

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: Variations to previously approved plans for residential development comprising erection of 30 dwellings, 10 flats, 12 maisonettes and 16 affordable houses with associated vehicular access, car parking and landscaping (Revised Scheme) - Change 16 previously approved affordable houses to private market dwellings, alter boundary and parking to south boundary.

LOCATION: Pointues Rocques Housing Allocation site, Rue Des Pointues Rocques, St. Sampson.

APPLICANT: Mr R Plumley, Messrs. Gabriels & Asparagus Tips Too

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: **22/05/2025**

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 14/03/2025 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: PF+A Ltd: 6274-01 B1G, B2F, B3F, B5G, B6G, B7E, B8E, B9E, B10E, B11E, B12E, B13E, B14E, B15E, B16E, B17E, B18E, B20E, B21E, B22E, B23E, B24E, B25G, B26F, B27F, B28G, B29G, B30G, B31F, B36A, B37A, B38B, B39B, B40C, B41C, B42C, B43B, B44B, B45B Guernsey Gardens: 017-2021-001A & 002C

Application Ref: FULL/2025/0431

Property Ref: B007500000+B00750A000+B00750C000

Conditions and reasons:-

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

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

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

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

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

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

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

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

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

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

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

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

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

7. Unless the Authority has confirmed in writing that verification is unnecessary, no part of the development shall be occupied until there has been submitted to and agreed in writing by the Authority a report providing verification that the remediation scheme agreed under Condition 6 above has been implemented fully in accordance with the agreed details. Unless otherwise agreed in writing by the Authority such verification shall comprise:

- i) as built drawings of the implemented scheme;
- ii) photographs of the remediation works in progress;
- iii) 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 6.

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

8. Before the commencement of any works in connection with the development hereby permitted, and notwithstanding the submitted details, the applicant shall submit to and have agreed in writing by the Authority a revised Construction Environmental Management Plan (CEMP) to also include the following:

- i) An explanation for any deviation from the requirements of BS 5228 parts 1 & 2;
- ii) Details of any piling works and specific measures that will be implemented whilst those works are taking place;
- iii) Hours of noisy works to be included in the letter drop to residents;
- v) The letter drop area to be increased to include properties on Rue Des Monts, Close Des Jardiniers, Waters Rocque, Ruelle St Clair and further properties on Robergerie; and
- vi) No construction traffic is permitted to access or egress the site between 08:00 and 09:00 and between 15:00 and 16:00 on weekdays except during school holidays.

The development shall be carried out strictly in accordance with the agreed CEMP, which shall be made available to any interested party on request.

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.

9. 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.

10. 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 9 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.

11. No development, including demolition and site works, shall begin until bat roost, nesting bird and Guernsey Vole and Slow Worm surveys have been carried out, and a plan setting out any consequent changes to the construction and landscaping programmes, has been submitted to and agreed in writing by the Authority.

Reason - To ensure that any ecological impacts are minimised during the construction phase.

12. No development, excluding demolition and site clearance works, shall take place until a construction specification for the swales within the site has been submitted to and agreed in writing by the Authority. The development shall thereafter be completed in accordance with the details so agreed.

Reason - To ensure that the swales function as intended as part of the SUDs strategy for the site as a whole, in the interests of sustainable development.

13. Notwithstanding the submitted details, no development, excluding demolition and site clearance works, shall take place until a construction specification for and plan showing the extent of all areas of permeable hard surfacing within the site has been submitted to and agreed in writing by the Authority. The development shall thereafter be completed in accordance with the details so agreed.

Reason - To ensure that the proposed SUDs approach functions as intended, in the interests of sustainable development.

14. No development, excluding demolition, clearance and site works shall take place until a detailed scheme of lighting for all roads, footpaths and parking areas, which shall be designed to minimise light pollution, has been submitted to and agreed in writing by the Authority. The development shall thereafter be completed in accordance with the agreed details, and the agreed lighting shall be made operational before the first occupation of any dwelling on the site.

