

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 3 dwellings (revised scheme).

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

APPLICANT: Mr & Mrs M Allisette

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: 30/06/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 29/09/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Tyrrell Dowinton 1535/03.01A, 02A, 03A & 04A.
Sexton Green Landscapes SGL334-01.

Application Ref: FULL/2022/1936

Property Ref: A11093A000

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 a Construction Environmental Management Plan 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 and biodiversity within the Area of Biodiversity Importance.

5.No development, including site works, shall begin on site until tree protection measures have been submitted to and approved in writing by the Authority and the approved tree protection measures have been implemented. The trees 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 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.

6.No development, excluding demolition and site works, 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 hard areas;
- ii) functional services above and below ground;
- iii) details of the management of and/or the removal of ivy and bindweed; and
- iv) details of a management plan for the ongoing management and maintenance of the areas coloured green and marked 'biodiverse area' on plan number 1535/03.01A.

Reason - To make sure that a landscaping scheme for the development is agreed, in order to help assimilate the development into its surroundings and in the interests of the biodiversity of the Area of Biodiversity Importance.

7.The landscaping scheme shall be fully completed, in accordance with drawing SGL334-01 and as updated by 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. The areas coloured green and marked 'biodiverse area' on plan number 1535/03.01A shall thereafter be managed in accordance with the details agreed under the terms of the above condition.

Reason - In the interests of visual amenity, to help assimilate the development into its surroundings and in the interests of the biodiversity of the Area of Biodiversity Importance.

8.Notwithstanding the details submitted, no dwelling shall be occupied until details of bird and bat boxes to be installed on the site 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. The bird and bat boxes shall thereafter be retained in perpetuity.

Reason - In the interests of biodiversity.

9.No part of the development hereby permitted shall be used or occupied until the bicycle store has been completed and made available for use. The provision for cycles shall not be used for any other purpose.

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

10.The stone to be used in the construction of all new works hereby permitted to the east boundary roadside wall shall match as closely as possible the type, colour, texture, method of bonding and pointing of the existing stone.

Reason - In the interests of visual amenity in order to conserve the character and appearance of the Conservation Area.

11.The Authority does not recognise all of the land outlined on the submitted plans as forming the domestic curtilage associated with the dwellings hereby approved. The land recognised as domestic curtilage by the Authority does not include the areas coloured green and marked 'biodiverse area' on plan number 1535/03.01A. The land recognised as domestic curtilage by the Authority is identified on plan number 1535/03.01A enclosed with this decision notice.

Reason - In the interests of biodiversity and to mitigate the impacts of the development on the Area of Biodiversity Importance as required by Policy GP3.

12. Lighting on the site shall be positioned or installed so that there is no illumination beyond the extent of the domestic curtilage of the hereby approved dwellings. Prior to the first occupation of any of the dwellings hereby permitted, details of a Lighting Assessment Report shall be submitted to and agreed in writing by the Authority to demonstrate that any lighting from the site will not illuminate beyond the extent of the domestic curtilage of the hereby approved dwellings. The works shall then be completed in accordance with the agreed details.

Reason - In the interests of biodiversity and to mitigate the impacts of the development on the Area of Biodiversity Importance as required by Policy GP3.

Expiry Date: This permission will cease to have effect on 29/06/2026 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

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/2022/1936
Property Ref: A11093A000
Valid date: 29/09/2022
Location: Land Adjacent to Les Amballes Lodge Les Amballes St. Peter
Port Guernsey GY1 1WU
Proposal: Erect 3 dwellings (revised scheme).

Applicant: Mr & Mrs M Allisette

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 a Construction Environmental Management Plan 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 and biodiversity within the Area of Biodiversity Importance.

5. No development, including site works, shall begin on site until tree protection measures have been submitted to and approved in writing by the Authority and the approved tree protection measures have been implemented. The trees 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 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.

