have a regular footfall of regular customers, a number of whom are deemed 'vulnerable' through mobility or age. Similarly, the nearby Valpy's retail shop and appliance service centre, has a high footfall of customers, many of whom use the Grande Rue Car Park.

Under this application, the existing access to the Briarwood site would be widened to enable vehicles to enter and egress the site simultaneously. The new access would serve the 18 properties which constitute the Briarwood site part of this application, and the car parking requirement of the Briarwood building.

The widening of the access and changes to the access geometry shown on the plans supplied with the application will enable drivers to obtain a sightline which meets the recommended standard when egressing. Although the development of the site represents an intensification of use from a traffic perspective, it is not considered that traffic movements associated with a development of this scale will result in a noticeable change to traffic movements or traffic management in the local area given the current traffic volumes in the area.

THS are satisfied that the changes to the Briarwood access and Grande Rue Car Park access will enable drivers egressing either access to have clear sight of other vehicles entering or egressing the adjacent accesses.

Grande Rue Car Park

As outlined in the previous commentary on the Draft Development Framework, the existing car park layout was a key concern in relation to pedestrian safety, and in particular the safety of school pupils at drop-off and pick up times.

The car park's layout is such that many pupils and other pedestrians take a desire line through the car parking area as opposed to using the footpath on the eastern side of the car park.

Additionally, the geometry of the car park makes the manoeuvring of vehicles problematic at times of high saturation, with the lack of an appropriate turning point resulting in significant risks to other car park users at times of high usage (school drop-off and pick-up times).

Lastly, the geometry of the existing access from the carriageway into the car park results in a conflict point between vehicles and pedestrians as pedestrians egressing the car park at the eastern side of the access can encounter vehicles making the 'sharp' turn into the car park.

Under this application THS welcomes the changes to the car park's layout as shown on drawing 03.36 C, supplied with the application. The proposed layout is considered beneficial in several respects, and directly addresses the recommendations (listed previously in this document) which were made by THS when commenting on the Draft Development Framework. As such, the author considers that the proposed layout will fundamentally improve pedestrian safety within and at the entrance of the car park, enable better and more efficient vehicle throughput at busy times and through the introduction of the turning circle and 'drop-off' point at the nearest point to the school offer parents and carers reassurance that their children are safe when egressing the vehicle.

The removal of the island at the car park's entrance, along with the changes to the boundary of the Briarwood property (where it forms the western side of the car park access) is welcomed, as both a method of ensuring that drivers entering the car park are not having to turn as tightly at present (which currently results in the conflict with pedestrians highlighted), but also improve the visibility splay of a driver egressing and in so doing reducing the current need for drivers to move over the pedestrian footpath past the car park entrance, in order to obtain an adequate sightline of approaching (from west) vehicles. As previously commented, the existing oncoming sightline for a driver egressing the car park is sub-standard at 20m, and cited by a number of drivers as being difficult to egress at peak times. The widening of the access afforded by the removal of the high earth bank at the Briarwood boundary is welcomed, and in so doing effectively provides a radius and change to the driver's line of exit, and in so doing affords better all-round visibility.

The provisioning of dedicated footpaths on both sides of the car park is especially welcomed as one of the most significant improvements for pedestrians in the car park area. THS notes and is supportive of the pedestrian crossing points within the car park and at the access to the properties which would be located in the rear of Les Blanches Pierre.

Importantly, THS would highlight the need for any planting adjacent to these crossing points to be of plants foliage which cannot attain a height which would interfere with the visibility splay of either pedestrians or drivers. Given that the footpaths will be used by primary school children it is recommended that the planting is below 700mm from ground level.

