

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 8 dwellings with associated landscaping and vehicle access (revised scheme).

LOCATION: Land, Les Oberlands, St. Martin.

APPLICANT: Miss S Chauvel

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: 23/03/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 26/05/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Lovell Ozanne & Partners Ltd: AA65-10471-S1-20B, -21B, -22B, -23B, -24B, -25B, -26B, -27A, -30B, -31A, -32A & -33A.

Application Ref: FULL/2022/0966

Property Ref: J00547B000

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 whatsoever shall begin until a landscaping scheme, to include those details specified below, has been submitted to and agreed in writing by the Authority:

- i) the treatment proposed for all ground surfaces, including method of laying of all permeable areas;
- ii) all existing trees, hedges and other landscape features, indicating clearly those to be removed;
- iii) the method of construction and sections of all earthbanks;
- iv) full details of tree, hedge and other planting, including the enclosure of the east boundaries of the gardens associated with Units 1 & 5 and the west boundary of the garden associated with Unit 8;
- v) planting schedules, noting the species, sizes, numbers and densities of plants;
- vi) finished levels or contours; and
- vii) bird, bat, bee and hedgehog boxes.

Reason - To make sure that a satisfactory landscaping scheme for the development is agreed, in order to help assimilate the development into its surroundings and to ensure that the development provides adequate and appropriate biodiversity enhancements in line with the aims of the adopted Strategy for Nature, 2020.

5.No development, including site works, shall begin on site until details of measures to protect existing trees and vegetation shown to be retained on the approved landscape plan, or located adjacent to the boundary on an adjacent site, have been submitted to and agreed in writing by the Authority. All identified areas 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.

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

6.The new access hereby approved, together with the replacement of the roadside boundary and construction of a pavement, shall be completed in accordance with the approved details prior to the commencement of any other work on site, including any ground works, unless in accordance with a submitted proposal for phasing of the development agreed in writing by the Authority.

Reason - To ensure road safety during construction works on site and to limit impacts on the visual amenity of the area.

7.Prior to the occupation of Unit 4, details of the means of enclosure of the west boundary of the garden associated with that property shall be submitted to and agreed in writing by the Authority. No use or occupation of Unit 4 shall begin until the agreed scheme for boundary treatment has been fully completed.

Reason - In the interests of neighbour amenity.

8.The landscaping scheme shall be fully completed, in accordance with the details agreed under the terms of the above condition, 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 make sure that the appearance of the completed development is satisfactory, to help assimilate the development into its surroundings and to ensure that the development provides adequate and appropriate biodiversity enhancements in line with the aims of the adopted Strategy for Nature, 2020.

9.No dwelling or building on the site shall be occupied until a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than domestic gardens, has been submitted to and agreed in writing by the Authority. The agreed landscape management plan shall then be fully implemented.

Reason - To make sure that the appearance of the completed development is satisfactory, to help assimilate the development into its surroundings and to ensure that the development provides ongoing biodiversity contributions in line with the aims of the adopted Strategy for Nature, 2020.

10.The landscape areas hereby approved, highlighted in dark green on the approved plans and located forward of the dwellings to the north of the site, along the east and

west boundaries and within and around the parking area, shall be retained in perpetuity and shall at no time be incorporated within the domestic curtilages or the parking areas associated with the dwellings hereby approved.

Reason - To make sure that the appearance of the completed development is satisfactory, to help assimilate the development into its surroundings and to ensure that the development provides ongoing biodiversity contributions in line with the aims of the adopted Strategy for Nature, 2020.

11.No part of the development, hereby permitted, shall be occupied or used until details of any external lighting proposed for the site have been submitted to and agreed in writing by the Authority. Any lighting to be installed shall only be in accordance with the agreed details.

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

12.No part of each dwelling hereby permitted shall be used or occupied until the agreed cycle storage for that dwelling has been fully implemented. The provision for cycles shall thereafter be retained at all times.

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

13.The dwellings hereby permitted shall not be occupied until the permeable hardsurfacing has been laid, the vehicle charge points and solar collectors shown on the submitted plans have been installed and made operational, and all other sustainable design features set out in the Sustainability Statement have been implemented.

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

14.The development hereby permitted shall be carried out in accordance with the Site Waste Management Plan submitted as part of this application, and no part of the development 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 fully in accordance with the agreed Site Waste Management Plan. Where there has been any variation from the Site Waste Management Plan as originally submitted, 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.

15. Notwithstanding the provisions of the Land Planning and Development (Exemptions) Ordinance, 2007 (or any other Ordinance replacing or re-enacting that Ordinance), no gate, fence, wall or other means of enclosure and no hardsurfacing (other than any hereby expressly permitted) shall be erected, constructed, laid or placed on any part of the site.

