

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 six storey and ten storey building containing 57 flats and associated works including creation of vehicle and pedestrian access to La Charroterie, excavation and cliff stabilisation work, pedestrian access to Montville Drive and pedestrian bridge.

LOCATION: Domaines Des Moulins (Former CI Tyres Site), La Charroterie, St. Peter Port.

APPLICANT: Guernsey Housing Association LBG

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: 19/03/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 06/11/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Lovell Ozanne - S37-10673 S1-05, 10, 11A, 12, 13, 14, 15, 16, 17, 18, 19, 20, 30, 31A, 32, 33, 34, 35, 36A, 40A & 42

Application Ref: FULL/2023/1986

Property Ref: A405870000+A407770000

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 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) full details of tree and hedge planting;
- iii) planting schedules, noting the species, sizes, numbers and densities of plants;
- iv) finished levels or contours;
- v) any screen walls or similar structures;
- vi) any other structures to be erected or constructed;
- vii) functional services above and below ground; and
- viii) all existing trees, hedges and other landscape features, indicating clearly those to be removed.

Reason - To make sure that a satisfactory landscaping scheme for the development is agreed, in order to help assimilate the development into its surroundings.

5. A scheme for ecological and arboricultural oversight by a retained qualified and experienced ecologist and a retained qualified and experienced arboriculturist (which shall include oversight of preparation before construction and during the building work itself) shall be submitted to and approved by the Authority before any work is commenced on the site. Works shall not be carried on other than in complete accordance with the approved scheme and its recommendations.

Reason - In the interests of biodiversity/ecology, the protection of existing trees and in accordance with the Guernsey Strategy for Nature, 2020.

6. Unless otherwise agreed in writing by the Authority beforehand,

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

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

and unless otherwise agreed in writing by the Authority,

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

and, unless otherwise agreed in writing by the Authority,

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

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

(ii) a) as built drawings of the implemented scheme;

(ii) b) photographs of the remediation works in progress;

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

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

Reason - In the interests of public health, safety and amenity having regard to the previous use/s of the site and the potential for contamination of the land.

7. No development, including site works, shall begin until a Construction Environmental Management Plan (CEMP), is submitted to reflect the information set out by the Office of Environmental Health and Pollution Regulation (OEHPR), and which shall at a minimum contain the following, has been submitted to and agreed by the Authority:

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

The development shall be carried out strictly in accordance with the approved CEMP, unless the Authority has given its prior written agreement to any variation.

Reason - To ensure that the construction process is managed in such a way as to minimise adverse impacts on the amenity of the local area as far as possible.

8. Prior to development being commenced, a scheme for glazing of windows in the west elevation facing the neighbouring residential building Gwenwood with obscure glass shall be submitted to and approved in writing by the Authority. The development shall thereafter be carried out in accordance with the approved scheme and the windows that are to be obscure glazed shall be retained as such at all times.

Reason - To minimise the effect of the development on the privacy and amenities of nearby residents.

9. No materials to be used on the exterior of the buildings including cladding materials shall be placed on the site until such time as samples of those materials have been submitted to the Authority. Only materials agreed in writing by the Authority shall be used in carrying out the development.

Reason - To secure the satisfactory appearance of the completed development.

10. No development in that respect shall begin on site until details of the proposed path and bridge linking the site with Montville Drive have been submitted to and agreed in writing by the Authority. The development shall be carried out only in accordance with the agreed details.

Reason - The information provided with the application does not include full details of the proposed feature(s). This condition is imposed to make sure that the development is of satisfactory design and does not have any adverse impact on the character or biodiversity of the area.

11. The medieval stone, previously located within the roadside wall, shall be retained and re-used within the hereby approved development. Details of its proposed re-use shall be submitted to and agreed in writing by the Authority, before construction work on the buildings is commenced. The development shall thereafter be carried out in accordance with the details so agreed.

Reason - To ensure the protection and appropriate re-use as part of the approved development of the medieval stone which is of archaeological and historic importance.

12. All planting, seeding or turfing comprised in the details of landscaping agreed under Condition 4 above shall be carried out in the first planting and seeding seasons following the occupation of the building(s) or completion of the development, whichever is the sooner. Any trees or plants which die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Authority gives written approval to any variation.

Reason - To ensure that a satisfactory form of development is achieved in the interests of amenity.

13. 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 traffic and pedestrian safety.

14. Any central heating, air handling or other plant shall not be located anywhere on top of the roof, but shall be contained entirely within the exterior envelope of the building.

Reason - To ensure a satisfactory form of development in the interests of visual amenity.

15. 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.

16. The housing to be erected under the terms of this permission shall be used only as Affordable Housing as defined in the Land Planning and Development (Planning Covenants) Ordinance, 2011.

Reason - To define the terms of the permission as other forms of housing would have different planning policy implications.

17. Noise associated with plant and machinery incorporated within the development shall be controlled such that the Rating Level, measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 5 dB(A) below the existing LA90 background noise level, including low frequency tones. Rating Level and existing background noise levels shall be determined as per the guidance provided in BS 4142:2014. Thereafter all plant and machinery shall be operated and maintained to achieve continued compliance with this condition.

Reason - The premises are close to residential property and a limit on the use is needed to prevent a nuisance or annoyance to nearby residents.

18. The development shall not be occupied until the solar panels, electric car charging points and all other sustainable design features set out in the application have been installed/completed/made operational.

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

19. The development shall not be occupied until the bird and bat boxes and all other biodiversity design features set out in the application and the accompanying Preliminary ecological assessment report prepared by Environment Guernsey dated October 2023 have been installed/completed/made operational. In addition, any vegetation clearance shall be undertaken prior to the bird breeding season, bat surveys are undertaken prior to any tree works and shall conform to the Bat Conservation Trust Guidelines, and access for any clearance works shall be from the La Charroterie side.

Reason - In the interests of biodiversity/ecology and in accordance with the Guernsey Strategy for Nature, 2020.

20. No development in that respect shall begin on site until engineering details of the proposed excavation and cliff stabilisation work have been submitted to and agreed in writing by the Authority. The development shall be carried out only in accordance with the agreed details.

Reason - The information provided with the application does not include full engineering details of the proposed work. This condition is imposed to make sure that the development is of satisfactory design and does not have adverse impacts on the site and surroundings.

Expiry Date: This permission will cease to have effect on 19/03/2027 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

The application site is located within an area of known archaeological importance and your attention is drawn to the provisions of the Island Development Plan, Annex VIII on Archaeological Assessment.

It is desirable that access be granted to the States Archaeologist, Culture & Heritage Service, and that you contact them to gain advice or make arrangements for archaeological recording during any earth moving on the site.

The Archaeology team can be contacted on 01481 709738 , 01481 709739 or mobiles 07781 102219 or 07781 131061.

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

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

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

If access for vehicles or materials is required from Montville Drive and through the Area of Biodiversity Importance (ABI), this should only be done with prior written approval of the States' Agriculture, Countryside and Land Management Services acting in its capacity as Manager of the ABI.

Your attention is drawn to The Animal Welfare (Guernsey) Ordinance, 2012 and the need to comply with its provisions. Measures will need to be taken (including consideration of the timing of the works) to ensure that any protected species present are not impacted by the works.