In relation to the access to the 8 properties which are accessed from the car park, although THS does not object to this access (the author's view is that this is preferable to the properties being accessed via the existing Les Blanches Pierres access from the carriageway directly adjacent to the car park entrance), it is noted that there are no supplementary comments on the plan indicating any changes of heights. From the plans (drawing 03.36 C), the author believes that the design incorporates the footpath past the access as continuous, and in effect the height of the footpath acts as a raised table past the access. If this is the case, THS would welcome confirmation of the same, and to ensure that the design of the 'crossover' is adequate in terms of ensuring vehicles have to slow sufficiently when entering or egressing the access. Fundamentally, pedestrians must have priority over vehicles entering or leaving, and the design should prove by physical means that drivers will have to slow to a crawl when crossing the footpath at this point. THS is happy to discuss this point with the applicant or their representatives and assist from a design perspective as appropriate.

THS has considered whether it would be possible for the car park and turning points to enable the provisioning of the school bus service that serves the primary school. This was commented on in 2017. THS would acknowledge that due to the constraints of the site, and the turning circle of the current vehicles used by coach and bus operators on the island, that it is not feasible to incorporate these vehicle movements under the plans supplied with this application, and that there does not appear a method of design by which this could be included for the site.

THS welcomes the provision of accessible bays and cycle parking in the car park as indicated on the plans supplied.

Traffic Impact Assessment

Consideration has been given as to whether the application in its current form would benefit from a formal traffic impact assessment (TIA) given that the number of properties under this application totalling 26 properties exceeds the threshold number of 25 as stated in the Parking Standards and Traffic Impact Assessment Supplementary Planning Guidance published in 2016.

It is the author's view that in respect of this application, a TIA would not provide data or recommendations of such significance as to change the THS response to this application. The scale of parking for both developments is in line with the parking standards that are detailed in the Parking Standards and TIA guidance and the trip generation associated with this scale of development is not significant against the current vehicle volumes through the St Martin's main centre.

As stated, the site's existing use, traffic movements through the area are well documented and both at the stage of commenting on the Draft Development Framework, and in the years since, THS staff have carried out a number of studies pertaining to road safety, traffic management and in particular the active travel arrangements for school pupils that directly relate to the site. THS is satisfied that under this application, the recommendations previously made by THS and implemented under this application address the areas which would be documented through a formal TIA. As such, a TIA is not required in relation to the application in its current form.

Summary

1. THS are satisfied that the plans supplied meet / mitigate the recommendations of the Draft Development Framework comments previously made that would fall under the direct influence of the applicant.
2. Changes to the Briarwood access, Grande Rue access and layout are positive in respect of pedestrian and vehicle safety.
3. Scale of development does not represent a significant increase to traffic in the area.
4. With the exception of the comments relating to the crossover of the pedestrian footpath (from the 8 properties behind Les Blanches Pierres), THS does not have concerns in relation to the application, and believe that the comments relating to the crossover can be easily addressed by the applicant.
5. A TIA is not required given the data already held by THS in relation to the site.
6. THS supports the application in its current form".

Summary of Issues:

The main issues in deciding this application are:

1. Whether the principle, mix and type of new housing is acceptable.
2. Design and impact of the development on the character and appearance of the area.
3. The impact of the development on the amenity of people living in the area.
4. Road safety, traffic management and parking
5. 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).

During the course of consideration the application was deferred to raise a number of concerns and to request additional information including: the lack of affordable housing; the mix and type of dwellings; the landscape scheme and the removal of a large number of trees; the impact on the amenities of neighbouring properties; the limited size of gardens; the layout of the public car park; the phasing and timing of works; the adaptability of dwellings and the design of footpaths.

In response, further information has been submitted regarding the financial viability of the proposal to justify the lack of affordable housing and the application has been revised including: the mix and type of dwellings has been amended; the revised landscape scheme includes a reduction in the trees to be felled, the soft landscaped area forward of Briarwood is to be retained, hedges, trees and soft landscaping is proposed within and along the boundaries of the public car park and additional planting is proposed along the south-west boundary with School Lane; units 5 to 10 have been relocated 1.5 metres further away from the northern boundary; the layout has been amended to increase garden sizes; the layout of the public car park has been revised to enhance pedestrian safety and to increase bicycle parking provision and the design of footpaths has been revised.