Reason - In view of the open and undeveloped nature of the site, the provision of soft landscaping is integral to the acceptability of the development and the erection of such structures or laying of additional hardsurfacing as 'exempt development' may have an adverse visual and ecological impact. This condition is imposed to make sure that any proposals can be properly considered.

Expiry Date: This permission will cease to have effect on 22/03/2026 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

In respect of Condition 4iii, whilst the roadside boundary will have to be designed to ensure appropriate sightlines are achieved from the access hereby approved, it is recommended that the banks outside of the sightlines are of traditional size and construction to offset the impacts of the removal of the existing roadside boundary.

In respect of Condition 4iv, the boundary treatment to the gardens of Units 1, 5 & 8 would be expected to be soft landscaping to respect and enhance the adjacent biodiversity areas.

In respect of Condition 6, it is anticipated that the boundary treatment to the west boundary of the rear garden of Unit 4 would comprise a 1.8m fence or wall to maintain the privacy of both that unit and the adjoining neighbouring property.

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/2022/0966
Property Ref: J00547B000
Valid date: 26/05/2022
Location: Land Les Oberlands St. Martin Guernsey GY4 6SW
Proposal: Erect 8 dwellings with associated landscaping and vehicle access (revised scheme).

Applicant: Miss S Chauvel

RECOMMENDATION - Grant: Planning Permission with Conditions:

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INFORMATIVES

In respect of Condition 4iii, whilst the roadside boundary will have to be designed to ensure appropriate sightlines are achieved from the access hereby approved, it is recommended that the banks outside of the sightlines are of traditional size and

construction to offset the impacts of the removal of the existing roadside boundary.

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OFFICER'S REPORT

Site Description:

The site comprises a single field of 0.78 acres located on the southern side of Les Oberlands in St Martin, and to the south-east of the Oberlands entrance to the hospital. The field is bounded by residential properties to the west, south, east and, across the road and at a lower level, to the north. The property to the west is located close to the property boundary and, whilst oriented to face the road to the north, has windows facing onto the application site. The whole of that site has been recognised as domestic. The northerly of the two properties to the east also fronts on to the road to the north, with facing windows in the side elevation, whilst the southerly faces towards the site. The dwelling to the south is set off the site boundary and has a heavily planted boundary to the site.

Land levels slope up from the roadside boundary to the north towards the south boundary, with levels increasing more significantly to the adjacent property to the south. The roadside boundary is formed by an earthbank and planting. The west boundary is formed by a low bank (primarily resulting from a slight change in levels to the adjacent property) and low level vegetation forward of the dwelling on the adjacent property, and continues, supplemented by trees, to the rear of that dwelling. The south boundary is heavily vegetated, rising to a hedge interspersed with trees along the boundary with the adjacent property. The rear of the east boundary is heavily vegetated, and includes small trees. The forward part of that boundary is open to an access drive and parking area serving the rear residential property. The boundary on the other side of the drive is formed by a low bank and hedging.

The site is located within the St Peter Port Main Centre Outer Area as designated in the Island Development Plan.

Relevant History:

Pre-application advice in respect of residential development.

Existing Use(s):

Agricultural Use Class 28

Brief Description of Development:

Permission was initially sought to develop the site to create nine new dwellings. The dwellings would be laid out with five across the rear (south) of the site, arranged as a semi-detached pair and a terrace of three, and four to the front (north) of the site, split into two semi-detached pairs either side of a central access point. The dwellings to the rear of the site would comprise 2.5 storey buildings, providing 4 bedrooms, whilst those to the front of the site would be 2 storey, providing 3 bedrooms. A parking area for 18 vehicles was proposed in the centre of the site.

Following deferral, the number of proposed dwellings has been reduced to eight, retaining the same configuration as initially proposed with the terrace of three at the rear of the site reduced to a semi-detached pair. The semi-detached pair in the north-east corner would be two bed, with the remaining 6 dwellings being three bed. The building line of the dwellings at the front of the site has been staggered and the gardens to those dwellings and number of parking spaces have been reduced to increase planting areas outside of the garden areas. Notwithstanding the comments made in the covering letter for the revised plans, the submitted plans detail 12 parking spaces now proposed and this has subsequently been confirmed by the agent. The building design of the dwellings at the front of the site has been altered to gable fronted, and the height of all dwellings has been reduced.

Boundary treatments have been clarified as follows:

- New earthbank and planting to northern end of east boundary;
- Planting enhancements to southern end of east boundary;
- Roadside (north) boundary treatment removed and replaced with planted earthbank;
- Planting enhancements to west boundary;
- Planting enhancements to south boundary.

