

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 6 dwellings with associated works, alter roadside wall and widen vehicle access.

LOCATION: La Prima, La Mares Pellees Road, Vale.

APPLICANT: Mr Green

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: 19/04/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 16/11/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Jason Hobbs Architectural Services Ltd: 6389/A/1c, 2a, 3a, 4a, 5.

Application Ref: FULL/2023/2188

Property Ref: C011750000

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

- i) the treatment proposed for all ground surfaces, including hard areas;
- ii) full details of native 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) all existing trees, hedges and other landscape features, indicating clearly those to be removed; and
- viii) Details (including the type, size and location) of bird and bat boxes to be provided for within the site.

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.The landscaping scheme shall be fully completed, in accordance with the details agreed under the terms of the above condition, in the first planting season following the first occupation of any part of the development or completion of development whichever is the sooner, or in accordance with a programme previously agreed in writing by the Authority. Any trees or plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by trees or plants of a size and species similar to those originally required to be planted.

Reason - To make sure that the appearance of the completed development is satisfactory and to help assimilate the development into its surroundings.

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

Reason - To make sure that the site can be drained in a satisfactory way.

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

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

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

(i) No development shall commence on site (including demolition and site works) until there has been submitted to and approved in writing by the Authority:

(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 the Authority,

(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,

(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) If determined to be required 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 subsection (i)c of this condition that any remediation scheme required and approved under the provisions of subsection (i)c of this condition 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:

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

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

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

9.No materials to be used on the exterior of the buildings 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 part of the development, hereby permitted, shall be occupied until the turning facility and car parking has been completed in accordance with the details shown on the approved block plan (Drawing Ref: 6389/A/1c).

Reason - In order to allow vehicles park and to enter and leave the site in a forward direction, in the interests of highway safety.

11.Prior to the first occupation of any of the dwellings hereby approved the vehicle access point into the site and the alterations to the roadside boundary walls shall have been completed in accordance with the details shown on drawing ref: 6389/A/5. Any wall which is altered shall be finished off using materials and method of construction which matches the remainder of the wall.

Reason - To provide an appropriate and safe access point into the site, to make sure that drivers leaving the access have adequate visibility of vehicles already on the highway in the interests of road safety and effective traffic management.

12.No part of the development hereby permitted shall be occupied or brought into use until there has been submitted to the Authority a report providing verification that the development has been carried out and monitored fully in accordance with the Site

Waste Management Plan approved under Condition 7 above. Where there has been any variation from the approved Site Waste Management Plan, the report shall highlight and detail the reasons for this.

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

13. There shall be no occupation of units 4, 5 and 6 until such a time that the solar panels have been installed in the positions shown on the approved drawings and have been made operational.

Reason - In the interests of sustainable development in accordance with Policy GP9.

14. None of the dwellings hereby approved shall be occupied until the garden sheds and bin stores have been installed in the positions shown on the block layout plan ref: 6389/A/1c.

Reason - To make sure the development takes the form hereby permitted and to ensure that cycle parking provision is provided for each dwelling.

15. No part of the development, hereby permitted, shall be occupied or used until details of an electric car charging point for each dwelling has been submitted to and agreed in writing by the Authority and has been installed and made operational in accordance with any approved details.

Reason - In the interests of sustainable development in accordance with Policy GP9.

16. No permission is hereby granted for the shed in the original position shown for unit 1 on drawing ref 6389/A/1c. This shall be repositioned to the east of unit one in the revised position as shown on drawing ref 6389/A/1/c.

Reason - In the interests of visual amenity.

Expiry Date: This permission will cease to have effect on 19/04/2027 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

1. In relation to condition 4 of this permission any trees, plants or hedges proposed as part of the landscaping scheme shall be of a species native to Guernsey.

With regard to the provision of bird and bat boxes within the site it is recommended

that you contact La Societe Guernesiaise for further advice on this to ensure that they are designed and positioned in such a way so as to be beneficial to the biodiversity of the site.

2. Your attention is drawn to the Animal Welfare (Guernsey) Ordinance, 2012 and 2020 Strategy for Nature, and the need to comply with their provisions. The site may be used by nesting birds or other wildlife. You are requested to undertake any site clearance outside of the main bird breeding season (March-July inclusive). Further, it is recommended that you contact La Societe Guernesiaise so that the site can be inspected prior to clearance to ensure that any protected species present, such as bats, are not impacted by the works. La Societe can be contacted by emailing info@societe.org.gg

3. With reference to condition 8 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 criteria (b) and (c) of that condition, however, this will all be confirmed in writing.