Whether the principle, mix and type of new housing is acceptable

As set out in Policy LC2, the Island Development Plan is required to provide limited opportunities for housing development in Local Centres to enable community growth and to reinforce them as sustainable centres but requires that the scale of such development does not undermine the aims and objectives for the Main Centres. The site is located within the St Martin Local Centre and is not identified as Important Open Land. Although representations have been received regarding the principle of developing this site, and developing this site ahead of brownfield sites, there is no requirement to sequence new housing on brownfield sites ahead of greenfield sites within the Local Centres. Policy LC2 supports proposals for housing on this site where the scale is appropriate to the centre concerned; where able to accommodate a variety of dwellings the proposal provides an appropriate mix and type of dwellings; and the proposal accords with other relevant policies of the Island Development Plan.

A Development Framework for the residential development of the site was approved in August 2018. The proposed density of 26 dwellings exceeds the anticipated density of development as set out in the Development Framework (15-22 dwellings). However, the scale of the development is appropriate to maintain the vitality of the St Martin Local Centre and it would not negatively affect the vitality and viability of the Main Centres or otherwise undermine the Spatial Policy.

Current evidence regarding private market housing suggests a need for homes of 1 to 3 bedrooms, with an emphasis on 2 and 3 bedrooms. The revised proposal

comprising of 22, three bedroom dwellings and 4, two bedroom dwellings is heavily weighted towards 3 bedroom properties. However, considering the scale and nature of neighbouring properties and the character of the surrounding area, the proposal broadly reflects current housing need and is appropriate in this instance.

The development involves a net increase of more than 20 dwellings and therefore a proportion of affordable housing is required to be provided, as set out in Policy GP11. For a development of 26 dwellings, Policy GP11 requires 28% of the developable part of the site to be provided for affordable housing. Where the provision of land is not feasible, the Authority will consider the provision of completed units or off-site provision in accordance with the scale set out above.

Policy GP11 states that where the Authority is satisfied that the application of this policy, including all provisions for options such as those relating to the mix of unit type and tenure and the provision of land or units on or off site to the States of Guernsey or a housing association, and/or the particular site constraints, would result in it not being viable to proceed with a housing development, the above percentage requirement may be reduced. In such circumstances, the Authority will assess economic viability by using recognised financial viability models and may consult independent viability assessors as part of the assessment process, particularly where there is dispute over viability issues. In altering or reducing the affordable housing requirement the circumstances of the particular proposal will be considered and the maximum percentage of affordable housing provision which is viable for that site will be required.

In assessing proposals, the Authority will have regard to the provisions of the Supplementary Planning Guidance: Affordable Housing, 2016, which sets out further advice about how this policy will be applied.

Viability information has been submitted in accordance with the Supplementary Planning Guidance for the scheme as proposed with no affordable housing provided. This has been assessed independently and advice provided to the Planning Service. Minor adjustments were made by the assessor to the applicant's development appraisal for both the revenues and costs of the development. Taking those adjustments into account the conclusions of the assessment are that *"based on the information which we have been provided with and our understanding of the current construction and housing markets the application of Policy GP11 on the scheme would make the development unviable"*. In further querying the site cost inputs to the development appraisal, it has been advised that the site costs are broadly in line with what would be expected for a site of this type.

The Supplementary Planning Guidance includes a methodology for the assessment of viability and built into this is industry standards for variables in a development appraisal applicable at the time including a developer's profit margin over which the provision of some affordable housing would be expected. The development would have a profit margin with no affordable housing included but the assessor advises that the profit margin would be lower than would typically be expected for a

development of this type and is lower than most developers and funders would be targeting as a minimum profit on costs. The assessor concludes therefore that the application of a full or even partial Policy GP11 requirement in addition to this would negatively impact the development to a point it is not considered to be viable.

In conclusion, a thorough assessment has been carried out that supports the application as proposed without any affordable housing and it therefore complies with Policy GP11.