A covering letter, Planning and Design Statement, Waste Management Plan and Sustainability Statement have been submitted in support of the application. Following deferral, a shadow analysis has also been provided.

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

MC2	Housing in Main Centres and Main Centre Outer Areas
GP1	Landscape Character and Open Land
GP8	Design
GP9	Sustainable Development
IP6	Transport Infrastructure and Support Facilities
IP7	Private and Communal Car Parking

Representations:

A petition was received to the plans as initially submitted with 32 signatories, objecting on the following grounds:

- Protection of green belt land;
- Highway safety;
- Traffic generation;
- Noise and disturbance;
- Flooding;
- Visual amenity;
- Loss of light or overshadowing.

In addition to the above 35 letters of representation were received in respect of the original submission, from or on behalf of 38 persons, raising objections in respect of the following points:

- Position of site notice;
- Querying when and how the field was designated for development;
- The properties do not provide an appropriate mix and type of housing or address first time buyer need (MC2);
- The density of development is too high for the site (GP8);
- Loss of a green field, which has until recently been used for cattle grazing and is still used for livestock feed and intermittently as a meadow and could be used for commercial agriculture;
- Loss of open land which contributes to the quality of landscape and character in this semi-rural area (it is requested this land is made Important Open Land), in an area which has seen a number of recent development on open land, loss of visual access to open land (GP1);
- Loss of a carbon store;
- Loss of biodiversity, including flora and fauna in the field but also well established earthbanks, and of a wildlife corridor, with little landscaping provision and large extent of hardsurfacing proposed (GP1, GP8, GP18). Despite the planning application form stating no hedging to be removed;
- Impacts of extent of excavation proposed;
- Flood risk – there is flooding on the roads during heavy rainfall and the extent of hardsurfacing will exacerbate that (GP9);
- Design quality: Poor design of little respect to the character of the area, and of greater height than other buildings in the area (GP8);
- Neighbour amenity (GP8 & GP9):
 - o The access drive to the east of the site is owned by the adjacent property;
 - o Direct interfaces with adjacent properties, impacting on privacy and outlook;
 - o Overshadowing, particularly summer months 4-8pm;

- Noise and light emissions;
 - Pollution from additional vehicles on the road;
- Road safety:
 - Narrow road with high level of traffic, including buses and ambulances, accessing the hospital and the additional traffic will only exacerbate the existing issues (IP9, IP6, GP9);
 - Narrow road with no pavements for pedestrian safety;
- Parking: There is no provision for visitors and the number of spaces proposed is not sufficient for the size of houses;
- The proposal comprises overdevelopment of the site;
- There is no good strategic reason to develop here, other specifically allocated or brownfield sites should be used first;
- Construction phase: Impacts of increased large vehicle movement, likely road closures, noise and disruption;
- Request for Open Planning Meeting.

The Constables of St Martin forwarded copies of two representations to the Service in respect of the initial submission, noting that they hope the comments will be taken into account, however have not submitted any individual comments.

Following submission of revised plans, 12 letters of representation were received, from or on behalf of 14 persons, reiterating the points made above and raising the following additional points:

Parking

- The number of spaces on the submitted plans and the number of spaces indicated in the covering letter do not match;
- Cycle storage fails to follow best practice, and that provided for Units 1, 2 & 3 does not have access out of the site;

Landscaping

- The landscaping proposal show retention of bank along the west boundary. There is no bank along this boundary, only a low hedge, timber fence and post and wire fence owned by the neighbour and these should not form part of the site area;
- The landscaping proposals show small and unconnected “wildlife meadows” and other features intended to provide a biodiversity net gain. Without a meaningful assessment of the current ecological value of the site, it is not possible to assess whether there is net gain. The areas shown are not proportionate to the field lost and the development would reduce biodiversity of the site;
- There is no specific landscaping plan and the visuals provided show non-native planting;
- There is no management plan for the areas of landscaping to ensure net gain in perpetuity;

Neighbour amenity

- The re-positioned Units 3 & 4 would have a greater overbearing and overshadowing impact on the property to the west, which has facing windows and garden area. Reliance on existing trees on the adjoining property to mitigate impacts would be unreasonable;
- The plans do not show the large windows facing the site in the property to the east;
- The amended plans indicate that the ridge heights would be greater than originally submitted, contrary to the applicant's covering letter;
- The shadow analysis does not show summer evenings, which is when neighbouring properties are likely to be most affected;
- It remains unclear how the west boundary will be enclosed, the neighbour would request a wall;

Other

- The plans do not show the new build houses currently under construction;
- The Design Statement shows a line highlighting opportunity for stepped building line, and this touches the neighbouring property, clarification is required.