6. No development, excluding demolition and site works, 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 hard areas;
- ii) functional services above and below ground;
- iii) details of the management of and/or the removal of ivy and bindweed; and
- iv) details of a management plan for the ongoing management and maintenance of the areas coloured green and marked 'biodiverse area' on plan number 1535/03.01A.

Reason - To make sure that a landscaping scheme for the development is agreed, in order to help assimilate the development into its surroundings and in the interests of the biodiversity of the Area of Biodiversity Importance.

7. The landscaping scheme shall be fully completed, in accordance with drawing SGL334-01 and as updated by 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. The areas coloured green and marked 'biodiverse area' on plan number 1535/03.01A shall thereafter be managed in accordance with the details agreed under the terms of the above condition.

Reason - In the interests of visual amenity, to help assimilate the development into its surroundings and in the interests of the biodiversity of the Area of Biodiversity Importance.

8. Notwithstanding the details submitted, no dwelling shall be occupied until details of bird and bat boxes to be installed on the site 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. The bird and bat boxes shall thereafter be retained in perpetuity.

Reason - In the interests of biodiversity.

9. No part of the development hereby permitted shall be used or occupied until the bicycle store has been completed and made available for use. The provision for cycles shall not be used for any other purpose.

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

10. The stone to be used in the construction of all new works hereby permitted to the east boundary roadside wall shall match as closely as possible the type, colour, texture, method of bonding and pointing of the existing stone.

Reason - In the interests of visual amenity in order to conserve the character and appearance of the Conservation Area.

11. The Authority does not recognise all of the land outlined on the submitted plans as forming the domestic curtilage associated with the dwellings hereby approved. The land recognised as domestic curtilage by the Authority does not include the areas coloured green and marked 'biodiverse area' on plan number 1535/03.01A. The land recognised as domestic curtilage by the Authority is identified on plan number 1535/03.01A enclosed with this decision notice.

Reason - In the interests of biodiversity and to mitigate the impacts of the development on the Area of Biodiversity Importance as required by Policy GP3.

12. Lighting on the site shall be positioned or installed so that there is no illumination beyond the extent of the domestic curtilage of the hereby approved dwellings. Prior to the first occupation of any of the dwellings hereby permitted, details of a Lighting Assessment Report shall be submitted to and agreed in writing by the Authority to demonstrate that any lighting from the site will not illuminate beyond the extent of the domestic curtilage of the hereby approved dwellings. The works shall then be completed in accordance with the agreed details.

Reason - In the interests of biodiversity and to mitigate the impacts of the development on the Area of Biodiversity Importance as required by Policy GP3.

OFFICER'S REPORT

Site Description:

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

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

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

The adjoining property to the north, Les Amballes Lodge, together with its roadside wall and railings is a protected building.

Relevant History:

29/03/2022 – FULL/2021/1809 – Application refused to erect 3 dwellings with associated parking and landscaping and alter and widen vehicle access (Protected Building).

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

Existing Use(s):

Woodland/Open land

Brief Description of Development:

Planning permission is requested for a revised scheme to erect a terrace of three, 3 bedroom dwellings.

The terrace is proposed to be a three storey pitched roof design with the 2nd floor set back slightly with balconies in front. The terrace would be finished with a mix of rendered and Marley Eternit Cedral composite clad walls, dark grey aluminium fenestration and a natural slate roof.

The application is accompanied by:

- A letter from the agent dated 26/09/2022 setting out supporting comments in relation to Island Development Plan policies.

- A Biodiversity Summary dated 15/09/2022 by Sexton Green Ltd.
- An Arboricultural Impact Assessment dated 20/06/2023 by Richard Loyd.