Reason - In the interests of the natural environment and the amenity of future residents and neighbouring properties.

15. The landscaping scheme shall be fully completed, in accordance with the details submitted as part of this application and hereby approved, 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.

16. Notwithstanding the submitted details, and having regard to Condition 15 above, no dwelling shall be occupied until a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all hard and soft landscape areas (including lighting), other than domestic gardens, and which shall include measures to ensure that areas of permeable hard surfacing continue to function as intended, has been submitted to and agreed in writing by the Authority. The agreed landscape management plan shall thereafter be fully implemented.

Reason - To ensure that communal hard and soft landscaped areas are properly maintained in the interests of the character and appearance of the development, the amenity of future occupants, and sustainable development.

17. No materials to be used on the exterior of the buildings shall be placed on the site until such time as a written specification and 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.

18. Details of bat and bird boxes to be installed as part of the development hereby permitted shall be submitted to and agreed in writing by the Authority, and shall

thereafter be installed before the first occupation of any dwelling on the site.

Reason - In the interests of biodiversity within the site and surrounding area.

19. Solar panels, electric bicycle charging points, and ducting for electric vehicle charging point cabling proposed as part of the application hereby approved shall be installed and made operational before the first occupation of any dwelling on the site.

Reason - In the interests of sustainable development.

20. There shall be no occupation of any dwelling on the site until the vehicular accesses onto both Pointues Rocques and Robergerie and the 7no. on-street public parking spaces on Pointues Rocques have been completed in accordance with the approved plans.

Reason - In the interests of highway safety and traffic management.

21. No unit of residential accommodation hereby approved shall be first occupied until and unless the proposed car sharing scheme, however named, has been brought into operation at the site in accordance with precise details of such operation as shall be submitted to and agreed in writing by the Authority beforehand, and the car sharing scheme shall thereafter be maintained in operation in accordance with those approved details for as long as any part of the development is occupied unless the Authority gives its written permission for any variation.

Reason - In order to reduce or mitigate the impacts of the development upon the highway network by reducing reliance on the private car for journeys to and from the site.

22. Details of the proposed use and hard or soft landscaping treatment of that part of the application site immediately to the rear of the St Clair Flats parking area, which shall include details of the design of the adjacent electricity substation, shall be submitted to and agreed in writing by the Authority, and shall thereafter be completed before the first occupation of any dwelling on the site.

Reason - To ensure that the appearance of the completed development is satisfactory, in the interests of future occupants and neighbouring residential amenity.

23. Notwithstanding the submitted details, precise details of the design, materials of construction and finish of the decorative gates to be installed to Courts A and B shall be submitted to and agreed in writing by the Authority, and those gates shall be installed before the first occupation of any part of the development hereby permitted.

Reason - Precise details of this aspect of the development have not been provided, and this information is required to ensure that the gates are of an appropriately high quality to meet the requirement for public art incorporated as an integral part of the development.

24. 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.

Reason - A limit on noise is needed to prevent a nuisance or annoyance to future occupants or nearby residents.

25. The existing trees situated on adjoining properties located to the south of The Swallows and elsewhere to the west of the site shall for the avoidance of doubt be retained and shall be protected from damage including to their root systems throughout the duration of construction works on the site. A method statement detailing suitable protection measures to prevent damage to these trees shall be submitted to and approved by the Authority prior to the commencement of work on site and work shall not take place other than in accordance with the approved method statement.

Reason - This condition is imposed to make sure that trees adjoining the site are properly protected while building works take place on the site.

26. No development shall begin on site until details of the provision of play area/s for younger children within the site have been submitted to and agreed in writing by the Authority. The development shall be carried out only in accordance with the agreed details and the play area/s which can be safely and conveniently accessed by all residents of the development shall be provided and made available for use prior to occupation of any dwelling within the development.

Reason - This condition is imposed to make sure that the development includes suitable provision for children to play.