Additional information was provided 25/01/2023, including the provision of a revised shadow analysis. Given the specific nature of this additional information, only the immediate neighbours were contacted for comment in respect of this information. One further letter was received, reiterating the request for a wall along the west boundary.

La Societe Guerneslaise raised the following points in respect of the initial submission:

- Opposed to the development of green fields;
- The immediate area to the west is relatively sparsely developed. As such, the site helps to provide an important unbroken wildlife corridor between St Andrews/St Martins to the south and west, and St Peter's Valley and beyond to the east;
- Housing density of the scheme is too high;
- There is no reference to the Guernsey "Strategy for Nature" or the 'net gain' principal and insufficient space has been made available for effective mitigation in respect of the ecological losses associated with the development of the green field;
- Recommend the retention and enhancement of existing boundary features and trees where possible, including the existing roadside earthbank;
- There are no details regarding the soft landscaping scheme, beyond stating it will be 'native';
- The proposal is to remove the well established Blackthorn Hedge, *Prunus spinosa*, which lines the Oberlands road. This species has a high wildlife value and is an important food plant for many species of Lepidoptera (moths etc);

- Existing permanent grassland would clearly support more biodiversity than newly planted saplings. Even over the long term, the established fruit trees, if indeed they are allowed to develop and mature by the future residents, cannot be considered adequate offsetting for the lost grassland habitat;
- The site hosts a wide range of plant species, attracting good numbers of pollinating insects, Orthoptera (grasshoppers etc) and Hemiptera (true bugs). Grassland is also a very effective habitat for carbon capture. Garden amenity grassland – lawns - will not compensate for this loss;
- Some of the areas classified as having 'Potential for improved ecological landscaping' will be household gardens and it would be impossible to manage and fulfil the potential;
- Installation of bat and bird boxes are welcomed provided that they are installed in appropriate locations;
- External lighting in the area should be kept to a minimum to limit impacts on bats;
- There are opportunities to improve the development proposals in terms of its ecological impacts but regardless, this development project would result in a net loss of local biodiversity.

Consultations:

Traffic and Highway Services comment as follows:

Based on the plans supplied with the application and a site visit to assess the road geometry, THS are satisfied that the design of the access shown would enable a driver egressing the site to have a full visibility splay and that both the oncoming and approach sightlines would be met.

From a road safety perspective, THS welcomes that the design incorporates a pedestrian footpath in front of the dwellings that border the carriageway. As a road section which is a main walking route to the PEH site, and the residential properties in the Oberlands and Corbinerie areas which has no dedicated pedestrian infrastructure, the inclusion of the pedestrian footpath outside the dwellings affords pedestrians in the road section a safe refuge area from passing vehicles. Due to the road geometry, 85th percentile speeds were estimated in the order of 20mph past the site.

From a traffic management perspective, the road section is classified as a Local Circulation Route in the Road Hierarchy and therefore evidence a peak hourly vehicle flow of between 300-600 vehicles per hour. From previous observations by THS staff in the road section, vehicle movements are at the lower end of this range. Therefore, the anticipated vehicle movements relating to the proposed development do not raise traffic management concerns.

Having checked the RTC statistics for the road section from the last five year period, THS can state that from the data supplied by Guernsey Police, that there have been no reported RTC's in the road section during this period.

On the basis of the above, THS would not object to the application on either traffic management or road safety grounds.

Summary of Issues:

Principle of development;
Loss of agricultural land;
Design and impact on openness, visual amenity and character of the area;
Impacts on biodiversity and provision of landscaping;
Amenity of the proposed units;
Highway safety, provision of access and parking;
Impact on neighbour amenity;
Sustainable development.

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).**

Principle of development

The spatial strategy of the Strategic Land Use Plan (SLUP) requires the majority of new housing development to take place within and around the Main Centres of St Peter Port and St Sampson/Vale. To ensure that provision is effectively made to meet the annual requirement for the creation of new homes, the SLUP directs new development to provide an appropriate mix of tenures, housing sizes and types.

Following this strategic direction, the Island Development Plan (IDP) spatially defines the Main Centres and sets out a policy gateway for housing development within the Main Centre Inner and Outer Areas through Policy MC2 (Housing in Main Centres and Main Centres Outer Areas), providing that where a development is able to accommodate a variety of dwellings they provide an appropriate mix and type of dwellings.

The SLUP was approved in 2011 and the IDP adopted in 2016, and the application site was included within the Main Centre Outer Area designation under the IDP. Both plans were subject to several rounds of public consultation, independent inspection by the planning inspectorate and ratification by the States of Guernsey. In setting out a direction for housing within the Centres, neither Plan sets out a prioritisation for designated or brownfield sites over green field sites and there is therefore no policy justification to refuse to consider development at this site in preference to a development on previously developed land.