It is recommended that a lighting scheme is developed which adheres to the guidelines produced by the Institute of Lighting Professionals and Bat Conservation Trust.

In regard to new planting, a reference is made to using ash & sweet chestnut. The former is likely to be susceptible to ash dieback whilst the latter is non-native and not

necessarily suited for woodland planting. It is recommended that species selection includes English oak, small leaved lime, holly, beech and hawthorn.

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/2023/1986
Property Ref: A405870000+A407770000
Valid date: 06/11/2023
Location: Domaines Des Moulins (Former CI Tyres Site) La Charroterie
St. Peter Port Guernsey GY1 1EJ
Proposal: Erect six storey and ten storey building containing 57 flats and
associated works including creation of vehicle and pedestrian
access to La Charroterie, excavation and cliff stabilisation
work, pedestrian access to Montville Drive and pedestrian
bridge.
Applicant: Guernsey Housing Association LBG

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.

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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.

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- i) the treatment proposed for all ground surfaces, including hard areas;
- ii) full details of tree and hedge planting;
- iii) planting schedules, noting the species, sizes, numbers and densities of plants;
- iv) finished levels or contours;
- v) any screen walls or similar structures;
- vi) any other structures to be erected or constructed;
- vii) functional services above and below ground; and
- viii) all existing trees, hedges and other landscape features, indicating clearly those to be removed.

Reason - To make sure that a satisfactory landscaping scheme for the development is agreed, in order to help assimilate the development into its surroundings.

5. A scheme for ecological and arboricultural oversight by a retained qualified and experienced ecologist and a retained qualified and experienced arboriculturist (which shall include oversight of preparation before construction and during the building work itself) shall be submitted to and approved by the Authority before any work is commenced on the site. Works shall not be carried on other than in complete accordance with the approved scheme and its recommendations.

Reason - In the interests of biodiversity/ecology, the protection of existing trees and in accordance with the Guernsey Strategy for Nature, 2020.

6. Unless otherwise agreed in writing by the Authority beforehand,

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

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

and unless otherwise agreed in writing by the Authority,

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

and, unless otherwise agreed in writing by the Authority,

(i)(c) a detailed scheme for remedial works and measures to be undertaken to avoid

risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such scheme shall include nomination of a competent person to oversee the implementation of the works.

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

- (ii) a) as built drawings of the implemented scheme;
- (ii) b) photographs of the remediation works in progress;
- (ii) c) certificates demonstrating that imported and/or material left in situ is free from contamination.

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

Reason - In the interests of public health, safety and amenity having regard to the previous use/s of the site and the potential for contamination of the land.

7. No development, including site works, shall begin until a Construction Environmental Management Plan (CEMP), is submitted to reflect the information set out by the Office of Environmental Health and Pollution Regulation (OEHPR), and which shall at a minimum contain the following, has been submitted to and agreed by the Authority:

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

The development shall be carried out strictly in accordance with the approved CEMP, unless the Authority has given its prior written agreement to any variation.

Reason - To ensure that the construction process is managed in such a way as to minimise adverse impacts on the amenity of the local area as far as possible.

8. Prior to development being commenced, a scheme for glazing of windows in the west elevation facing the neighbouring residential building Gwenwood with obscure glass shall be submitted to and approved in writing by the Authority. The development

shall thereafter be carried out in accordance with the approved scheme and the windows that are to be obscure glazed shall be retained as such at all times.

Reason - To minimise the effect of the development on the privacy and amenities of nearby residents.

9. No materials to be used on the exterior of the buildings including cladding materials shall be placed on the site until such time as samples of those materials have been submitted to the Authority. Only materials agreed in writing by the Authority shall be used in carrying out the development.

Reason - To secure the satisfactory appearance of the completed development.

10. No development in that respect shall begin on site until details of the proposed path and bridge linking the site with Montville Drive have been submitted to and agreed in writing by the Authority. The development shall be carried out only in accordance with the agreed details.

Reason - The information provided with the application does not include full details of the proposed feature(s). This condition is imposed to make sure that the development is of satisfactory design and does not have any adverse impact on the character or biodiversity of the area.

11. The medieval stone, previously located within the roadside wall, shall be retained and re-used within the hereby approved development. Details of its proposed re-use shall be submitted to and agreed in writing by the Authority, before construction work on the buildings is commenced. The development shall thereafter be carried out in accordance with the details so agreed.

Reason - To ensure the protection and appropriate re-use as part of the approved development of the medieval stone which is of archaeological and historic importance.

12. All planting, seeding or turfing comprised in the details of landscaping agreed under Condition 4 above shall be carried out in the first planting and seeding seasons following the occupation of the building(s) or completion of the development, whichever is the sooner. Any trees or plants which die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Authority gives written approval to any variation.

Reason - To ensure that a satisfactory form of development is achieved in the interests of amenity.

13. 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 traffic and pedestrian safety.

14. Any central heating, air handling or other plant shall not be located anywhere on top of the roof, but shall be contained entirely within the exterior envelope of the building.

Reason - To ensure a satisfactory form of development in the interests of visual amenity.

15. 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.

16. The housing to be erected under the terms of this permission shall be used only as Affordable Housing as defined in the Land Planning and Development (Planning Covenants) Ordinance, 2011.

Reason - To define the terms of the permission as other forms of housing would have different planning policy implications.

17. Noise associated with plant and machinery incorporated within the development shall be controlled such that the Rating Level, measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 5 dB(A) below the existing LA90 background noise level, including low frequency tones. Rating Level and existing background noise levels shall be determined as per the guidance provided in BS 4142:2014. Thereafter all plant and machinery shall be operated and maintained to achieve continued compliance with this condition.

Reason - The premises are close to residential property and a limit on the use is needed to prevent a nuisance or annoyance to nearby residents.

18. The development shall not be occupied until the solar panels, electric car charging points and all other sustainable design features set out in the application have been

installed/completed/made operational.

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

19. The development shall not be occupied until the bird and bat boxes and all other biodiversity design features set out in the application and the accompanying Preliminary ecological assessment report prepared by Environment Guernsey dated October 2023 have been installed/completed/made operational. In addition, any vegetation clearance shall be undertaken prior to the bird breeding season, bat surveys are undertaken prior to any tree works and shall conform to the Bat Conservation Trust Guidelines, and access for any clearance works shall be from the La Charroterie side.

Reason - In the interests of biodiversity/ecology and in accordance with the Guernsey Strategy for Nature, 2020.

20. No development in that respect shall begin on site until engineering details of the proposed excavation and cliff stabilisation work have been submitted to and agreed in writing by the Authority. The development shall be carried out only in accordance with the agreed details.

Reason - The information provided with the application does not include full engineering details of the proposed work. This condition is imposed to make sure that the development is of satisfactory design and does not have adverse impacts on the site and surroundings.

INFORMATIVES

The application site is located within an area of known archaeological importance and your attention is drawn to the provisions of the Island Development Plan, Annex VIII on Archaeological Assessment.