27. Prior to the occupation of any dwelling within the approved development, permanent road traffic signage, the precise details of which shall be submitted to and agreed in writing by the Authority beforehand, shall be installed in suitable positions adjacent to both the Rue des Pointues Rocques and Robergerie Road access points to prohibit vehicles egressing the site from turning left up Rue des Pointues Rocques or right into Robergerie Road.

Reason - This condition is imposed to ensure that traffic from the development when exiting the site is required to head in a westerly direction (towards major roads), in the interests of highway safety and traffic management.

Expiry Date: This permission will cease to have effect on 21/05/2028 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

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 CLR 11, Model Procedures for the management of land contamination. This is available online as a pdf document from http://www.claire.co.uk/index.php?option=com_content&view=article&id=187&catid=45&Itemid=256 with further information available at <https://www.gov.uk/guidance/land-contamination-risk-management>.

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 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 Société can be contacted on 07781 166924 or email societe@cwgsy.net.

With reference to Conditions 9 and 10, the way in which waste is dealt with on the site (reused, recycled or disposed of) should be recorded during the clearing of the site and the construction process. This information will be required in order to inform the final Site Waste Management Plan document that is required by Condition 10 to be submitted to the Authority upon completion of the development. For further information on the Site Waste Management Process please refer to Advice Note for Site Waste Management Plans found under the Site Waste Management Plan link at https://gov.gg/planning_building_permissions.

Regarding Condition 11, please note that translocation of Guernsey Voles and Slow Worms, if found, may be required to avoid breach of the Animal Welfare legislation. Bat surveys must follow Bat Conservation Trust (2015) Bats and Buildings; available online at www.bats.org.uk. These guidelines are an industry standard for bat surveys and should be followed to avoid possible breach of the Animal Welfare legislation.

For the purposes of Condition 14, any lighting scheme should include:

1. an indication of the proposed frequency of use of the lights and the hours of illumination;
2. two copies of an accurate plan showing the areas to be lit;
3. details of the number, location, height and design of any lighting columns or other fixtures;

4. the type, number, mounting height and alignment of the luminaires and the beam angles and upward waste light ratio for each;
5. a diagram showing the predicted levels of illumination at the site boundaries; and
6. a diagram showing the predicted vertical illumination affecting any adjacent dwellings.

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/2025/0431
Property Ref: B007500000+B00750A000+B00750C000
Valid date: 14/03/2025
Location: Pointues Rocques Housing Allocation site Rue Des Pointues Rocques St. Sampson Guernsey GY2 2HW
Proposal: Variations to previously approved plans for residential development comprising erection of 30 dwellings, 10 flats, 12 maisonettes and 16 affordable houses with associated vehicular access, car parking and landscaping (Revised Scheme) - Change 16 previously approved affordable houses to private market dwellings, alter boundary and parking to south boundary.
Applicant: Mr R Plumley, Messrs. Gabriels & Asparagus Tips Too

RECOMMENDATION - Grant: Planning Permission with Conditions:

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

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

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

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

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

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

2005.

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

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

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

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

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

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

7. Unless the Authority has confirmed in writing that verification is unnecessary, no part of the development shall be occupied until there has been submitted to and agreed in writing by the Authority a report providing verification that the remediation scheme agreed under Condition 6 above has been implemented fully in accordance with the agreed details. Unless otherwise agreed in writing by the Authority such verification shall comprise:

- i) as built drawings of the implemented scheme;
- ii) photographs of the remediation works in progress;
- iii) 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 6.

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

8. Before the commencement of any works in connection with the development hereby permitted, and notwithstanding the submitted details, the applicant shall submit to and have agreed in writing by the Authority a revised Construction Environmental Management Plan (CEMP) to also include the following:

- i) An explanation for any deviation from the requirements of BS 5228 parts 1 & 2;
 - ii) Details of any piling works and specific measures that will be implemented whilst those works are taking place;
 - iii) Hours of noisy works to be included in the letter drop to residents;
 - v) The letter drop area to be increased to include properties on Rue Des Monts, Close Des Jardiniers, Waters Rocque, Ruelle St Clair and further properties on Robergerie; and
 - vi) No construction traffic is permitted to access or egress the site between 08:00 and 09:00 and between 15:00 and 16:00 on weekdays except during school holidays.
- The development shall be carried out strictly in accordance with the agreed CEMP, which shall be made available to any interested party on request.