The pre-facing text to Policy MC2 expands upon the approach set out within the policy itself, stating that, where new housing proposals can accommodate a variety of dwellings, it will normally be expected that the mix and type of dwellings is reflective of the demographic profile of households requiring housing. To establish this housing requirement, the text sets out a list of documents produced by the States of Guernsey relating to this issue, including the most recent Housing Needs Study or any subsequent amended or revised document provided by Housing.

The Guernsey Housing Market Review published by KPMG in 2017 provides an analysis of the local housing stock in the Island and identifies the additional housing requirement for the period 2014-2021. This document has not yet been updated and forms the most recent baseline to inform housing need. That report identified an additional requirement for one, two and three bedroomed houses.

The Guernsey Annual Residential Property Stock Bulletin provides statistics on the Island's existing housing stock. Applying the findings of the 2020 bulletin to the requirements identified in the KPMG report, it is clear that the additional housing requirement remains for 1-3 bedroomed properties, with an emphasis on 2-3 bedrooms.

As initially proposed, the housing mix did not address these housing requirements. The revised proposal is for 2 no two bedroom dwellings and 6 no three bedroom dwellings. This would address the most significant needs in terms of identified housing requirements and would therefore meet the terms of MC2, subject to complying with all other relevant planning policies.

Loss of agricultural land

There is no policy relating to agricultural land within the Main Centres. Outside of the Centres, the most valuable agricultural land is protected within designated Agriculture Priority Areas, however, outside of those areas change of use away from agriculture is supported, provided all other relevant policies are met.

In this case, whilst it has been noted in representation that the site has been used for agricultural purposes, it is not within or adjacent to an area designated for agriculture. Furthermore it is not contiguous with a larger parcel of agricultural land, being enclosed by residential property, and, taking into account the proximity of those residential properties, the generally built up nature of the immediate area and apparent separation from any agricultural operation, there would be no policy justification for refusal of the application on the basis of loss of agricultural land.

Design and impact on openness, visual amenity and character of the area

Policy GP8 (Design) sets out a number of criteria which development will be expected to address to ensure that a scheme achieves high standards of design which respect the character of the environment. Policy GP1 (Landscape Character and Open Land)

further seeks to resist unnecessary loss of open land which would have an unacceptable impact on the open landscape character of an area.

The site is located on the south-eastern plateau, the general character of which is described with the IDP as of established development interspersed with open fields and large mature gardens, all with a complementary cover of garden, hedgerow and roadside trees. Ribbon development is identified as having had an impact in some areas, although the overall character of much of the area remains intrinsically rural.

The site is located on the fringe of St Peter Port, with high density development located to the east, to the west of Les Frieteaux, giving way to a lower density of development immediately to the east of the site and across the road to the north. Scattered residential properties are located to the south of the site and a single residential property separates the site from open land to the west. The hospital site is located to the north-west. This context aligns with the landscape character described above, with the site forming a break in the established development, enhanced by the existing roadside boundary.

The application site is visible from Les Oberlands along the site boundary with that road and for a short distance to the north-east, approaching from the roundabout at Ruettes Brayes/Ville au Roi/Les Frieteaux, however the road layout and position of built form to that side of the site limits views from much of the road. The site is visible for a longer distance from La Rue de la Corbinerie to the north-west/west of the site, both forward of the dwelling to the west of the site and to the rear of that dwelling, across the open fields to the west.

The development would result in the introduction of built form on to open land, and inevitably therefore the loss of that open land, together with the removal of the established bank and planting along the roadside boundary. The site is not however designated as Important Open Land, and such designations cannot be applied on an ad-hoc basis but would have to be considered as part of a wider Plan Review. The site is also bounded by development to all sides and, whilst the openness of the site itself would be lost as a result of this application, the site does not provide vistas to adjacent open land and, in visual amenity terms, is of value along only a limited section of the adjacent road. When viewed from the west/north-west the site is obscured behind the hedge banks and trees on the intervening land and any contribution to openness is limited. In those views, whilst the proposed development would be visible, it would be seen against and amongst the surrounding development and would not present as an encroachment into open land. The proposed reduction in ground levels in the areas of development would further mitigate the impact of the development in those views.

Policy MC2 provides a policy gateway to allow development at the site, and, given the pattern of development in the immediate locality, development at the front of the site would be consistent with the character of the area. The revised scheme attempts to mitigate the impacts in short views through setting the dwellings back from the roadside, reducing the sense of enclosure to the road, and retaining a limited open area to the front of the site. Retention of the rear of the site as undeveloped open

land would however be of limited benefit, in terms of visual amenity or openness, and that land would be under pressure from the development at the front of the site. In light of the above, and, on balance, it is therefore considered that, given the policy gateway for development at this site, the character of the surrounding area, and the limited benefit which would be accrued by retaining open land to the rear of the site, the inclusion of dwellings to the rear of the site would make the most efficient and effective use of the land and could therefore be supported.