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

MC2 – Housing in Main Centres and Main Centre Outer Areas
 GP1 – Landscape Character and Open Land
 GP3 – Areas of Biodiversity Importance
 GP4 – Conservation Areas
 GP5 – Protected Buildings
 GP8 – Design
 GP9 – Sustainable Development
 IP6 – Transport Infrastructure and Support Facilities
 IP7 – Private and Communal Car Parking
 IP9 – Highway Safety, Accessibility and Capacity

Representations:

Two representations were received, main points as follows:

- Loss of sea views for neighbouring residents.
- Loss of value of neighbour properties.
- It is significant that there has been long term recognition of the importance of the land for its biodiversity value.
- One representation referred to their representations on previous applications which also raised concerns about additional traffic and road safety concerns and the loss of long and short range public views of open green space.

Consultations:

Agriculture Countryside and Land Management Services, 24/02/2023

“We are writing in response to your consultation letter dated 24th January 2023 regarding the submitted application for proposed development on land at Les Amballes, St Peter Port.

The site in its entirety is designated an Area of Biodiversity Importance (ABI), and forms part of the wider ‘Rope Walk’ ABI, designated due to its former classification as a Site of Nature Conservation Importance within the Urban Area Plan. During the 2018 Phase 1 habitat survey¹ the site was classified as semi-natural broadleaved woodland (sycamore and elm) and amenity grassland.

We note that it has been recommended for delisting as an ABI by Environment Guernsey following an assessment in 2019 which recorded that the site supported low bird and floral species diversity and abundance. Whilst no formal condition assessment has been undertaken, this evidence suggests that the site was in a poor to moderate condition.

¹ www.gov.gg/habitatsurvey

The proposal to retain a proportion of existing woodland and to plant a new area of native woodland may enable this development to achieve Biodiversity Net Gain, however this is dependent on appropriate management and use of the area which should strive to ensure the site achieves good ecological condition in the longer term.

In order to ensure that the woodland establishes into one of good condition, we recommend that the site is managed for biodiversity and according to best practices guidelines. It should not be considered to be a part of the domestic curtilage, or managed as such. Gardening practices will reduce the biodiversity value of the site. For example, regular mowing of grassland beneath trees, will prevent the establishment of ground flora and may damage the roots of growing and established trees. Furthermore, the biodiversity of the site would be best suited by fencing off the woodland to prevent regular access which causes disturbance to both the ground flora and the fauna, such as breeding and foraging birds.

In addition, if external lighting is proposed, it should be designed in line with the Bat Conservation Trust guidelines² so as not to cause increased light levels within the woodland. This is required to avoid impacts on the bat population identified in the area by the Bailiwick Bat Survey³.

Section 2.15 of the applications covering letter (J. Le Gallez, 26 September 2022) states that all bindweed and ivy will be removed from the site. Whilst ivy may be invasive in certain conditions, it is a native species which supports a diverse range of associated biodiversity and is an important component in a woodland. It should not be removed in its entirety.

Hedge bindweed (*Calystegia sepium*) is also a native species, however large bindweed (*C. silvaticum*) is not. They appear similar and so confirmation of species should be made prior to any clearance. We would support the eradication of *C. silvaticum* from the site, however we would not support the eradication of *C. sepium*.

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”.

Agriculture Countryside and Land Management Services, 20/01/2023

“Comments on tree protection measures:

The development proposed requires the excavation of considerable amounts soil and bedrock material which is currently topped with parent top soil This soil supports scrub and herbaceous vegetation for the most if not all of the area in scope for development. Behind this scrub vegetation are trees making up a woodland strip

² <https://cdn.bats.org.uk/uploads/pdf/Resources/ilp-guidance-note-8-bats-and-artificial-lighting-compressed.pdf?v=1542109349>

³ https://www.bto.org/sites/default/files/publications/bto_research_report_-_bailiwick_bat_survey_new.pdf

which extends up and to either side of the site, on neighbouring land. The plans indicates the line of tree protection fencing along the back(west) and north side of the site. The positioning of tree protection fences should be determined by the size and location of the adjacent trees and these are not indicated on the plans. Measures to protect trees from construction injury are contained within British Standard BS5837:2012. However where construction is being considered close to trees one of the first steps is to do a tree survey to determine the condition & importance of existing trees, record the size (diameter of stem at 1.5m above ground) and then use these measurements to determine what size Root Protection Area (RPAs) would apply. From this an assessment of constraints and conflicts can be done which will inform the design process. Based on the information received there appears to be no survey of adjacent trees, no indication as to their size and consequently no indication of RPAs. Therefore no conclusion can be drawn, based on the submitted plans, as to whether or not the location of the protection fences is appropriate or not.