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 condition that the applicant has reference to Land Contamination risk management available at <https://www.gov.uk/guidance/land-contamination-risk-management>.

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/2023/2188
Property Ref: C011750000
Valid date: 16/11/2023
Location: La Prima La Mares Pellees Road Vale Guernsey GY3 5PW
Proposal: Erect 6 dwellings with associated works, alter roadside wall and widen vehicle access.

Applicant: Mr Green

RECOMMENDATION - Grant: Planning Permission with Conditions:

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

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

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

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

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

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

4. No development, excluding demolition and site works, shall begin until a landscaping scheme, to include those details specified below, has been submitted to

and agreed in writing by the Authority:

- i) the treatment proposed for all ground surfaces, including hard areas;
- ii) full details of native 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) all existing trees, hedges and other landscape features, indicating clearly those to be removed; and
- viii) Details (including the type, size and location) of bird and bat boxes to be provided for within the site.

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. The landscaping scheme shall be fully completed, in accordance with the details agreed under the terms of the above condition, in the first planting season following the first occupation of any part of the development or completion of development whichever is the sooner, or in accordance with a programme previously agreed in writing by the Authority. Any trees or plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by trees or plants of a size and species similar to those originally required to be planted.

Reason - To make sure that the appearance of the completed development is satisfactory and to help assimilate the development into its surroundings.

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

Reason - To make sure that the site can be drained in a satisfactory way.

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

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

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and unless otherwise agreed in writing by the Authority,

(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,

(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) If determined to be required 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 subsection (i)c of this condition that any remediation scheme required and approved under the provisions of subsection (i)c of this condition 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:

a) as built drawings of the implemented scheme;

b) photographs of the remediation works in progress;

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

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

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

9. No materials to be used on the exterior of the buildings 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 part of the development, hereby permitted, shall be occupied until the turning facility and car parking has been completed in accordance with the details shown on the approved block plan (Drawing Ref: 6389/A/1c).

Reason - In order to allow vehicles park and to enter and leave the site in a forward direction, in the interests of highway safety.

11. Prior to the first occupation of any of the dwellings hereby approved the vehicle access point into the site and the alterations to the roadside boundary walls shall have been completed in accordance with the details shown on drawing ref: 6389/A/5. Any wall which is altered shall be finished off using materials and method of construction which matches the remainder of the wall.

Reason - To provide an appropriate and safe access point into the site, to make sure that drivers leaving the access have adequate visibility of vehicles already on the highway in the interests of road safety and effective traffic management.

12. No part of the development hereby permitted shall be occupied or brought into use until there has been submitted to the Authority a report providing verification that the development has been carried out and monitored fully in accordance with the Site Waste Management Plan approved under Condition 7 above. Where there has been any variation from the approved Site Waste Management Plan, the report shall highlight and detail the reasons for this.

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

13. There shall be no occupation of units 4, 5 and 6 until such a time that the solar panels have been installed in the positions shown on the approved drawings and have been made operational.

Reason - In the interests of sustainable development in accordance with Policy GP9.

14. None of the dwellings hereby approved shall be occupied until the garden sheds and bin stores have been installed in the positions shown on the block layout plan ref: 6389/A/1c.

Reason - To make sure the development takes the form hereby permitted and to ensure that cycle parking provision is provided for each dwelling.

15. No part of the development, hereby permitted, shall be occupied or used until details of an electric car charging point for each dwelling has been submitted to and agreed in writing by the Authority and has been installed and made operational in accordance with any approved details.

Reason - In the interests of sustainable development in accordance with Policy GP9.

16. No permission is hereby granted for the shed in the original position shown for unit 1 on drawing ref 6389/A/1c. This shall be repositioned to the east of unit one in the revised position as shown on drawing ref 6389/A/1/c.

Reason - In the interests of visual amenity.

INFORMATIVES

1. In relation to condition 4 of this permission any trees, plants or hedges proposed as part of the landscaping scheme shall be of a species native to Guernsey.

With regard to the provision of bird and bat boxes within the site it is recommended that you contact La Societe Guernesiaise for further advice on this to ensure that they are designed and positioned in such a way so as to be beneficial to the biodiversity of the site.