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.

9. 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.

10. 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 9 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.

11. No development, including demolition and site works, shall begin until bat roost, nesting bird and Guernsey Vole and Slow Worm surveys have been carried out, and a plan setting out any consequent changes to the construction and landscaping programmes, has been submitted to and agreed in writing by the Authority.

Reason - To ensure that any ecological impacts are minimised during the construction phase.

12. No development, excluding demolition and site clearance works, shall take place until a construction specification for the swales within the site has been submitted to and agreed in writing by the Authority. The development shall thereafter be completed in accordance with the details so agreed.

Reason - To ensure that the swales function as intended as part of the SUDs strategy for the site as a whole, in the interests of sustainable development.

13. Notwithstanding the submitted details, no development, excluding demolition and site clearance works, shall take place until a construction specification for and plan showing the extent of all areas of permeable hard surfacing within the site has been submitted to and agreed in writing by the Authority. The development shall thereafter be completed in accordance with the details so agreed.

Reason - To ensure that the proposed SUDs approach functions as intended, in the interests of sustainable development.

14. No development, excluding demolition, clearance and site works shall take place until a detailed scheme of lighting for all roads, footpaths and parking areas, which shall be designed to minimise light pollution, has been submitted to and agreed in writing by the Authority. The development shall thereafter be completed in accordance with the agreed details, and the agreed lighting shall be made operational before the first occupation of any dwelling on the site.

Reason - In the interests of the natural environment and the amenity of future residents and neighbouring properties.

15. The landscaping scheme shall be fully completed, in accordance with the details submitted as part of this application and hereby approved, 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.

16. Notwithstanding the submitted details, and having regard to Condition 15 above, no dwelling shall be occupied until a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all hard and soft landscape areas (including lighting), other than domestic gardens, and which shall include measures to ensure that areas of permeable hard surfacing continue to function as intended, has been submitted to and agreed in writing by the Authority. The agreed landscape management plan shall thereafter be fully implemented.

Reason - To ensure that communal hard and soft landscaped areas are properly maintained in the interests of the character and appearance of the development, the amenity of future occupants, and sustainable development.

17. No materials to be used on the exterior of the buildings shall be placed on the site until such time as a written specification and 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.

18. Details of bat and bird boxes to be installed as part of the development hereby permitted shall be submitted to and agreed in writing by the Authority, and shall thereafter be installed before the first occupation of any dwelling on the site.

Reason - In the interests of biodiversity within the site and surrounding area.

19. Solar panels, electric bicycle charging points, and ducting for electric vehicle charging point cabling proposed as part of the application hereby approved shall be installed and made operational before the first occupation of any dwelling on the site.

Reason - In the interests of sustainable development.

20. There shall be no occupation of any dwelling on the site until the vehicular accesses onto both Pointues Rocques and Robergerie and the 7no. on-street public parking spaces on Pointues Rocques have been completed in accordance with the approved plans.

Reason - In the interests of highway safety and traffic management.

21. No unit of residential accommodation hereby approved shall be first occupied until and unless the proposed car sharing scheme, however named, has been brought into operation at the site in accordance with precise details of such operation as shall be submitted to and agreed in writing by the Authority beforehand, and the car sharing scheme shall thereafter be maintained in operation in accordance with those approved details for as long as any part of the development is occupied unless the Authority gives its written permission for any variation.

Reason - In order to reduce or mitigate the impacts of the development upon the highway network by reducing reliance on the private car for journeys to and from the site.