The assessment of the proposal against other relevant policies is discussed below but in principle the residential development of the site for 26 dwellings with the mix and type of dwellings proposed accords with Policy LC2.

Design and impact of the development on the character and appearance of the area

It is proposed to construct two housing developments totalling 26 dwellings on the field and garden areas to the north-west and south-east of the existing public car park. The northerly development, comprising of units 1 to 18, would be accessed from La Grande Rue and the southerly development, comprising of units 19 to 26, through a reconfigured public car park. Pedestrian access to the school would be maintained and a new access created between the car park and the supermarket to the south-east. Each dwelling would have a private garden and dedicated parking spaces.

Approximately one third of the southerly development, including units 19 and 20, lies within the St Martin's Church and Sausmarez Manor Conservation Area. The remainder of the site is outside of the Conservation Area but is bounded by the Conservation Area to the north-east along La Grande Rue. The Conservation Area extends northward and southward to the east of the application site. In this area it comprises mainly of 19th century ribbon development flanking La Grande Rue with gardens, agricultural land or other open land behind. Buildings are typically domestic in scale and finished in formal stone or painted render, with slate or clay pan-tiles and set behind low stone walls or earth banks. Les Blanches Pierres is noted as a building of merit.

The proposed development, for the most part, is located outside of the boundary of the Conservation Area. Les Blanches Pierres house and buildings would be unaltered by the development but it would result in the removal of a number of mature trees within the rear garden.

The position, orientation and appearance of the proposed dwellings and the pathway to the supermarket are such that the special character, architectural and historic interest and appearance of the Conservation Area would be conserved.

The trees on the application site contribute to the special character and appearance of the Conservation Area. They are prominent in views between buildings from La Grande Rue and from Les Camps du Moulin, Rue De La Vallee and School Lane and form a backdrop to the public car park and that of the supermarket. The effect of the

development on these trees, therefore needs to be considered in order to ensure that, wherever possible, trees are not permanently lost, which would erode the character of the Conservation Area. If trees must be lost, then they should be replaced with a suitable equivalent.

The revised landscape plan includes sufficient retention and appropriate replacement tree planting such that, on the whole, the proposed development would conserve the special character, architectural or historic interest and appearance of the Conservation Area, in accordance with Policy GP4.

As a whole, the general appearance and composition of the proposed buildings are acceptable, as are the materials and layout of the public realm. The proposed dwellings would incorporate multi-storey units of 2 to 2½ storeys, which is encouraged by Policy GP8 and the approved Development Framework as a means of making a more efficient use of land, and would respect the heights and proportions of neighbouring development. Positioned to the rear of buildings lining La Grande Rue the orientation of the new dwellings would respect the character of the location.

The application site is within St Martin's Local Centre in an area that is built-up with ribbon development and some backland development. No buildings would be replaced and consequently the proposal would comprise 26 new dwellings of backland development. Such backland development has occurred to the north-west of the application site in the form of housing and to the south-east in the form of a supermarket and its car park.

The existing public car park would be rationalised and improved in terms of its shape, pedestrian routes and the facilities provided within a footprint similar to that currently occupied. Provision of parking around Briarwood would not be compromised. The alterations to the public car park and Briarwood would have little effect on the character of the local environment or on the open landscape.

The agent explains that the benchmarks set out in the Development Framework regarding character, setting, design type, density and the Conservation Area have been respected in formulation of the design. The Planning Service agrees with this assessment.

Revisions to the landscaping scheme have a positive effect on the proposal, retaining more existing trees, introducing softer boundary treatments, providing additional planting and creating more attractive routes into, out of and through the development.

In summary, the proposed development achieves a good standard of design and would have no significant adverse effects on the character and appearance of the area, in accordance with Policy GP8 and the approved Development Framework.