2. Your attention is drawn to the Animal Welfare (Guernsey) Ordinance, 2012 and 2020 Strategy for Nature, and the need to comply with their provisions. The site may be used by nesting birds or other wildlife. You are requested to undertake any site clearance outside of the main bird breeding season (March-July inclusive). Further, it is recommended that you contact La Societe Guernesiaise so that the site can be inspected prior to clearance to ensure that any protected species present, such as bats, are not impacted by the works. La Societe can be contacted by emailing info@societe.org.gg

3. With reference to condition 8 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 criteria (b) and (c) of that condition, however, this will all be confirmed in writing.

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 condition that the applicant has reference to Land Contamination risk management available at <https://www.gov.uk/guidance/land-contamination-risk-management>.

OFFICER'S REPORT

Site Description:

The application site comprises a detached property set on large grounds situated to the north of Les Mares Pellees. The property is set back from the road by circa 80m with a large front garden area separating the property from the road. Surrounding the site the area comprises residential properties to the north, south, southeast and east with an open field to the west.

Part of the site (the southern section of the front garden area) is situated within a Main Centre Outer Area with the remainder of the site (the property and remaining land) situated Outside of the Centres as designated in the Island Development Plan, there are no other policy designations.

Relevant History:

The application has been the subject of pre-application discussions.

Existing Use(s):

Residential – Use Class 1

Brief Description of Development:

Planning permission is sought to erect six dwellings with associated works, to alter the roadside wall to enable the vehicle access into the site to be widened.

During the course of consideration, the application was deferred to seek revised plans to address design issues, and to request that a vehicle turning point is provided within the site to enable commercial vehicles to access and leave the site forward facing (i.e. to meet Building Control requirements).

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

Island Development Plan

MC2 – Housing in Main Centres and Main Centre Outer Areas

GP1 – Landscape Character

GP8 – Design

GP9 – Sustainable Development

IP7 – Private and Communal Parking

IP9 – Highway Safety, Accessibility and Capacity

Representations:

In total two letters of representation were received on the application objecting to the scheme. The grounds for objection are summarised as follows:

Design;

- The proposal will destroy a further part of the historical built form of Mares Pellees by removing part of the wall and reducing the height of the most of the remainder of it;
- Walls have been removed in the area to facilitate developers yet a private home owner was refused permission to remove a short section of wall;

Landscape Character

- The application states that no trees will be removed however, 4 trees were removed in the week prior to submission of the application;
- The trees behind the wall onto La Prima have been a prominent feature of the road and surrounding environment for many years and the removal of half of these prior to the submission of the application is concerning;
- The remaining trees must be made into TPO's to preserve them for the future;
- The proposal will result in the loss of a wildlife habitat a recent antenna placed on La Prima has recorded an extraordinary level of activity for bats which will be impacted by the loss of trees;
- The area is the last remaining green space along Mares Pellees, allowing this area to be turned into housing with minimal green space removes the opportunity to connect the Island with nature and achieve the goals of the Strategy for Nature SPG;

Loss of amenity/privacy

- Three of the properties (and in particular unit 4) will directly look towards and overlook the garden area of Rigsby;
- The rear windows of unit 4 will directly face and look into our child's bedroom window;
- Unit 4 should be turned similar to unit 1 to prevent overlooking;
- The suggestion in the application that the neighbours will be screened by existing hedging and trees is risible given that La Prima has no bushes on that

boundary now that the trees and hedges have been removed and that the only trees that remain are dead or dying;

Traffic and Highways issues

- The triangular field not far from the site has already been built on and the volume of traffic has doubled in the area;
- Cars speeding in this area has made the area unsafe;
- The surrounding area has seen significant levels of infill developments and major developments and with those also proposed it is inconceivable that traffic along the road will continue to increase beyond capacity;
- If the development goes ahead it will increase the demand for parking on the road and in illegal places decreasing public safety;

Other issues

- The Vale and surrounding area appears to have 'picked on' when it comes to new developments and its time to put a stop to this;
- Our wildlife is suffering and less buzzards being spotted;
- The proposal will result in the loss of another greenspace;
- The application letter has inaccuracies regarding the approval of new openings in the wall for the Westwood Development there was no approval for the reduction in height of the wall;
- The proposal will not be connected to the main drain system and the use of soakaways and cesspits will require a far higher number of collections bringing increased commercial activity and vehicle traffic to this small road and adding noise and disturbance and odour pollution for neighbouring properties.