It is desirable that access be granted to the States Archaeologist, Culture & Heritage Service, and that you contact them to gain advice or make arrangements for archaeological recording during any earth moving on the site.

The Archaeology team can be contacted on 01481 709738 , 01481 709739 or mobiles 07781 102219 or 07781 131061.

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

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

It is strongly recommended that in submitting details in accordance with the above conditions that the applicant has reference to Land Contamination risk management

available at <https://www.gov.uk/guidance/land-contamination-risk-management>.

If access for vehicles or materials is required from Montville Drive and through the Area of Biodiversity Importance (ABI), this should only be done with prior written approval of the States' Agriculture, Countryside and Land Management Services acting in its capacity as Manager of the ABI.

Your attention is drawn to The Animal Welfare (Guernsey) Ordinance, 2012 and the need to comply with its provisions. Measures will need to be taken (including consideration of the timing of the works) to ensure that any protected species present are not impacted by the works.

It is recommended that a lighting scheme is developed which adheres to the guidelines produced by the Institute of Lighting Professionals and Bat Conservation Trust.

In regard to new planting, a reference is made to using ash & sweet chestnut. The former is likely to be susceptible to ash dieback whilst the latter is non-native and not necessarily suited for woodland planting. It is recommended that species selection includes English oak, small leafed lime, holly, beech and hawthorn.

OFFICER'S REPORT

Site Description:

The application site comprises the former C.I. Tyres site on the southern side of La Charroterie, opposite La Charroterie Mills residential development. The site previously contained various single and two storey buildings and sheds most recently used for a tyre depot, with a granite wall and wooden gates to the roadside, but has subsequently been cleared pending redevelopment. The site is located within the Main Centre Inner Area and Town Conservation Area under the Island Development Plan.

The valley side rises steeply to the south. Part of the site to the rear is designated as part of a wider area of Important Open Land and Area of Biodiversity Importance. There is also a Tree Protection Order (PT78) covering much of the hillside behind. The buildings on either side (Gwenwood to the west and Chateau de la Montagne to the east) are Protected Buildings.

Relevant History:

OP/2012/1267 - Demolish existing buildings and erect block of 16 apartments and block of 3 terraced dwellings; create amenity space and car parking areas (outline application). Approved 20/06/2012.

FULL/2014/3491 - Demolish existing sheds and erect 20 new apartments and 3 new dwellings with underground parking. Approved 08/09/2015

This permission was implemented on site through the demolition and clearance of the former buildings.

FULL/2020/2025 - Erect 19 flats and 3 dwellings with underground parking (revised scheme). Approved 19/01/2021

FULL/2021/2203 - Erect three and three and a half storey building containing 17 flats and 2 ground floor retail/commercial/office units with associated vehicular access and parking. Granted 26/01/2022

FULL/2022/1732 - Erect three and three and a half storey building containing 25 flats, associated vehicular access and parking (revised scheme) - Granted 19/10/2022

FULL/2023/2419 - Fell 5 trees and undertake enabling cliff stabilisation work. (Protected Trees) – Granted 29/01/2024

FULL/2024/0341 - Fell 6 additional trees and undertake enabling cliff stabilisation work to west of site. (Protected Trees) (revised scheme) - Pending

Existing Use(s):

Nil-use (site cleared awaiting redevelopment)

Brief Description of Development:

The application is for planning permission to erect a six storey and ten storey building containing 57 one-bedroom flats and associated works including creation of vehicle and pedestrian access to La Charroterie, excavation and cliff stabilisation work, a pedestrian access to Montville Drive and a pedestrian bridge.

Further information was provided during consideration of the application relating to an assessment of impact from Montville Drive. This further information was published for public comment.

The application includes reference to cliff stabilisation works including excavation and removal of several Protected trees which have been considered and approved separately under application FULL/2023/2419, as noted above. A further application, FULL/2024/0341, for related work is currently pending.

The flats are proposed to be developed by the Guernsey Housing Association as key-worker accommodation, which is a form of affordable housing as defined for land use planning purposes.

The overall massing of the development follows the contours of the site, with the six-storey element positioned to the front of the site, the top two floors of which would be set back behind the main front building line, and the higher ten-storey block

located to the south of this, behind the front block and closer to the surrounding cliff face.

Upper parts of the building are proposed to be finished in terracotta cladding panels, in a variety of green hues to provide tonal variation. The frontage block to La Charroterie would be finished in a brick or ceramic tile cladding system with contrasting elements in white or light grey brick and black or dark grey.

20 car parking spaces are proposed, accessed from La Charroterie to the east of the frontage building. The access would be shared with the adjacent Chateau de la Montagne development requiring minor amendment of car parking arrangements for that scheme. The scheme includes electric vehicle and bicycle charging points and it is proposed to contribute to an electric vehicle and bicycle sharing scheme. Solar panels are incorporated within the design.

The proposed scheme includes a bridge/link from the upper levels of the building to the Area of Biodiversity Importance with a pedestrian route through the development from La Charroterie to Montville Drive. Written authority has been provided by the States' Property Service in respect of elements of the application relating to States' owned land.

The application is accompanied by a Planning and Design Statement, Preliminary ecological assessment report prepared by Environment Guernsey dated October 2023, a tree survey prepared by Phil Collenette Tree Consultancy dated 21st August 2023, a sustainability statement and a waste management plan.

Provision is made for wheelchair access throughout the built development. Private and communal amenity space is provided using front gardens, balconies and flat roof areas.

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

MC1 – Important Open Land in Main Centres and Main Centre Outer Areas

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

GP7 – Archaeological Remains

GP8 – Design

GP9 – Sustainable Development

GP11 – Affordable Housing

GP17 – Public Safety and Hazardous Development

GP18 – Public Realm and Public Art

IP6 – Transport Infrastructure and Support Facilities

IP7 – Private and Communal Car Parking

IP9 – Highway Safety, Accessibility and Capacity

Representations:

A total of 22 letters or emails of representations were received in response to the application.

Of this total, 17 letters or emails were received from the management company, owners or occupiers of the La Charroterie Mills apartments situated on the opposite side of La Charroterie relative to the application site. These are summarised immediately below.

Two letters were received (one following advertisement of further information relating to the application) on behalf of CM Management Company which is the holding and management company of La Charroterie Mills apartments who object to the proposed development on the following grounds:-

- In practical terms, the outcome of this planning application is a vastly greater development than ever previously approved on the property and at 10 storeys to sit above all surrounding built forms, overbear neighbouring properties, overbear two directly adjacent protected buildings, re-engineer Area of Biodiversity Importance land, Important Open Land and Tree Protection Order land and overdevelop the property;
- The Important Open Land is the backdrop, setting and future of the Conservation area and excavating into that landscape, providing a bridge and footpath over the land and erecting a 10-storey building would have a significant adverse impact on the open character, visual quality and landscape character of the IOL in conflict with IDP Policy MC1, Policy GP1 and Annex V;
- There is no clear demonstration that the biodiversity interest of the site has been considered or how it has been protected or enhanced in accordance with Policy GP3. Critical detail is lacking and the importance of biodiversity not factored into the design process to justify such a large, bulky and overbearing building;
- The design does not conserve or enhance the Conservation Area and would be a direct and permanent intrusion of the Conservation Area contrary to Policy GP4 and section 38 of the Law;
- The proposal is an overbearing development which does not respect the setting of the adjacent Protected Buildings, contrary to Policy GP5 and section 35 of the Planning Law and not outweighed by social benefit;
- The proposal is overdevelopment, is harmful to amenity with direct overlooking, overshadowing and interface impacts, is not a good or resilient design solution and does not comply with Policies GP8 or GP9;