Comments on tree planting. The species of trees proposed for new planting are native. Although Alder is generally regarded as a wetland species it can be used as a “nursery” tree to support the growth of other species planted nearby. It has a high light requirement so may be slow to establish where any level of shade is present. English oak is a good species to select when considering planting to improve biodiversity in specific situations. However there is a concern that once the trees reach a larger size (bearing in mind you might typically get a radial spread of 8metres or more) this may well result in post development pressure (for occupants to press for removal of trees) as an already shaded location (especially from the west) becomes even more shaded. Consideration should be given to relying more on Hawthorn and Hazel, the latter of which can be coppiced regularly, to support biodiversity.

The above comments are general in nature but if more specific detail is required please do not hesitate to ask”.

Summary of Issues:

The main issues in deciding this application are:

1. The impact of the development on the Area of Biodiversity Importance.
2. The design and impact of the development on the character and appearance of the Conservation Area.
3. The impact of the development on the setting of the adjacent protected building.
4. The impact of the development on the amenity of people living in the area.
5. Road safety and traffic management issues.
6. Whether the development would result in a satisfactory living environment for the occupiers of the new dwellings.

Assessment against:

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

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

A subsequent application was refused in March 2022 to erect 3 dwellings with associated parking (FULL/2021/1809). The application was refused on account that the proposal did not demonstrate that the negative impacts of the development on the Area of Biodiversity Importance had been mitigated; its impact on the character and appearance of the Conservation Area through the creation of a parking area; the application did not respect the local built environment and the open landscape concerned; the substandard sightlines and proximity to the junction of the parking area raised significant road safety concerns; the development did not provide adequate secure covered cycle storage; and insufficient information was provided to demonstrate that the proposal would provide a flexible, adaptable and sustainable design.

The current revised application seeks to address the reasons for the refusal of the previous scheme (FULL/2021/1809) and involves a development of 3 terraced dwellings of a similar design. The main changes to the proposal include the parking area has been omitted, alterations to the pedestrian access to provide step free access to the dwellings, the design of the roadside boundary has been amended by omitting a timber fence and increasing the height of the existing granite wall, a bicycle store is provided, the landscaping scheme has been amended and further details have been submitted regarding the sustainable design features of the development.

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

and type of housing is considered to be appropriate in this case. As such Policy MC2 supports the development of the site for housing where it accords with all other relevant policies of the Island Development Plan.

The impact of the development on the Area of Biodiversity Importance

The site in its entirety is designated an Area of Biodiversity Importance, and forms part of the wider 'Rope Walk' Area of Biodiversity Importance, designated due to its former classification as a Site of Nature Conservation Importance within the Urban Area Plan. During the 2018 Phase 1 habitat survey the site was classified as semi-natural broadleaved woodland (sycamore and elm) and amenity grassland.

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

The omission of the parking area has reduced the overall footprint of the built form on the site and the siting of the buildings towards the southern end of the site helps to create a consolidated remaining area of open land at the northern end of the site which would be visible along Piette Road. The landscape proposal indicates an area of native tree and understorey planting which has the potential to enhance the biodiversity value of the site, however this is dependent on appropriate management and use of the area which should strive to ensure the site achieves good ecological condition in the longer term.