In addition to the comments received above La Societe Guernesiaise made the following comments on the application:

"In respect of this latest application, we would highlight that this site has supported semi-natural habitats for many years. As such it will host a range of wildlife.

If this application is considered further, we would strongly recommend that the site be subject to an independent ecological assessment prior to any clearance works, in order to assess its current biodiversity value. The findings of the survey would identify any important wildlife such as nesting birds, or features which could host bats. This information could then be used to draw up mitigation measures to reduce the ecological impacts associated with clearing and developing the site. This would also help towards a reduced environmental impact although we do not believe a net ecological balance would be achieved for the project – a priority under the Strategy for Nature (2020).

If the application is subsequently approved, we would request that any site clearance be undertaken outside of the main bird breeding season (March-July inclusive) and that any trees proposed for felling are inspected for use by bats. This would reduce

the risk of disturbing or destroying animals which are protected under the Animal Welfare Ordinance 2012.

At that point, we would request that an informative note be added to the Information Sheet as follows -

'Your attention is drawn to the Animal Welfare (Guernsey) Ordinance, 2012 and 2020 Strategy for Nature, and the need to comply with their provisions. The site may be used by nesting birds or other wildlife. You are requested to undertake any site clearance outside of the main bird breeding season (March-July inclusive). Further, it is recommended that you contact La Societe Guernesiaise so that the site can be inspected prior to clearance to ensure that any protected species present, such as bats, are not impacted by the works. La Societe can be contacted by emailing info@societe.org.gg

We would further ask that applicant be required to consider the following recommendations -

- 1. As much of the existing natural habitat as possible be retained and enhanced*
- 2. The new development scheme incorporate ample green space*
- 3. The landscaping scheme be dominated by suitable native species*
- 4. Appropriate bird and bat boxes be incorporated into the design (including the buildings themselves)."*

Consultations:

The Office of Environmental Health and Pollution Regulation (17/04/2024) – Informal discussions confirm that considering the apparent historic use as a vinery site it is likely that a phased contaminated land condition would be recommended.

Summary of Issues:

- The principle of development;
- Design and impact of the development on the appearance and character of the area;
- The impact of the development on the amenity of people living in the area;
- Whether the development would result in a satisfactory living environment for the occupiers of the new dwellings; and
- Highway safety and parking

Assessment against:

1 - Purposes of the law.

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.

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 in section 2 of this report in assessing the key issues.

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

The principle of development

As set out in Policy MC2, the majority of the Island's housing supply is to be provided within and around the Main Centres. The area of the site to be developed is located in a Main Centre Outer Area and despite comments received from the representors, does not form Important Open as designated in the Island Development Plan. The part of the site to be developed is within Policy MC2 supports the development of the site for housing where it accords with all other relevant policies of the Island Development Plan and where able to the site provides an appropriate mix and type of dwellings.

Current evidence regarding private market housing suggests a need for homes of 1-3 bedrooms, with an emphasis on 2 bedroom properties. The proposal proposes 4 x 2 bedroom units and 2 x 3 bedroom units and therefore broadly reflects current housing need, and is considered to be appropriate in this case, taking into account the nature of the development and the character of the surrounding area.

Considering the above the principle of the development is considered to be acceptable.

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

Although the site currently forms the garden area for the residential property to which it relates, and is currently open and undeveloped, it is surrounded in all directions by residential development. As such, the site does not form part of a wider area of open land or make a significant contribution to the landscape character of the surrounding area and the development of the site for housing would not conflict with Policy GP1.

Existing properties in the area consist of a mix of one and a half and two storey dwellings with a terrace of three storey dwellings situated to the west of the site further along Les Mares Pellees. Architectural styles of the properties in the surrounding area therefore vary and there is no uniform building design.

All of the proposed dwellings are multi-storey, which is encouraged by Policies GP8 as a means of making a more efficient use of land. The proposed dwellings are also of traditional scale and proportions and of a scale and form that would not be out of

character with, or overly dominate existing properties in the surrounding area. The overall design, layout, scale and form of the development broadly reflects the settlement pattern within the surrounding area, particularly when considering the infill development that has been constructed immediately to the east of the site. Furthermore, unit 1 (which is the closest property to Les Mares Pellees) has been oriented to face towards the road, to provide an active frontage and to avoid a blank gable being within close proximity of the roadside.