- User safety concerns and lack of public art, relative to Policies GP17 and GP18;
- Cour du Parc is not a precedent;
- Alleged flaws in the application form and process;
- Direct impact on Charroterie Mills through -
 - Increased and unauthorised parking, unloading, noise and disturbance in and around the front upper podium under the front archway at La Charroterie Mills causing unnecessary impact on neighbours
 - Increased and unauthorised use of the La Charroterie Mills access road for turning, parking or pick up/collecting and causing unnecessary noise, light and disturbance of residents
 - Unauthorised use of the La Charroterie Mills parking areas as a direct impact on current amenities of residents;
 - Unauthorised use and impact on the current infrastructure enjoyed by Charroterie Mills residents such as unauthorised use of visitor parking spaces and use of existing rubbish storage and general rubbish dumping on/at La Charroterie Mills;

The following further representations were made on behalf of CM Management Company in relation to the further information:-

- The cross-section heights show extensive overshadowing to the south along La Charroterie and towards Charroterie Mills;
- The cross-section scale, mass, orientations, heights, bulk, form and siting show no relationship to the two immediately adjoining Protected Buildings in conflict with Policy GP5 and the Planning Law;
- The cross-section scale, mass, orientations, heights, bulk, form and siting show no good design relationship with Charroterie Mills in conflict with Policy GP8 and there would be clear and obvious overbearing and direct interface impact which is way beyond reasonable in planning terms;
- The cross-section scale, mass, orientations, heights, bulk, form and siting show no good design relationship with Charroterie Mills and the wider Conservation Area in conflict with IDP Policy GP4, Annexes V and VII and the Planning Law;
- Montville Drive will be used for access over land not owned by the applicant and is Conservation Area, Area of Biodiversity Importance, Important Open Land and has a Tree Protection Order, in conflict with various IDP Policies and material considerations;
- It is unclear how a development of this magnitude is acceptable in biodiversity terms under the Strategy for Nature 2020 given the relevant designations and policies.

13 of the representations were from individual owners or occupiers of apartments within the La Charroterie Mills development who objected to the proposed development on the following grounds:-

- Height of building and additional traffic
- Restriction of light in the area and loss of views of green space
- Over concentration of development;

- Over development of a single site;
- Impact on the character and amenity of the Conservation Area;
- Impact on the setting of two longstanding protected buildings;
- A vast departure from previous planning approvals under the same policy;
- Loss of trees within a TPO;
- Effect on Important Open Land;
- Unclear site ownership, authorisation and boundaries;
- Direct interface;
- Overlooking and overshadowing;
- Increased noise and disturbance;
- Light pollution;
- Poor and overbearing design;
- Not an effective and efficient design solution;
- User safety and poor access concerns;
- Poor design, mass, scale, limited layout, poor siting and overbearing;
- No consideration of amenity or amenities;
- The natural beauty, landscape quality, natural environment or built environment are not preserved or conserved;
- Adverse impact on an established Area of Biodiversity Importance;
- Increased traffic, noise and disturbance;
- No longevity of design as all one-bed flats;
- Cour du Parc is not a precedent case;
- The 3D images issued are clearly and highly visible from several public highways and vantage points; and
- A full 10 storey building within a Conservation Area and 6.5 storeys taller and 32 additional units greater than a scoped previous approval is overdevelopment, overbearing and poor design.
- Increased unauthorised parking, unloading, noise and disturbance in and around the front upper podium under the front archway at La Charroterie Mills causing unnecessary impact on residents of Charrroterie Mills
- Increased and unauthorised use of the La Charroterie Mills access road for turning, parking or pick up/collecting and causing unnecessary noise, light and disturbance of residents
- Unauthorised use of the La Charroterie Mills parking areas as a direct impact on current amenities of residents;
- Unauthorised use and impact on the current infrastructure enjoyed by Charroterie Mills residents such as unauthorised use of visitor parking spaces and use of existing rubbish storage and general rubbish dumping on/at La Charroterie Mills, (issues already caused by GHA residents of Cour du Parc)
- One representor from La Charroterie Mills commented that their only concern is the limited amount of designated parking and that vehicles accessing the property will spill into the surrounding area where there are existing problems of unauthorised parking; other than that it looks to be a decent housing development which will benefit the Island.

- Another representor from La Charroterie Mills wrote generally in support of the development deeming it an appropriate location for the development of multi-storey housing as proposed by the GHA but with concerns that the proposal appears an attempt to 'cram in' housing; that realignment of the slope will cause disturbance and environmental impact particularly on the ABI which should be mitigated as recommended by Environment Guernsey; and questioning the benefits of providing access to Montville drive given its steepness and impacts through disturbance and reducing biodiversity.

In addition to the 17 representations that were received from the management company, owners or occupiers of the La Charroterie Mills apartments, five further letters or emails of representation were also received (one following advertisement of the further information relating to the application), the main points of which are summarised as follows:-

- Initially supportive of the idea and encourage additional developments where possible within the area to build upwards without impacting on the Island's skyline;
- Overall this is an excellent project, more of which are needed to bring down the cost of housing and improve accommodation choice for residents;
- One serious flaw with the proposal is 20 parking spaces for 57 flats which is nowhere near enough;
- Hope that the flats will be attractive to people who do not have cars is wishful thinking;
- As a resident of the area, greatly concerned at proposal to provide only up to 20 parking spaces (roughly one per three flats), which is not an appropriate level, will take away from quality and function and impact negatively on the area through competition for parking spaces and resulting circulation and congestion given the already limited public parking available;
- Parking provision should be at least doubled to 40 spaces;
- Illegal parking particularly of visitors to the site is likely to be a problem;
- Limited modelling (within the submitted further information) of how the high-rise development would look from Montville Drive, being one of the most protected areas of the Island;
- The modelling provided is disingenuous and inadequate because it diminishes the proportions of the building, melds the building into the landscape and only shows the building from one point on the Drive where there is the most tree cover in front of it;
- Photographs are provided by a representor to illustrate what they consider will be a visible and prominent impact in views from Montville Drive, compared with Cour du Parc, from other points on Montville Drive, particularly when lit up at night, and in views from various more distant locations around Town which have not been modelled in the application;
- The development (including cladding) will be incongruous with the surrounding buildings and landscape in design and mass, be overpowering and an overdevelopment of the site, and be an unsightly towering

monstrosity wholly out of keeping with the site, adjoining protected properties, the area and detrimental to the heritage and feel of the Island;