In order to ensure that the woodland establishes into one of good condition, it is recommended that the site is managed for biodiversity and according to best practices guidelines. It should not be considered to be a part of the domestic curtilage, or managed as such. Gardening practices will reduce the biodiversity value of the site. For example, regular mowing of grassland beneath trees, will prevent the establishment of ground flora and may damage the roots of growing and established trees. Furthermore, the biodiversity of the site would be best suited by preventing regular access which causes disturbance to both the ground flora and the fauna, such as breeding and foraging birds. Policy GP3 (Areas of Biodiversity Importance) does not apply within the curtilage of a dwelling. Therefore, to prevent the loss of the entire site from the Area of Biodiversity Importance, it is recommended that the domestic land associated with the dwellings is restricted and does not include the biodiverse planting areas indicated on the submitted plans, this can be dealt with by condition.

In addition, if external lighting is proposed, it should be designed in line with the Bat Conservation Trust guidelines so as not to cause increased light levels within the woodland. This is required to avoid impacts on the bat population identified in the area by the Bailiwick Bat Survey. Details of external lighting will be required and it is recommended that bird and bat boxes are also installed, details of which can be requested by condition.

Section 2.15 of the agents covering letter states that all bindweed and ivy will be removed from the site. Whilst ivy may be invasive in certain conditions, it is a native species which supports a diverse range of associated biodiversity and is an important component in a woodland. It should not be removed in its entirety. Hedge bindweed (*Calystegia sepium*) is also a native species, however large bindweed (*Calystegia silvaticum*) is not. They appear similar and so confirmation of species should be made prior to any clearance. The eradication of *Calystegia silvaticum* from the site would be supported, however the eradication of *Calystegia sepium* would not be supported. The management of and removal of ivy and bindweed can be dealt with by condition.

A detailed landscape scheme has been submitted which has the potential to satisfactorily mitigate any negative impacts of the development, in accordance with Policy GP3. To prevent potential post development pressures in future it may be beneficial to replace the proposed English Oak trees bordering the rear gardens with Hawthorn and Hazel, this could be dealt with as part of a revised landscaping scheme.

Following comments from Agriculture Countryside and Land Management Services regarding the proposed tree protection measures, an Arboricultural Impact Assessment dated 20/06/2023 has been submitted which identifies the location of existing trees along the west boundary and the impact of the development on those trees. The Arboricultural Impact Assessment concludes that the development would partially encroach into the root protection area of one tree (T5) but that this could be facilitated through careful excavation, or if the tree is removed the impact of this could be mitigated by the proposed tree planting. Measures are recommended to mitigate the risk of damage to the trees during the construction phase including the production of an arboricultural oversight document, the creation of construction exclusion zones and the use of sheet piling for the rear retaining wall to minimise excavations.

The application includes a landscape plan which was submitted prior to the Arboricultural Impact Assessment. Although the landscape plan indicates tree protection fencing, the location of the fencing does not align with the root protection areas indicated in the Arboricultural Impact Assessment.

The information submitted indicates that the development could be constructed without causing significant harm to existing trees. However, to ensure that this would be the case, further information would need to be submitted including details of the method of construction of the rear retaining wall and the extent of excavations, an arboricultural oversight document and a revised landscape scheme detailing the revised positioning of tree protection fencing and construction exclusion zones.

As a whole, the revised proposal demonstrates that the biodiversity interest of the site has been taken into account during the design process and any negative impacts can be mitigated, in accordance with Policy GP3.

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

The site is within the 'Escarpment' zone (Island Development Plan, p276) and is described as *"The Inland Scarp has also been affected by development. The landform is less evident than on the West Coast, but the Scarp still reads as a strong landscape feature standing up against the horizon. Though there is little actual woodland, the combined effect of garden and hedgerow trees creates an impression of woodland from a distance. As the Scarp is sheltered from the sea and trees tend to occur in gardens, the tree species are more varied than on the West Coast Scarp"*. The escarpment is described as the fossil cliff forming the northern edge of the upland plateau and as such it is prominent from the lowlands to the north.