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

The neighbouring property to the north-east has raised concerns about the siting, scale and loss of privacy from units 1 and 2 on the amenities of their property. Unit 1 would be set back 3m from the rear boundary and between 13m and 16m from the rear elevation of the neighbouring property. Due to the layout and orientation of the dwelling, unit 1 would affect a small proportion of the outlook along the neighbour's rear boundary and together with the distance between unit 1 and the neighbouring property, unit 1 is unlikely to have an overbearing or significant overshadowing effect on the neighbouring property. The first floor and second floor windows would face towards the rear garden of unit 1 and due to the acute angle and respective layout of the properties, the windows would not cause a significant loss of privacy. The access road to units 1 to 18 and Briarwood is situated along the southern boundary of a neighbouring property. However, due to the likely low traffic flows along the access road, the siting of the access road is unlikely to cause an undue level of noise and disturbance to the neighbouring property. A large conifer hedge would currently provide an additional level of screening and separation for the neighbouring property although it is noted that this cannot be relied upon to be maintained at its current height in the future.

The neighbouring property to the north-west raised concerns about the loss of privacy to their property. Revised plans have relocated units 5 to 10 1.5m further from the boundary with the neighbouring property. Units 1 to 10 vary between 9m and 13m from the neighbouring boundary, with an earth bank and hedging on the neighbouring property beyond this. The dwellings closest to the neighbour's dwelling (units 1 to 4) are staggered further from the boundary, with the dwellings which are approximately 9m from the boundary being sited over 24m from the rear elevation of the neighbour's dwelling. As a result, the design and siting of the dwellings has sought to minimise overlooking of the neighbouring property and whilst a degree of overlooking would occur, it would not be to such a degree as to have a material adverse effect on the amenities of the neighbouring property.

Unit 10 is orientated with the blank gable end facing the school which would minimise overlooking of the school grounds and the siting and orientation of units 19 to 26 would ensure that there would be no adverse effects on the amenities of the occupiers of Les Blanches Pierres.

In summary, the development of the site as proposed is unlikely to have any material adverse effects on the amenities of neighbouring residents.

Road safety, traffic management and parking

A number of representations have raised concerns about insufficient parking provision for the dwellings; the increased pressure on the public car park; the increase in traffic from the development and the impact on the local road network; existing road safety and traffic management issues along La Grande Rue were noted; the future management of the public car park; the phasing of works and the loss of public car parking during construction; and the layout and detailed design of the public car park.

The comments of Traffic and Highway Services are set out in full above. Traffic and Highway Services advise that the road section comprises the main thoroughfare through the St Martin's Local Centre and that a high number of vehicle and pedestrian movements within the area relate to the activities of the Local Centre, as opposed to simply vehicles passing through the area. The road is 'busy' by local standards with peak times of vehicle movement through the area aligned to both the morning and afternoon commuter traffic during the Monday to Friday period, but also throughout the mid-afternoon period during the school term.

To a large extent, it is the volume of vehicle and pedestrian movements within the area, especially at peak times which necessitate that drivers use appropriate caution when driving through the area. Junction capacity in the area, by way of the signalised junction at Les Camps and the junctions of Route des Coutures and Rue Maze, are not considered problematic from a traffic management perspective, with observations made indicating that localised congestion in the area is predominantly associated with the vehicle movements associated with school drop-off and pick-up times.

The Grande Rue is served by a regular bus service to and from St Peter Port, and also links to the west of the island. It is also noticeable that the number of active travel participants in the area is relatively high in comparison to other Local Centres.

Under this application, the existing access to the Briarwood site would be relocated and widened to enable vehicles to enter and egress the site simultaneously. The new access would serve 18 dwellings and the Briarwood building. The design of the access will enable drivers to obtain a sightline which meets the recommended standard when egressing. Although the development of the site represents an intensification of use from a traffic perspective, it is not considered that traffic movements associated with a development of this scale will result in a noticeable change to traffic movements or traffic management in the local area given the current traffic volumes in the area.

During the Development Framework process, the existing car park layout was a key concern in relation to pedestrian safety, and in particular the safety of school pupils at drop-off and pick up times.