The removal of the existing roadside boundary would impact on both the visual amenity of the area and biodiversity value of the site. The application does propose the construction of replacement banks, with planting, which would extend along the sides and rear of the green spaces retained along the road frontage. Whilst the replacement banks along the roadside would have to be of a smaller scale than the existing to allow for visibility splays from the new access, this would be offset by the greater extent of banks proposed, which could be more substantial within the site, and could be supplemented by planting within the green spaces. Construction of the banks and details and implementation of planting can be controlled by condition (Conditions 4 & 8).

In terms of the layout and design of the dwellings themselves, the submitted Design Statement identifies that there is a stepped building line along the road, and denotes this on the accompanying sketch by a green dotted line. This line simply represents where existing buildings are positioned along the road and does not in any manner indicate works to properties outside of the site boundaries. The amended scheme however takes into account and reinforces that building line. The scheme also omits the fencing along the access road and proposes hedging instead, enhancing the appearance and biodiversity contribution of the development. It would however be reasonable to remove exemption rights for hard boundary treatments to ensure these qualities are maintained (Condition 15). The surrounding built form incorporates a mix of building heights and forms, and policy identifies that, whilst new development should acknowledge the surrounding built form, flexibility in the design of development will be allowed. Whilst the proposed dwellings would be larger than surrounding buildings, and would take a more contemporary approach in terms of design details and materials, the materials proposed are natural and the envelope of the buildings is of traditional form. The stepping of the building lines and orientation of the buildings also reduces the bulk and mass when viewed from the adjacent road. The proposed design approach would therefore be acceptable.

The buildings are designed to Lifetime Home standards, including level thresholds, appropriate circulation space and an adaptable layout to address requirements of various abilities or to allow for aging in place.

Impacts on biodiversity and provision of landscaping

The site is not designated as a Site of Special Significance, or an Area of Biodiversity Importance, and, as noted above for Important Open Land, such designations cannot be applied on an ad-hoc basis but would have to be considered as part of a wider Plan

Review. A Review of Areas of Biodiversity Importance was however completed in 2019 and, whilst new sites were proposed as part of that review, the application site was not put forward as having sufficient biodiversity value to warrant additional protection through designation.

The Strategy for Nature has however been adopted as Supplementary Planning Guidance, and, whilst a net gain principle has not been adopted by the States, this guidance does provide a framework for seeking biodiversity enhancements as part of a development.

A baseline ecological study has not been provided as part of this application, however the proposals do not comprise development which requires an Environmental Impact Assessment, and the site is not of designated ecological importance, therefore there is no policy requirement for such a study. As outlined by La Societe, the majority of the site comprises a grassland habitat which could support a wide range of plant species, attract pollinating insects and support carbon capture. The site boundaries, and in particular that along the roadside, also have high biodiversity value and the site overall is likely to have value as a wildlife corridor. The development of the site as proposed will inevitably adversely affect these features, to an extent which cannot be entirely offset. As noted above, a development does not however currently have to demonstrate net gain, but provide enhancements to mitigate the impacts arising.

As initially proposed, the majority of the site was either to be developed or incorporated within the garden areas of the proposed dwellings. Following deferral, the number of dwellings, position of those dwellings, extent of hardsurfacing and garden areas proposed have been reduced, increasing the amount of undeveloped space at the site. Excavation remains proposed, creating two tiers across the site, however this would not affect opportunities for biodiversity provision. The green spaces proposed are limited in size and fragmented across the site, and could not be classed as “meadows” as described on the submitted plans. Those areas would however provide opportunity for a more diverse and appropriate range of planting, together with the retention of existing planting along the site boundaries (with the exception of the north boundary) and supplementary planting along those boundaries. Additional wildlife measures, such as the inclusion of bat, bird, bee and hedgehog boxes, are also proposed and can be controlled by condition (Conditions 4 & 8).

Notwithstanding the box checked on the application form, it is apparent that the proposal would result in the loss of hedging, specifically along the roadside boundary. Retention of the hedge would however impede sightlines from the proposed access and preclude the provision of a pedestrian pavement along the roadside therefore, in the interests of road safety, it is accepted that removal is required. Whilst it is acknowledged that loss of an established hedge cannot be immediately mitigated by any proposed replacement, as discussed above, the proposal does provide opportunity for appropriate replacement which could ultimately compensate for the loss, provided that the proposed replacement is of appropriate species.