- The development should be no higher than the cliff behind and not intrude into Montville Drive; as proposed it would rise up into Montville Wood, destroy the ambiance and peaceful character of the protected woods and Montville Drive (which are variously within an Area of Biodiversity Importance, a statutory place of recreation and contain a burial ground) and negatively impact the outlook from Montville Drive;
- Light and noise pollution caused to Montville wood and Montville Drive and effect on residents and creatures such as bats;
- The proposed path to Montville Drive is too steep to be safe, will involve undue disturbance and damage to the wood and its use is likely to offend the Places of Recreation Ordinance, 1975, as amended;
- The proposed bridge and path have not been specified in sufficient detail to enable permission to be granted;
- To be safe and to satisfy the necessary regulations, the path would bear no resemblance to the concept illustrated in the application and will change the nature of Montville wood and Montville Drive to their detriment which cannot be appropriately mitigated, when they are presently subject of stringent protection;
- Montville wood and Montville Drive should not be turned into a back yard or substitute garden or park for residents of the development which will lack adequate green space within the design; it is absurd for the applicant to suggest that the development will enhance this highly protected location;
- Foreseeable removal of protected trees which cause loss of light to windows at the rear of the development and pose a risk of falling trees or branches, which will in turn negatively impact the landscape and skyline and make the development more visible from Montville Drive;
- The scale of development proposed will contribute to excessive traffic, noise and fumes on La Charroterie and disproportionately interfere with peaceful enjoyment of existing residents' properties;
- The development will exacerbate traffic congestion at the Colborne Road/Les Ruettes Braye junction.

Consultations:

Constables of St Peter Port

At the St Peter Port Parish Douzaine meeting on Monday 13th December the proposed redevelopment of Domaine Des Moulins was discussed.

Overall, it was felt by a majority that the proposed application was acceptable as it was:

- On a site originally used for buildings and not a designated green site.
- Ideal for key workers but some reservation was expressed:

- Lack of light against the cliff face considering the proposed height of the development.
- Lack of parking spaces in the area generally and specifically at the flats, only 20 places for 57 flats.
- Suggestions were made to provide electric vehicles and bikes for residents on site to rent.
- Lack of lounge area in flats as they seem to be just a bedroom, bathroom, and kitchen. Does this meet minimum standards for Guernsey of 53 sq metres?
- The development is required to be a meaningful contribution to the infrastructure in terms of roads, road safety.

The Constables and Douzaine would be happy to represent the Parish at an open planning meeting in 2024 to gain the views of the community.

National Trust of Guernsey

Thank you for asking for our opinion concerning the proposed development at the old CI Tyres site (FULL/2023/1986). I can confirm that the Trust is fully supportive of this development. We have long thought that building higher units in St Peter Port is preferable to building on greenfield sites outside the main urban areas.

La Societe Guernsiaisie

Thank you for consulting with us regarding these proposals. Our Scientific Committee have considered the details and wish to provide the following comments -

1. We note that Environment Guernsey (EG) has provided an Ecological Assessment (EA). We support the recommendations made in the report.
2. The scale of the associated ecological impacts and the success (or otherwise) of the mitigation and offsetting measures are dependent on the recommendations of the EA being closely followed. We are aware of instances on other (unrelated) projects where such recommendations have not been followed once planning permission has been granted. We therefore welcome the GHA's proposal that Environment Guernsey is to remain involved in this project. We would recommend that Planning request independent 'sign off' from EG (or other suitable third party) regarding the mitigation and offsetting measures.
3. In order to ensure that the remedial tree planting is of an appropriate scale to offset, and hopefully exceed, losses, we would recommend that a record be kept of the trees and shrubs removed during cliff stabilization and associated works.

4. We would highlight that the proposed high-rise development provides a rare opportunity to encourage breeding Swifts in particular; Swift is red-listed in the UK as a species of conservation concern.
5. Bird and bat boxes for certain species need to be installed in precise locations. Where suitable locations are not available, there is usually nothing to be gained from installing boxes in suboptimal positions and in many cases, this can endanger wildlife. We would recommend that the involvement of EG (or other suitable local source) be subject to a planning condition to ensure that the installation of all boxes is safe and appropriate.
6. We would recommend that all amenity planting be confined to the CI Tyres site itself and to not extend to ABI-designated areas to any degree; any planting within the ABI should be of local native species only. Further we would welcome the opportunity for local botanists to consider the landscaping scheme to ensure that nothing invasive or potentially problematic is introduced to the site.

Agriculture, Countryside and Land Management Service

We are writing in response to a consultation letter dated 7 November 2023 relating to the application for development at Domaine des Moulins, formerly the CI Tyres site.

The majority of the development site is disturbed land which has recently been developed and is of no ecological or conservation value. However, the site is bounded by steep, vegetated cliffs and is directly adjacent to an area of semi-natural woodland designated as an Area of Biodiversity Value (ABI).

As acknowledged within the application, the clearance of vegetation required for the regrading and stabilisation of the cliff and disturbance during both construction and operation of the proposed development have the potential to impact biodiversity. We welcome the consideration of these potential impacts in the design phase of this development and believe the application has been able to reduce potential ecological impacts wherever possible in the design.

We note the following measures will be undertaken during construction to reduce those potential impacts:

- All tree removal to be undertaken prior to bird breeding season,
- Bat surveys prior to site works starting,
- Protection of important trees or habitats within 3-5m buffer of cliff face

We would further recommend:

- vegetation clearance is undertaken prior to bird breeding season,

- bat surveys are undertaken prior to tree works (surveys should conform to the Bat Conservation Trust Guidelines),
- access for clearance works should be from La Charroterie side. If access for vehicles or materials is required from Montville Drive and through the ABI, this should only be done with prior written approval of ACLMS (acting in its capacity as manager of the ABI).

In order to reduce impacts on the ABI during the operation of the proposed development, the application proposes to use 'controlled lighting', such as occupancy sensors. We would recommend that a lighting scheme is developed which adheres to the guidelines produced by the Institute of Lighting Professionals and Bat Conservation Trust .

We also note proposed measures to off-set biodiversity losses which cannot be avoided (such as removal of trees and vegetation to enable cliff stabilisation works):

- Planting of native trees within ABI
- Installation of bird and bat boxes within ABI and on proposed buildings
- Planting of the cliff face with native species
- Amenity landscaping around the building without potentially invasive species.

In regard to new planting, a reference is made to using ash & sweet chestnut. The former is likely to be susceptible to ash dieback whilst the latter is non-native and not necessarily suited for woodland planting. We would recommend that species selection includes English oak, small leafed lime, holly, beech and hawthorn. We would be pleased to agree the details of tree planting and the above listed mitigations (ABI enhancement, bird and bat boxes, and landscaping scheme) at a suitable time. Should Planning Service grant permission for this development, we believe these mitigations could be secured through a suitably worded condition.

We have no objection to the proposed pedestrian pathway from the footbridge to Montville Drive through the ABI, provided that the construction methods do not negatively impact on any trees, including their root protection zones. We would be pleased to continue to work with the GHA on detailed designs and locations for the pathway once final cliff reprofiling designs are available. We recommend that the pathway's design and construction conform to BS5837-2012, and draw particular attention to the requirement to respect Root Protection Areas as defined in the standard, deploying no dig constructions for new paths through woodland and ensuring a robust monitoring and feedback system which employs a qualified arboriculturist who can be called upon to advise through the demolition, construction & post construction phase, as required (see P2 & section 6.3 of BS5837:2012)

Office of Environmental Health and Pollution Regulation

I have reviewed the proposed plans for a six and ten storey building to be erected containing 57 flats at the above-mentioned land parcel which were received by post on 7th November 2023 and there are a number of issues of concern that I must raise.