Traffic and Highway Services welcomes the changes to the car park's layout. The proposed layout will fundamentally improve pedestrian safety within and at the entrance of the car park, enable better and more efficient vehicle throughput at busy times and through the introduction of the turning circle and 'drop-off' point at the nearest point to the school offer parents and carers reassurance that their children are safe when egressing the vehicle.

The removal of the island at the car park's entrance, along with the changes to the boundary of the Briarwood property is welcomed, as both a method of ensuring that

drivers entering the car park are not having to turn as tightly at present, but also improve the visibility splay of a driver egressing.

The provisioning of dedicated footpaths on both sides of the car park is especially welcomed as one of the most significant improvements for pedestrians in the car park area and the pedestrian crossing points within the car park are supported. Traffic and Highway Services recommends that any planting adjacent to the pedestrian crossing points are planted with foliage which cannot attain a height which would interfere with the visibility splay of either pedestrians or drivers. Given that the footpaths will be used by primary school children it is recommended that the planting is below 700mm from ground level.

In relation to the access to units 19 to 26 which are accessed from the car park, although Traffic and Highway Services do not object to this access, further details of the design of the pedestrian crossing are required to ensure that the footpath past the access is continuous with pedestrians having priority over vehicles entering or leaving, and the height of the footpath should act as a raised table to ensure that vehicles have to slow to a crawl when crossing the footpath at this point. This can be dealt with by condition.

Traffic and Highway Services acknowledge that due to the constraints of the site, and the turning circle of the current vehicles used by coach and bus operators on the island, it is not feasible to incorporate school bus movements under the plans supplied with this application, and that there does not appear to be a method of design by which this could be included for the site.

With regards to the need for a Traffic Impact Assessment, Traffic and Highway Services advises that traffic movements through the area are well documented and both at the stage of commenting on the Draft Development Framework, and in the years since, they have carried out a number of studies pertaining to road safety, traffic management and in particular the active travel arrangements for school pupils that directly relate to the site. As a result, Traffic and Highway Services are satisfied that a Traffic Impact Assessment would not provide data or recommendations of such significance as to change their response to this application and the recommendations previously made by Traffic and Highway Services and which have been incorporated in this application address the areas which would be documented through a formal Traffic Impact Assessment. As such, a Traffic Impact Assessment is not required in relation to the application in its current form.

Traffic and Highway Services conclude that the changes to the Briarwood access, Grande Rue access and layout are positive in respect of pedestrian and vehicle safety, the scale of development does not represent a significant increase to traffic in the area and Traffic and Highway Services support the application in its current form.

The revised layout of the public car park would result in a loss of up to 5 car parking spaces (the Development Framework states there are 80 existing spaces, the submitted survey plan of the car park indicates 77 spaces) and 1 motorcycle parking

space but it would increase the bicycle parking provision by 40 spaces. Whilst the proposal would result in a marginal loss of car and motorcycle parking spaces, this would be more than offset by the significant increase in bicycle parking provision, the improvements to the pedestrian environment and the provision of a turning circle and 'drop-off' point.

Concerns have been raised about the car parking provision for the dwellings and the potential increase in pressure for the use of the public car park. There are no set standards for car parking within Local Centres but the provision of two car parking spaces per dwelling is reasonable. There is ample space to provide safe and secure storage for bicycles with the gardens for each of the dwellings. There would be scope for residents or visitors of the dwellings to utilise the public car park, as currently exists for residents and visitors of existing dwellings in the area. This is unlikely to cause any traffic management concerns for the majority of the time. During peak school drop off and collection times, the likely limited additional demand on the public car park is unlikely to raise significant traffic management concerns and would be mitigated by the significant increase in bicycle parking provision and the improvements to road and pedestrian safety such as the alterations to and additional footpaths and crossing points, the provision of a turning circle and 'drop-off' point and the improvements to the geometry and sightlines of the car park access. In addition, it is noted that the overprovision of car parking spaces within the residential developments and the encouragement of car use by residents would not reduce existing traffic congestion or road safety concerns in the wider area and would not make the most efficient use of the land.