The properties will use the existing vehicle access point into the site albeit this will be increased in width by a further 1.5m and bell mouth radii provided. Alterations are also proposed to the roadside boundary wall to provide the required visibility splays from the vehicle access point to the east and west. To the east of the access, a scalloped feature will be introduced lowering the height of a circa 7m section of wall to 900mm, returning to its original height thereafter. To the west, the roadside wall will be lowered to 900mm in height from ground level. The comments from the representors relating to this and the associated impacts on the surrounding area are noted, however, the site is not located in a Conservation Area and the boundary wall is not of such historical importance to warrant individual protected status, and in such instances the IDP affords flexibility in design terms for less sensitive areas. The boundary walls are not being removed or replaced in their entirety only reduced in height and retained in granite construction. The reduction in height will also be comparable with those already present within the street scene on the opposite side of the road. The boundary walls will continue to provide a physical break and a distinctive traditional boundary feature between the site and the roadside, which will be in-keeping with the character of the surrounding area. This aspect of the scheme complies with Policy GP1 and any resulting visual impact would not be so substantial to warrant the refusal of planning permission.

The comments from representors regarding the felling of trees prior to submission of the application and the impact on the landscape character of the area have been noted. Following a visit to the site it was evident that some trees along the property boundary had been felled. Whilst the loss of those trees is regrettable, the scheme has been designed to ensure that many of the trees along the south and west boundaries of the site will remain, with additional planting in the form of hedging along these boundaries and along the property boundaries for each of the proposed dwellings within the site. To further enhance the development, to help it to assimilate into its surroundings and given the comments from La Societe Guernesiaise, it is recommended that if permission is granted a condition is included for full details of a comprehensive landscaping scheme to be submitted to show all existing trees and hedges to be retained together with details of additional native planting proposed. The landscaping scheme should also include positions for the installation of bird and bat boxes with an informative included to seek the advice from La Societe Guernesiaise regarding appropriate positions. Such a landscaping scheme would have the potential to further enhance the character of both the locality and the wider area and would offer as far as is practicable a level of biodiversity which may to some degree offset any loss of habitat and biodiversity.

Considering the above in summary, and subject to the recommended planning conditions, the proposal would not harm the landscape character of the surrounding area in accordance with Policy GP1, and provides for a satisfactory standard of design, in accordance with Policy GP8.

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

Representations were made regarding the loss of privacy/overlooking of neighbouring properties with particular regard to the property to the west (Rigsby) and that views from windows in the rear elevation of unit 4 will face into a bedroom window in the side facing gable and that units 5 and 6 will overlook the garden area of the property.

A separation distance of circa 16m between the first floor window in the rear elevation of unit 4 and the east facing elevation of the neighbouring Rigsby will remain and at this distance any loss of privacy resulting from views into or towards this window would not be so significant to cause undue harm or to warrant refusal of planning permission. With regards to overlooking of the garden area from the first floor windows, unit 6 would be the closest at circa 9.2m separation distance. However at this point views would be towards the end of the garden area (circa 27m from the main dwelling) where a shed is currently located. Furthermore, the existing boundary screening and the additional planting secured by the landscaping condition (referred to above) would also help to screen any views and further enhance the boundary screening. In assessing this application, it is considered that any harm resulting from the proposal would not be so substantial to warrant the refusal of planning permission.

With regards to units 1, 2 and 3 to the east, unit 1 has no side facing windows present in the east facing elevation. The first-floor windows proposed in units 2 and 3 would face towards the blank gable of the neighbouring property to the east. Although it appears on the application site layout drawing that unit 3 would overlook a section of garden area immediately to the rear of the neighbouring property, the property has recently been extended with no windows in the east facing elevation present. As a result, a distance of circa 11m will remain between the first floor window in unit 3 and the rear garden area of the neighbouring property in this direction and views would also be at an oblique angle.

By virtue of the separation distances and relative orientation between the proposed dwellings and neighbouring properties, and the scale and height of the proposed dwellings, the proposal would result in no significant loss of light or overbearing impact on neighbouring residents.