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

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

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

In terms of the immediate area, the site is of particular importance when viewed from the coast and up Piette Road, to which it is a stop end and it gives a strong visual link to an undeveloped and green space. From Les Amballes the break in

development and the resultant connection with a wider green open space does contribute highly to the amenity of the surrounding buildings. When viewed from the publicly accessible woodland walk the site has the potential to bolster the woodland, which is quite sparsely planted at the boundary of the site with trees but minimal low level planting.

Any well-established green space which breaks the pattern of development in an otherwise urban environment has value, but this site in particular is important as it links the urban environment with a wider corridor of green space which extends up and over the top of the hill. Therefore, the value of the green backdrop, of which this application site forms part, has a very high contribution to the character of the Conservation Area.

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

The footprint of the buildings have been substantially reduced from the scheme previously refused in November 2018 for 9 flats (FULL/2018/0771) and their siting towards the southern end of the site helps to create a more consolidated remaining area of open land, as opposed to the open land being formed of a series of thin strips. In addition, the omission of the parking area which formed part of the scheme previously refused in March 2022 (FULL/2021/1809) has further increased and consolidated the area of open land at the northern end of the site and retains the green and open nature of the site in views along Piette Road. The siting, size, footprint and form of the dwellings respects the type of buildings in the area. Overall the revised proposal, and particularly the omission of the parking area and alterations to the design of the roadside boundary, has addressed concerns previously raised and the proposal would conserve the character and appearance of the Conservation Area and it respects the local built environment and the open landscape of the area, in accordance with Policies GP1, GP4 and GP8.

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

The neighbouring property to the north, Les Amballes Lodge, together with its roadside wall and railings is a protected building.

The revised proposal has omitted previous works to the protected wall and the car parking area immediately adjacent to the neighbouring protected building. The open and undeveloped biodiverse area will provide a buffer to the adjoining neighbouring protected building and the development as a whole would have no adverse effects on the setting of the protected building.

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

The dwellings would approximately align with the neighbouring dwelling to the south and would face neighbouring dwellings across the street to the east. This

relationship is similar to and common along this urban street and is unlikely to result in any significant adverse effects on the amenities of neighbouring residents.

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

Road safety and traffic management issues

The omission of the car parking area has addressed previous concerns regarding the impact of the development on road safety.

Due to the proximity of the site to the centre of town and the shops and services of the St Peter Port Main Centre and the good access to public transport networks, the provision of on-site car parking is not required in this case. Secure covered storage for bicycles is provided in accordance with the Parking Standards and Traffic Impact Assessment Supplementary Planning Guidance. The proposal accords with Policies IP6, IP7 and IP9.

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. Small planters are indicated in front of the ground floor windows which provides a reasonable degree of privacy to the ground floor bedrooms and the overall level of privacy of the dwellings is adequate. All of the dwellings have access to some form of outdoor space, comprising of small rear courtyards and east facing balconies at second floor level. Although the rear courtyards are of limited size and quality, particularly considering the tree planting to the west, and the balconies are of limited size considering the size and nature of the dwellings, the dwellings all include a reasonable outlook over the public street and with the potential for a wider outlook above neighbouring properties to the east, and the site has access to public open spaces in close proximity, such as Cambridge Park. Given the central town location of the site, the proposed provision of and access to outdoor space could be adequate in this instance. Overall, despite some deficiencies, the proposal would

provide a satisfactory quality of residential environment for future occupiers, in accordance with Policy GP8.

Other matters

The pedestrian access to the dwellings has been redesigned and now includes step free access which is sufficient to address previous concerns regarding the accessibility of the dwellings.

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 agent sets out how the development has been designed to take into account sustainable design principles including insulation levels, the method of construction and the use of photovoltaics. 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.

With regards to comments in letters of representation, the loss of private sea views and the loss of value for neighbouring properties is not a material planning consideration.

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.

Date: 29/06/2023