Building Control have raised concerns about the visibility splays from the Briarwood car park access onto the main access road. A representation from the Children's Convenor has also raised concerns about the location of the Briarwood car park access relative to the entrance to Briarwood and the potential for road safety issues to arise. A pavement is indicated outside of the entrance to Briarwood and due to the low traffic speeds and flows into the car park and the sightlines that would be available for drivers, the location of the car park access relative to the entrance to Briarwood is unlikely to result in any significant road safety concerns. Amendments to the design or location of the Briarwood car park access may be required to resolve visibility splays under Part P of the Guernsey Technical Standards. As the alterations would be within the site and would not affect the wider road network, any such alteration is likely to be able to be dealt with as a variation or minor amendment from a planning perspective, after a grant of planning permission for the current application.

An area of hardstanding is indicated in front of Briarwood. Due to the close proximity of this area of hardstanding to the access onto Grande Rue, there would be road safety and traffic management concerns if this area was used as a secondary vehicle access and parking area. It is therefore recommended that a hedge/bollards or other suitable boundary is installed to prevent vehicles accessing this area. This can be dealt with by condition.

Concerns have been raised about the phasing of the construction works and the potential loss of the public car park, especially during school terms. The agent has requested that details of the phasing of works be conditioned until a main contractor has been appointed. It is inevitable that there will be some disruption during the construction phase but a detailed schedule of works can be requested by condition to ensure that any loss of public car parking is minimised and/or works to the public car park are timed to coincide with school holidays.

In summary, located centrally within the St Martin Local Centre, the site is situated in close proximity to numerous shops, services and a Primary School and is well served by public bus routes. The development would enhance connectivity through the site for pedestrians, including the creation of a public footpath to the supermarket and additional footpaths and crossing points within the car park. The alterations to the Briarwood access, Grande Rue access and public car park layout are positive in respect of pedestrian and vehicle safety, the scale of development does not represent a significant increase to traffic in the area and Traffic and Highway Services support the application in its current form. Parking provision is adequate, bicycle parking would be significantly enhanced and as a whole the proposal would assist in providing greater transport choice and a safe, secure and accessible environment for all. The proposal accords with Policies IP6, IP7, IP8, IP9 and the relevant sections of 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. Levels of privacy would be adequate. All of the units have access to private gardens with an amount of useable space which is generally proportionate to the type and nature of dwellings that they would serve. Overall, the proposal would provide a satisfactory quality of residential environment for future occupiers, in accordance with Policy GP8.

With regards to the adaptability and flexibility of the dwellings, level entrances seem to be proposed to the main doors. Within the buildings adequate hallway, room and doorway widths and WCs would be provided at the main entrance level. No space has specifically been allocated on the plans for the future provision of a lift but stair

lifts could be provided. It remains unclear whether provision is incorporated for the future installation of grab rails in bathrooms and WCs. Adequate built-in storage is not indicated for all of the dwellings but all of the dwellings exceed the total best practice minimum internal space standards and therefore built-in storage could be provided if required by future occupiers. Whilst all of the dwellings do not meet all of the Lifetime Homes standards, overall the design and layout of the dwellings and the information submitted is sufficient to demonstrate that the development provides adequate accessibility and offers flexible and adaptable accommodation, in accordance with Policy GP8.

Other Matters

With regards to biodiversity, Agriculture, Countryside and Land Management Services welcomes the alterations to the landscape design which retains more trees than the previous application. In addition, it is advised that the planting of native hedges would help to improve the ecological connectivity through the site. However, given the loss of improved and amenity grassland and woodland habitats, it is advised that the development does not deliver biodiversity net gain and additional opportunities for biodiversity enhancements are recommended. These measures could include replacing some of the proposed species with native plants and installing bird and bat boxes. It is concluded that these measures will reduce the significance of the loss of biodiversity but it will only partially mitigate the loss of the grassland and fragmentation of tree cover and therefore residual adverse impacts on biodiversity remain.