On balance it is considered that, subject to the protection of existing vegetation (Condition 5) and provision of a detailed landscaping and biodiversity scheme (Condition 4), including management of the areas highlighted for planting (Condition 9), the scheme could provide sufficient enhancements to address the requirements of the Strategy for Nature. The submitted plans do not however show any barrier between the gardens to be associated with Units 1, 4, 5 & 8 and the adjacent biodiversity areas and it is recommended that this be required as part of the planting scheme, to prevent encroachment of the domestic use on to those areas (Condition 4). In addition, to prevent encroachment of the parking areas into the surrounding planting areas, it is recommended that a condition be applied controlling the extent of hardsurfacing at the site (Conditions 10 & 15).

Amenity of the proposed units

The proposed dwellings would be served by adequate external amenity space, and the arrangement of the properties on site would prevent any significant inter-visibility. With the exception of the property to the west, windows from adjacent properties would not overlook private amenity spaces. The dwellinghouse on the property to the west has a limited number of windows facing into the site, immediately adjacent to the boundary, and these would be in close proximity to the amenity space associated with Unit 4. On balance however, given the slight offset of the amenity space from the boundary and the intervening planting buffer, any impact on the privacy of that unit could be mitigated by the introduction of a fence or wall along the boundary of the garden, the introduction of which could be controlled by condition (Condition 7).

Highway safety, provision of access and parking

In respect of road safety and traffic management, the full comments made by Traffic & Highway Services (THS) can be found above. In summary, that section conclude that the proposed access would meet standards and that the inclusion of a pavement, even though unconnected from other forms of pedestrian management, would comprise a positive contribution to road safety. Whilst the use of this section of road by vulnerable users and wider vehicles is acknowledged, THS observe that the additional traffic resulting from this application would comprise a small proportion relative to existing vehicle movements along the road and the proposal would not therefore give rise to road safety grounds on which to refuse the application. Taking into account the above, the proposal is found to comply with Policy IP9 (Highway Safety, Capacity and Accessibility). To ensure the appropriate management of construction traffic and to limit visual impacts, it is however recommended that the access, including construction of the pavement and roadside banks, be completed prior to works commencing on the remainder of the development (Condition 6).

The application must also accord with Policy IP7 (Private and Communal Car Parking) and with the requirements of the Supplementary Planning Guidance: Parking Standards. Whilst comments made in the letters of representation in respect of parking provision are noted, the pre-facing text to Policy IP7 notes; *“The provision of appropriate levels of private and communal car parking within a development is*

important to its overall quality and function. However, managing the supply of car parking is a key factor in addressing traffic congestion, encouraging people to use more sustainable modes of transport, making more efficient use of land and creating better places for everyone to use and enjoy...The provision of large numbers of private car parking spaces within a development will do nothing to encourage occupiers and users of the development to access the site by means other than the motor car". Taking this into account, the Parking Standards set out a maximum parking provision of 2 parking spaces per dwelling for the size of the units proposed under this application. As initially submitted the application proposed 18 spaces, however concerns were raised regarding the extent of hardsurfacing required, and the consequent impacts on provision of landscaping and managing surface water run off. Following deferral, revised plans have been submitted detailing the provision of 12 spaces. This would result in a provision of 1.5 spaces per dwelling, in accordance with the Parking Standards, and supporting the ethos set out within the policy text, whilst also enabling an increased provision of landscaped areas. To ensure that the parking provision is not increased without a full assessment by the Authority, it is recommended that the extent of parking/surfacing is controlled by condition (Condition 10 & 15).

Cycle storage is proposed within sheds to the rear of each dwelling, in accordance with IP6 (Transport Infrastructure and Support Facilities) and the Parking Standards, and provision of this storage can be controlled by condition (Condition 12). The revised plans submitted 25/01/23 demonstrate access to all cycle storage from outside of the site.

Impact on neighbour amenity

The site is bounded by residential properties to the east, south and west, and across the road to the north.

In respect of the properties to the north and south of the site, the position of the dwellings and amenity spaces on those properties, the distance from the development (and in the case of the properties to the north, the intervening public highway), topography and boundary planting would prevent any significant impacts on the amenity of those properties.

It is noted that two new build houses have been recently constructed to the east of the site. These houses are not shown on the submitted plans, however they are located behind the dwelling immediately to the east of the site, and would not be significantly impacted upon by the development. The inclusion of these buildings on the plan would not alter the outcome or assessment of the application.

All three of the properties immediately adjacent to the site (White Knights to the west, Jabula to the north-east and Chandeliers to the south-east) have windows facing into the property, albeit that those serving White Knights and Jabula are in the side elevations of those dwellings. Whilst it is appreciated that at present those properties enjoy a view over open land, private views are not protected under planning law. The proposed site layout and positioning of the buildings on the application site, whilst

changing the view from the windows of those properties, would not result in a loss of outlook.