Construction Environmental Management Plan (CEMP)

I note that there is no CEMP submitted with this application, nor is it referred to in the application. The proposed site is situated adjacent to a number of residential properties that may be affected by disturbance the construction may cause through noise, vibration, dust and construction traffic. As such, I would recommend the following condition:

- Prior to any demolition or construction works a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Authority. Agreed details shall be carried out as approved unless otherwise agreed in writing by the Authority. At a minimum the following should be included:
 - I. A scheme of how the contractors will liaise with local residents to ensure that residents are kept aware of site progress and how any complaints will be dealt with, reviewed and recorded (including details of any considerate constructor or similar scheme).
 - II. A scheme of how the contractors will minimise complaints from neighbours regarding issues such as noise and dust management, vibration, site traffic and deliveries to and from the site.
 - III. Details of hours of construction including all associated vehicular movements.
 - IV. Details of the construction compound.
 - V. A plan showing construction traffic routes.

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

Contaminated Land

As this land parcel was previously used as a tyre and exhaust fitting centre there is consequently the potential for the land to be contaminated where the new building is proposed. I recommend the following condition:

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

- (i) No works pursuant to this permission shall commence until there has been submitted to and approved in writing by Planning Services: (A desktop study shall be the very minimum standard accepted. Pending the results of the desktop study, the applicant may have to satisfy the requirements of b and c below, however, this will all be confirmed in writing).
 - (i) (a) A desktop study documenting all the previous and existing land uses of the site and adjacent land in accordance with national guidance as set out in Land Contamination Risk Management (LCRM)

and BS10175:2001+A2:2017 - Investigation of Potentially Contaminated Sites - Code of Practice;

and unless otherwise agreed in writing by Planning Services,

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

and, unless otherwise agreed in writing by Planning Services,

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

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

- (ii) a) as built drawings of the implemented scheme;
- (ii) b) photographs of the remediation works in progress;
- (ii) c) certificates demonstrating that imported and/or material left in situ is free from contamination.

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

Informatives/Advice Notes

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

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

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

Control of noise level of plant/machinery

Whilst there is no specific plant or machinery of concern mentioned within the application, there is mention of 'other plant and equipment'. As such, I recommend the following condition:

- Noise associated with plant and machinery incorporated within the development shall be controlled such that the Rating Level, measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 5 dB(A) below the existing LA90 background noise level, including low frequency tones. Rating Level and existing background noise levels shall be determined as per the guidance provided in BS 4142:2014.

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

Traffic & Highway Services – No response received at the time of preparing this report.

Guernsey Architects' Panel – Summary of discussion held on 6th July 2023 at pre-application stage, prior to submission of a formal planning application:

There was a consensus amongst the Panel that, in principle, higher density, high-rise development was appropriate to the site and area. It was commented that the scheme had a relationship with higher development on the opposite side of La Charroterie. The proposed design was felt to be well-considered and avoided being monolithic.

It was commented that it was important to have a positive relationship with the street, unlike some existing development further up La Charroterie. In this respect, due to the building line chosen, the front part of the building seemed to step forward as a dominant feature in the street beyond the adjacent Protected Building to the west, which was considered a significant issue which should be addressed. It was advised that blank frontages/high walls on the street frontage should be avoided, instead using low walls and railings with access from units onto the street.

There was comment that the front section of the building towards the road appeared too high, whilst the rear section could potentially be higher. There was also potential to create three 'layers' to the building to provide a staggered effect. It was commented that the proportions of the front block could be improved if given more vertical emphasis, whether that part of the building was lower or higher than presently proposed. Shading could however be a more significant issue if the front block were higher.

It was noted that the form and appearance of cladding material for the upper section of the building remained under consideration by the project team. It was commented

that a softer appearance which blended with the woodland behind could be considered. There was comment that the form of the rear section of the building could be simplified further with a more regularised plan and perhaps using unified glazing which could mirror the landscape. It was contended that protecting the skyline from punctuation was not as important or sensitive as may previously have been perceived.

Generally, a mixed-tenure development was advocated, perhaps with partial ownership as well as key worker accommodation, to provide a sense of community. There was discussion on the possible need for and location of water tanks for the sprinkler system. In this respect, advice should be obtained from Building Control which will communicate with Guernsey Fire and Rescue. Building entrances should be protected from downdraught wind effects. It was noted that biodiversity impacts were being considered by the project team with relevant expert advice.

Summary of Issues:

The main issues in deciding this application are:

1. Whether the principle of new housing is acceptable.
2. Design and impact of the development on the character and appearance of the Conservation Area.
3. Impact of the development on Protected Buildings
4. Impact of the development on ecology and the Area of Biodiversity Importance
5. The impact of the development on the amenity of people living in the area.
6. Whether the development would result in a satisfactory living environment for the occupiers of the new dwellings.
7. Road safety, traffic management and parking.

Assessment against:

1 - Purposes of the law.

The objectives set out in Section 1(2) of The Land Planning and Development (Guernsey) Law, 2005, 'the Law', have been considered and this report forms part of the assessment, with policy issues set out in Section 2 below.

2 - Relevant policies of any Plan, Subject Plan or Local Planning Brief.

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

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

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

(a) to secure so far as possible that the special historic, architectural, traditional or other special characteristics of buildings listed on the protected buildings list (“protected buildings”) are preserved, and

(b) in particular, in exercising its functions with respect to a protected building or any other building or land in the vicinity of a protected building, to pay special attention to the desirability of preserving the protected building’s special characteristics and setting.

Section 38 of the Law explains the general functions of authorities in respect of conservation areas. This states that:

In the exercise, with respect to any building or other land in a conservation area, of any powers under this Law or any other enactment, special attention shall be paid to the desirability of preserving and enhancing the character and appearance of that area.

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

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

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

(b) the character and quality of the natural and built environment which is likely to be created by the development,

(c) the appropriateness of the development in relation to its surroundings in terms of its design, layout, scale, siting and the materials to be used,

(d) the likely effect of the development on the character and amenity of the locality in question,

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

Whether the principle of new housing is acceptable.

The site is located within the St Peter Port Main Centre Inner Area. Policy MC2 of the Island Development Plan makes provision for new residential development and offers a gateway for residential development in this location.

The proposed one-bedroom flats are intended for key workers and comprise Affordable Housing for the purposes of Policy GP11. The current States' Strategic Housing Indicator was agreed by the States in March 2023. The States agreed that the Affordable Housing Indicator for the 5-year period of 2023 – 2027 be set at 721 units (Social Rental and Partial Ownership tenures only) of additional accommodation. In addition to this are key worker and specialised housing tenure requirements that also fall within the overarching 'Affordable Housing' definition. In total, it is estimated that in the region of 1,000 units of Affordable Housing are required over the next 5 years if Guernsey is to meet its housing requirements in these tenures. The provision of one-bedroom units reflects the predominant requirements in this sector.