The Development Framework for the site included a tree survey of the trees on the Les Blanches Pierres section of the site and the application was accompanied by an Arboricultural Impact Assessment which included an assessment of the trees on the remainder of the site. By designating the majority of the site as potentially developable land, the Development Framework envisaged a degree of change and loss of existing trees and habitats. Whilst the proposal would result in the loss of a number of existing trees, some of which have already been felled from the Les Blanches Pierres site, and an area of grassland, as a whole the revised landscape scheme has retained the majority of the most significant trees. In addition, tree and hedge planting is proposed which would help to partially mitigate the loss of the grassland and trees. Bird and bat boxes are proposed on the Les Blanches Pierres section of the site and a condition is recommended to ensure bird and bat boxes are installed across the entire site. It is also recommended that the applicant is encouraged to review the proposed species to be planted particularly within the low level planters, in order to maximise opportunities for biodiversity.

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. The application is supported by a sustainability statement which sets out how the development has been designed to take into account sustainable design principles.

Information has been submitted to indicate that the dwellings will meet the Building Regulations in terms of energy efficiency and thermal performance and that energy efficient lighting will be used. Solar panels are indicated on 16 of the dwellings. The agent advises that all new surfaces comprise of permeable paving as part of a Sustainable Drainage System to manage surface water run-off in order to ensure that water capacity onto La Grande Rue is not increased. Details of this can be requested by condition as part of a comprehensive surface water management plan. Electric car charging points are indicated for units 19 to 26 with ducting to be installed for electric charging points within the public car park. A Waste Management Plan has been submitted detailing how waste is to be minimised and managed. Overall the layout and form of the development and the information submitted is sufficient to demonstrate that the development has been designed to take into account the use of energy and resources, in accordance with Policy GP9.

Notwithstanding the representations received regarding concerns about the capacity of St Martin's Primary School, The Education Office advises that there is sufficient capacity to accommodate the children likely to be living within the proposed development. In addition, although St Martin's Primary School is currently operating close to its maximum capacity, should there be instances where the school is over-subscribed there are defined mechanisms to manage this, and where required to relocate children to alternative schools, children displaced to alternative schools are likely to be those living furthest away from St Martin's Primary School.

To address the comments of the States' Archaeologist, it is recommended that a note is added to the decision to request that they are contacted should anything of possible archaeological interest be uncovered.

The existing public car park is managed by the States and it is understood that this will continue in future however the precise management and any parking restrictions applicable is not a material planning consideration for this application.

An Environmental Impact Assessment Screening Opinion was undertaken by the Authority. It was concluded that the proposed development is unlikely to have significant environmental implications and therefore the development is not an Environmental Impact Assessment development.

A Construction Environmental Management Plan and Waste Management Plan has been submitted which includes information about how the site is to be managed during the construction phase and the measures to be incorporated to reduce the impact on surrounding uses. However, further information is required, as set out in the consultation response from The Office of Environmental Health and Pollution Regulation and in light of potential changes resulting from the phasing of the works to address concerns about the loss of public parking, especially during school terms. A revised and updated Construction Environmental Management Plan can be requested by condition.

Given the current traffic volumes in the area, the additional traffic movements associated with the proposed development are likely to have a negligible impact on traffic pollution. In addition, the siting of the development within the St Martin Local Centre represents a sustainable location for new development and provides greater opportunities for residents to access nearby shops and services using active travel.

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 boundary, third party disputes, damage caused to neighbouring properties, or other related matters of ownership. Where necessary such cases should be resolved by seeking legal advice.

All material considerations as set out in the Land Planning and Development (Guernsey) Law, 2005 and the Land and Planning (General Provisions) Ordinance 2007 have been taken into account in the assessment of this application.

It is recommended that the application is approved, subject to conditions.

Date: 02/12/2022