A shadow analysis has been provided to demonstrate potential shadowing from the proposed development. The analysis demonstrates that the orientation and positioning of the buildings on the new development relative to the dwelling and private amenity space on the property to the west would prevent any significant impacts on that property in terms of loss of light and overshadowing. In respect of the properties to the east, the analysis demonstrates little to no impact at the summer and winter solstices. At the equinoxes, the analysis indicates no overshadowing at 3pm but some shadowing of the external amenity space and the windows serving the living areas of the property to the south-east by 5.30pm and, whilst not entirely clear due to merging with the purported boundary shadow, it appears there may also be some shadowing to the facing windows in Jabula at that time. Average sunset in March is 6.15pm and September 7.26pm (www.worlddata.info). The submitted information therefore demonstrates that there will be some overshadowing of the adjacent properties, particularly that to the south-east, as a result of the proposals, however that overshadowing would be for a limited period over the shoulder months and would be balanced against the creation of new housing in a sustainable location, within the Main Centres.

The positioning and design of the fenestration in the proposed dwellings, together with the change in levels to the south of the site, would prevent any overlooking of adjoining properties and protect the privacy of those properties. It is however noted that there is potential interface between the private amenity space to be associated with Unit 4 (north-west of the site) and the facing windows of White Knights. To protect the amenity of both properties, it is recommended that a 1.8m fence or wall is erected along the west boundary of the garden area associated with Unit 4 (Condition 7). The remaining development on the western part of the site is set off the boundary, with a robust landscaping scheme providing a buffer to the neighbouring property. Whilst it is noted that there is not any substantial bank in this location, the existing and proposed landscaping would adequately demark the boundary and protect the amenity of the adjoining property. It would not therefore be reasonable or necessary to require additional hard boundary treatment to the whole of the boundary.

The access drive to the east of the site falls outside of the site area, and would not be affected by the proposed development. Appropriate boundary enclosure is proposed to delineate the site boundary in that area.

There is consent to operate a home based gym from Chandeliers to the south-east of the site, however the proposal would not impact on the implementation or ongoing operation of that use.

In respect of noise disturbance and light emissions, this site is located within a residential area, surrounded by residential properties in all directions. Any disturbance or emissions would be of a low residential level and consistent with the

character of the area. A lighting plan for the site can however be required by condition (Condition 11).

The additional traffic associated with a development of this scale would not result in significant additional pollution.

Overall the proposals have been designed to limit impacts on adjoining properties, with the exception of limited overshadowing of the property to the south-east. On balance, it is however considered that the extent of impact on adjoining property is not sufficient to warrant refusal of the application. In addition to the conditions set out above, it is however recommended that the decision be conditioned to ensure the protection of boundary planting, on and off site, during the course of works (Condition 5).

Sustainable development

Confirmation has been received that the proposed development has been designed to take into account matters of energy efficiency, including the method of construction, orientation of the buildings and positioning of fenestration, and the current Building Regulations in accordance with Policy GP9 (Sustainable Development). All hardsurfacing will be of permeable materials and rain water collection is proposed. Solar PV panels are proposed to each dwelling and electric vehicle charge points within the parking area. The decision should be conditioned to require submission of details where necessary, and implementation of these features (Condition 13).

Surface water run off will have to be dealt with on site, in accordance with requirements from Guernsey Water. All paving is proposed to be permeable and rainwater harvested as part of the surface water management.

A Waste Management Plan has been submitted in accordance with the Planning Advice Note entitled Site Waste Management Plans, and implementation of this plan can be controlled by condition (Condition 14).

Other matters

The site notice for this development has been displayed in accordance with the requirements of the Law. Whilst it is noted that the notice period was disrupted as the weather damaged the notice, the overall length of display was in excess of the time period required by Law.

Construction work, including measures to control noise and disturbance during the course of work, is managed under separate legislation under the remit of the Office for Environmental Health and Pollution Regulation.

Conclusion

Policy MC2 (Housing in Main Centres and Main Centre Outer Areas) provides a policy gateway for the proposed development, and the amended mix and type of housing proposed would accord with the identified requirements for housing in the Island, in compliance with the requirements of that policy.

The detailed design of the amended scheme accords with Policies GP1 (Landscape Character and Open Land), GP8 (Design), GP9 (Sustainable Development), IP6 (Transport Infrastructure and Support Facilities), IP7 (Private and Communal Car Parking) and IP9 (Highway Safety, Accessibility and Capacity), as set out above, and consequently it is recommended that the application be approved, subject to the identified conditions.

Date: 13/03/23