The Development & Planning Authority has previously decided not to require a Development Framework on this site. A Development Framework would serve no useful purpose at this stage and exceptionally the normal policy requirement for such can be waived as a minor departure from the IDP. The application includes a waste management plan.

Design and impact of the development on the character and appearance of the Conservation Area.

The application site is within the St Peter Port Conservation Area. Annex VII of the IDP provides a Summary of Special Interest of the Conservation Area, which is a summary of a Character Study included in the publication *Designating Conservation Areas* (March 2015). A partial Conservation Area Appraisal has been published, which identifies the site as being within the Charroterie Valley Character Area. The Character appraisal sets out what is special about this area so that developments within it can be designed to sustain or minimise harm to the character and appearance of the Conservation Area. Key characteristics of this part of the Conservation Area are:

- History. Positions of buildings in the Charroterie Valley part of the Conservation Area were chiefly dictated by the stream and topography and this remains evident today. During the 19th century, ribbon development comprising industrial buildings and workers' houses was constructed up the valley from the Old Town coalescing with older houses, such as Gwenwood and Chateau de la Montagne. Those relatively high-status out-of-Town houses (both protected buildings) flank the subject site. Many older buildings, in particular on the north side of the road, have been replaced with modern offices and housing. Steps up the hillside are a feature, including some within the former CI Tyres site.
- Hillsides. Changes in level are an important positive contributor to the character of this part of the St Peter Port Conservation Area. For this reason, the hillsides flanking La Charroterie Valley are included within the designation. These comprise wooded cliffs with some exposed rock faces,

the many trees providing an informal backdrop which rises above the rooftops. A key characteristic, the trees are prominent in channelled views which unfold as one moves up and down the valley and in views between buildings and from elevated positions above La Charroterie. The position of the CI Tyres site, on the outside of a bend in the road, is such that views of this wooded backdrop are particularly prominent.

- *Architecture:* As one travels out of the mediaeval core of Town, the grain of development becomes increasingly coarse. Gaps between and in front of buildings are larger. However, despite the width of the street, the feeling remains one of enclosure with buildings constructed at, or close to, the rear edge of the pavement. These gaps allow alternating patterns of shade and light which alter with time of day and throughout the year.

Although modern buildings prevail, several traditional and classically proportioned houses remain in La Charroterie. The scale and proportion, pitched roofs, materials and window and door patterns of older buildings contribute positively to the Conservation Area. In height, rooflines generally reflect the contours. This is particularly notable on the south side of La Charroterie where terraces of buildings, often buildings of merit (i.e. buildings that are not protected but contribute to the character of this part of the Conservation Area), wind their way up the hill.

- *Pedestrian environment:* La Charroterie is a busy main route southward out of Town – a Traffic Priority Route – and is dominated by traffic, particularly during ‘rush hours’. This compromises its already generally exposed pedestrian environment, the poor quality of which is exacerbated by a number of inactive frontages, lack of formal crossing places and general absence of traffic slowing measures.

The La Charroterie Valley Character Area Appraisal considers it an opportunity to take advantage of topography to sympathetically incorporate taller buildings in relation to existing structures and the skyline.

The colour and material of the upper floors of the proposed building help to reduce its visual impact. However, due to the three-dimensional scale of the proposed building, the proposed development will erode the wooded cliff side character of this part of the Conservation Area. Therefore, there will be a degree of harm to the Conservation Area.

Policy GP4 does not articulate where or when harm to a Conservation Area might be acceptable. However, this should not be read that harm to a Conservation Area cannot occur; to do so would not be consistent with section 38 of the 2005 Law which places a statutory duty to pay special attention to the desirability of preserving or enhancing a Conservation Area. Although Policy GP4 is silent on the matters that need to be considered when assessing a development that might harm a Conservation Area, Policy GP5 does assist in relation to weighing in the balance any

harm against the contribution of the development to the social, economic or other benefits and/or the contribution the development will make to enhancing the vitality of a Main Centre. In this case the development will contribute to social and economic goals as well as the vitality of a Main Centre. It is considered that the benefits will outweigh the harm, and that the development therefore complies with Policy GP4.

The Policy Box to Policy GP8: Design has seven criteria which summarise the preceding supporting text. Whilst the preceding text and Policy Box have the same weight, the seven criteria provide useful headings to assess the application in relation to design, as follows:-

a) achieve a good standard of architectural design, including the design of necessary infrastructure and facilities

The proposed development is of a coherent architectural composition, and the details of the building/external space/outbuilding (e.g. services, balconies, junction of materials, bicycle store, bin store) have been considered and form a coherent architectural design. The design of the building considered the comments of the Guernsey Architects' Panel which were provided at pre-application stage. The details and colour of the cladding material for the upper section of the building can be reserved for further approval by planning condition. The application complies with this criterion.

b) demonstrate the most effective and efficient use of land

The proposed development is multi-storey. IDP para. 19.9.10 supports the provision of taller buildings in appropriate locations. The application complies with this criterion.

c) respect the character of the local built environment or the open landscape concerned

This criterion has some overlap with Policy GP4 which is considered above. IDP para. 19.9.4, requires a particularly high standard of design for development that relates to Protected Buildings and within Conservation Areas and IDP para. 19.9.10 encourages taller buildings in appropriate locations.

The development will have the greatest visual impact in identified key views from La Charroterie and adjacent areas. The design seeks to minimise the adverse effects of a tall building in these views through careful attention to massing, location and materials. Further information was requested and provided during consideration of the application relating to an assessment of impact from Montville Drive. This further information was published and is considered to demonstrate an acceptable public impact in views from Montville Drive. The potential impact of the tall building will be screened in wider views within the townscape by the topography of the area and any distant glimpsed views as currently occur with Cour de Parc are unlikely to be significant.

Given the above it is concluded that the application complies with this criterion.

There is some overlap between this criterion of Policy GP8 and Policy GP1: Landscape Character and Open Land. Although having an impact on the green backdrop to Charroterie Valley, the development has been carefully designed to minimise this adverse effect and is therefore considered to respect the relevant landscape type within which it is set, and to not result in the unacceptable loss of any specific distinctive features that contribute to wider landscape character and local distinctiveness. The development includes an opportunity to provide a pedestrian link from La Charroterie to Montville Drive and this would take advantage, where practicable, of an opportunity to improve physical access to open and undeveloped land, in accordance with Policy GP1.

- d) consider the health and well-being of the occupiers and neighbours of the development by means of providing adequate daylight, sunlight and private/communal open space*

The development provides adequate health and well-being for its occupiers and will not unreasonably affect the amenity of neighbouring properties. The application complies with this criterion.

- e) provide soft and hard landscaping where this reinforces local character and distinctiveness and/or mitigates the impacts of development and/or contributes to more sustainable construction*

The application includes a commitment to landscaping which can be subject of appropriate planning conditions. The application complies with this criterion.

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

The proposed development provides level thresholds at entry level and lift access to all floors. The application complies with this criterion.