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

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

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

The proposed dwellings all exceed the Guernsey Technical Standards minimum internal space standards and they all exceed the best practice minimum internal space standards which are published on the Authority's website. All of the dwellings are dual aspect, and would have adequate daylight and sunlight entering principal rooms.

With regard to privacy for those units within the site (impact on neighbours has been considered above), the rear elevation of unit 1 (which contains windows to habitable rooms) would be situated circa 8m distance from and face towards the southern elevation of unit 2. This elevation of unit 2 does not contain any windows and the parking area and oblique angles involved would prevent views extending into the rear and private garden for that unit. All other units have been positioned to provide a good level of privacy and interrelationship between each unit. Each unit has access to a private garden with an amount of useable space which is proportionate to the type and nature of dwellings that they would serve.

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

Highway safety and parking

The relevant SPG makes clear that Traffic Impact Assessments (TIA) are not required for every development, with an indicative threshold given for residential development of 25 or more dwellings. The provision of 6 new units of residential accommodation from this site is not considered to be likely to result in so substantial an increase in vehicle movements that a TIA is required in this instance.

The current application will utilise an existing vehicle entrance point into the site, albeit this will be made slightly wider (an increase of 1.5m), with bellmouth radii introduced. The alterations proposed to the roadside boundary wall to the east and west, will ensure that sufficient visibility splays are provided for in both directions.

Following deferral of the application the agent has provided drawings which provide a turning point within the site to enable large commercial vehicles to access the site, turn within, and leave forward facing. The arrangements would satisfy Building Control provisions and provide for a safe access arrangement for larger commercial vehicles.

Any adverse harm resulting from the development on either traffic management or road safety grounds would therefore not be so significant to warrant refusal of planning permission. As a result, it is concluded that the proposal accords with Policy IP9.

Two on-site parking spaces are provided for each dwelling and all dwellings include a small shed within the rear garden which could be used to store bicycles. Although it might be preferable for cycle storage to be located at the front of each unit where it is more readily accessible, and therefore more likely to be used on a regular basis, secure storage within a small garden shed to the rear of premises is a common arrangement on residential sites. As a result, the car and bicycle parking provision is adequate and accords with Policy IP7 and the Parking Standards and Traffic Impact Assessment Supplementary Planning Guidance.

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 supporting letter for the application sets out how the development has been designed to take into account sustainable design principles. In particular all of the dwellings will be energy efficient through construction techniques, materials to be used and through passive means. Solar panels have been included where feasible (units 4, 5 and 6) to enable renewable energy generation in the future. It is agreed that given the position of units 2 and 3 and the limited space available on the south facing roof of unit 1, that solar panels on these units would not provide sufficient pay back.

The covering letter confirms that electric vehicle parking points may be provided although no provision is shown on the drawings. Given that each property has space for such infrastructure, in the event that permission is granted it is recommended that a condition is included for such provision with details and positions for each dwelling provided.

Permeable brick paving will be used for the driveways and parking areas to allow surface water to discharge naturally and to assist with water management on the site. However, it is recommended that a condition is included for further details to be provided of exactly how all the surface water drainage and foul water drainage will be properly managed on site to prevent harm or surface water discharge to the surrounding area and neighbouring properties,

A Site Waste Management Plan has been submitted with a detailed account of how waste associated with the development will be disposed of. Based on the contents of the Site Waste Management Plan it is considered that the waste at this site will be appropriately controlled and provided that the waste is disposed of in accordance with the Waste Management Plan (which can be controlled by condition) the proposal satisfies the provisions of Policy GP9 & GP13 in this respect.

Overall the layout and form of the development and the information submitted is sufficient to demonstrate that the development has been designed to take into account the use of energy and resources, in accordance with Policy GP9.

The agent advises that the dwellings have been designed in accordance with the principles set out in the Lifetime Home Design Guide, with specific measures identified on the plans such as the use of level thresholds. The information submitted is sufficient to demonstrate that the development provides adequate accessibility and offers flexible and adaptable accommodation, in accordance with Policy GP8.

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; the likely effect on roads and other infrastructure, traffic and essential services; any possible fall-back position by way of extant planning permissions or exempt development; and 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 proposal would have no impact on any protected buildings, protected trees or protected monuments.

The application accords with Policy MC2, other relevant policies of the Island Development Plan and it is recommended that the application is approved subject to conditions.

Date: 17/04/2024