- g) with regard to residential development, offers flexible and adaptable accommodation that is able to respond to people's needs over time*

The proposed development is for one-bedroom flats which could be adapted in the future. The application complies with this criterion.

Impact of the development on Protected Buildings

The last paragraph of Policy GP8 requires the setting of Protected Buildings to be considered, which is cross-referenced to Policy GP5.

The proposed development is adjacent to two Protected Buildings (PB854 and PB853), the setting of which is described below. Both stand at the rear of the pavement behind narrow gardens/yards, separated from the road by low walls and railings. They form part of a near-continuous building line (with the exception of the current former CI Tyres site) along the south side of La Charroterie and provide enclosure to the street. The principal building line of one building, to the southwest of Gwenwood, deviates from this. Roof and eaves lines follow the generally upward

trend of the street level, climbing the hill. Both buildings are prominent in the streetscape being grander than their neighbours, but neither were designed to stand-out in the townscape and neither have a public use so they are not considered to be landmark buildings. A steep cliff, on which are many mature trees, rises to the south of the buildings and provides a striking backdrop above the rooftops. It frames the buildings and street in long and short views and makes an important contribution to the setting of the protected buildings.

Whilst the development follows the established front building line of La Charroterie, the proposed building is substantially taller than the Protected Buildings. Therefore, the development will negatively affect the setting of these buildings.

Policy GP5 allows for harm to a protected building and its setting, where the contribution to the social, economic or other benefits and/or the contribution the development will make to the vitality of a Main Centre outweigh that harm. In this case the development will contribute to the social and economic goals as well as the vitality of a Main Centre, which will outweigh the harm. The development complies with Policies GP5 and GP8 in relation to the setting of the adjacent protected buildings.

Impact of the development on ecology and the Area of Biodiversity Importance

The proposals impact the Area of Biodiversity Importance to the south of the site. IDP Policy GP3 is therefore of relevance. The proposals demonstrate that the biodiversity interest of the site has been considered and taken account of as part of the design and development process. The application is accompanied by a Preliminary ecological assessment report prepared by Environment Guernsey dated October 2023 and a tree survey prepared by Phil Collenette Tree Consultancy dated 21st August 2023. The States' Agriculture, Countryside and Land Management Service (ACLMS) has been involved from the outset and consulted on the application, to which they raise no objection, including to the proposed pedestrian pathway from the footbridge to Montville Drive through the ABI, provided that their recommendations are adhered to. These can be secured through appropriate planning conditions attached to any grant of planning permission. In addition, as the ABI in this location is within States' ownership and control, works within this area can only be done with prior written approval of ACLMS (acting in its capacity as manager of the ABI).

Consequently, it is concluded that the biodiversity interest of the area will be protected and, where possible, enhanced and that any negative impacts can be appropriately and proportionately mitigated in accordance with the recommendations of Environment Guernsey and ACLMS.

The application complies with IDP Policy GP3.

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

The distance to and relationship of the proposed development with neighbouring properties to the east and west and on the opposite side of La Charroterie to the north is generally sufficient to prevent any significant loss of privacy or shading of the neighbouring properties. Having regard to the urban location and nature of the proposed and adjoining properties, the effect on neighbour amenity of the scheme as a whole is considered acceptable. It may however be of benefit to require obscure glazing of windows on the west elevation facing the neighbouring residential building Gwenwood to remove perception of overlooking in this direction and proposals for this can be required by condition.

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

As noted above under Policy GP8 criterion d), the development provides adequately for the health and well-being of its occupiers. Dwelling sizes are adequate and would accord with the Building Regulations. The design of the development takes account of the proximity to the cliff face to the south which is to be re-graded and the potential impacts of the protected trees above. Given the location of the site and intended residential use, the proposed amenity space within the site comprising rooftop areas and balconies is acceptable. The proposals include a pedestrian link to Montville Drive, which is an additional amenity that can be delivered subject to further details and approval from ACLMS acting in its land management capacity.

Road safety, traffic management and parking.

A number of representations raise concerns about the proposal to provide 20 on-site parking spaces for the 57 flats and the likelihood that the development will increase pressure on parking within the area. However, the Parking Standards set maximum as opposed to minimum standards for the number of car parking spaces for new developments. For the proposed development the maximum number of parking spaces as set out in the Parking Standards would be 57. However, in the interests of the effective and efficient use of land and the overall quality of the development, and considering the proximity of the site to the shops and services of St Peter Port and the access to public transport and employment opportunities, it would not be desirable or necessary for the development to provide the maximum number of on-site parking spaces. The development may result in some increase in the demand for on-street parking within the area but considering the nature of the surrounding highways it is unlikely to result in any significant traffic management concerns.

Concerns of representors regarding possible use of the nearby private La Charroterie Mills site for unauthorised parking represent private civil matters which cannot influence the determination of this application.

Although advice has not been received on this application from Traffic & Highway Services, the site has a lengthy planning history of previous development permissions and the proposed access is suitable to cater for the relatively limited vehicular traffic generated by the scheme. The site access would be shared with the

adjacent Chateau de la Montagne development, representing an efficient and effective use of land and requiring minor amendment of car parking arrangements for that scheme.

The proposals include adequate bicycle parking, electric vehicle charging points and the potential for a 'car club' to manage efficient use of the motorised vehicles at the site.

Other matters

Policy GP9 is wide-ranging and includes requirements for sustainable design and construction with reference to the design, layout and orientation of buildings, flood risk and surface water run-off, renewable energy, the use of materials and the management of waste. The application is accompanied by a sustainability statement which provides proportionate compliance with Policy GP9: Sustainable Development. The delivery of specific proposed sustainability features such as solar panels and electric vehicle charging points can be ensured by planning condition. A Waste Management Plan has been submitted detailing how waste is to be minimised and managed.

The Office of Environmental Health & Pollution Regulation has commented on the application. Planning conditions and informatives are recommended to deal with the matters raised in respect of a Construction Environmental Management Plan, potential ground contamination due to the previous industrial use of the site and to limit potential for noise nuisance from plant and machinery to be included within the development.

There is the possibility of buried archaeology being found in this area and a suitable informative note should be attached to the decision. A medieval stone which is of archaeological and historic importance was located within the now demolished roadside wall and was conditioned to be re-used as part of previously approved developments. It is understood that the stone has been stored for future re-use and imposition of a similar condition is therefore recommended.

Conclusion:

Overall, the proposal is acceptable under the relevant IDP policies set out above subject to conditions including a condition limiting the residential use to Affordable Housing to ensure compliance with Policy GP11.

3 - General material considerations set out in the General Provisions Ordinance.

In addition to the consideration of policy issues, Section 13 of the Land Planning and Development (General Provisions) Ordinance, 2007 identifies other material planning considerations which could be relevant. These include; the appropriateness of the development in relation to its surroundings in terms of design, layout, scale, siting and materials; the likely effect on the character and amenity of the locality;

any possible fall-back position by way of extant planning permissions or exempt development; the likely effect on the reasonable enjoyment of neighbouring properties. These issues where relevant are considered above.

4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).

The implications of the proposed development for Protected Trees and Protected Buildings are considered in detail above. The proposal would have no adverse impact on protected sites.

Date: 11/03/2024