22. Details of the proposed use and hard or soft landscaping treatment of that part of the application site immediately to the rear of the St Clair Flats parking area, which shall include details of the design of the adjacent electricity substation, shall be submitted to and agreed in writing by the Authority, and shall thereafter be completed before the first occupation of any dwelling on the site.

Reason - To ensure that the appearance of the completed development is satisfactory, in the interests of future occupants and neighbouring residential amenity.

23. Notwithstanding the submitted details, precise details of the design, materials of construction and finish of the decorative gates to be installed to Courts A and B shall be submitted to and agreed in writing by the Authority, and those gates shall be installed before the first occupation of any part of the development hereby permitted.

Reason - Precise details of this aspect of the development have not been provided, and this information is required to ensure that the gates are of an appropriately high quality to meet the requirement for public art incorporated as an integral part of the development.

24. 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.

Reason - A limit on noise is needed to prevent a nuisance or annoyance to future occupants or nearby residents.

25. The existing trees situated on adjoining properties located to the south of The Swallows and elsewhere to the west of the site shall for the avoidance of doubt be retained and shall be protected from damage including to their root systems throughout the duration of construction works on the site. A method statement detailing suitable protection measures to prevent damage to these trees shall be submitted to and approved by the Authority prior to the commencement of work on site and work shall not take place other than in accordance with the approved method statement.

Reason - This condition is imposed to make sure that trees adjoining the site are properly protected while building works take place on the site.

26. No development shall begin on site until details of the provision of play area/s for younger children within the site have been submitted to and agreed in writing by the Authority. The development shall be carried out only in accordance with the agreed details and the play area/s which can be safely and conveniently accessed by all residents of the development shall be provided and made available for use prior to occupation of any dwelling within the development.

Reason - This condition is imposed to make sure that the development includes suitable provision for children to play.

27. Prior to the occupation of any dwelling within the approved development, permanent road traffic signage, the precise details of which shall be submitted to and agreed in writing by the Authority beforehand, shall be installed in suitable positions adjacent to both the Rue des Pointues Rocques and Robergerie Road access points to prohibit vehicles egressing the site from turning left up Rue des Pointues Rocques or right into Robergerie Road.

Reason - This condition is imposed to ensure that traffic from the development when exiting the site is required to head in a westerly direction (towards major roads), in the interests of highway safety and traffic management.

INFORMATIVES

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 CLR 11, Model Procedures for the management of land contamination. This is available online as a pdf document from http://www.claire.co.uk/index.php?option=com_content&view=article&id=187&catid=45&Itemid=256 with further information available at <https://www.gov.uk/guidance/land-contamination-risk-management>.

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 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 Société can be contacted on 07781 166924 or email societe@cwgsy.net.

With reference to Conditions 9 and 10, the way in which waste is dealt with on the

site (reused, recycled or disposed of) should be recorded during the clearing of the site and the construction process. This information will be required in order to inform the final Site Waste Management Plan document that is required by Condition 10 to be submitted to the Authority upon completion of the development. For further information on the Site Waste Management Process please refer to Advice Note for Site Waste Management Plans found under the Site Waste Management Plan link at https://gov.gg/planning_building_permissions.

Regarding Condition 11, please note that translocation of Guernsey Voles and Slow Worms, if found, may be required to avoid breach of the Animal Welfare legislation. Bat surveys must follow Bat Conservation Trust (2015) Bats and Buildings; available online at www.bats.org.uk. These guidelines are an industry standard for bat surveys and should be followed to avoid possible breach of the Animal Welfare legislation.

For the purposes of Condition 14, any lighting scheme should include:

1. an indication of the proposed frequency of use of the lights and the hours of illumination;
2. two copies of an accurate plan showing the areas to be lit;
3. details of the number, location, height and design of any lighting columns or other fixtures;
4. the type, number, mounting height and alignment of the luminaires and the beam angles and upward waste light ratio for each;
5. a diagram showing the predicted levels of illumination at the site boundaries; and
6. a diagram showing the predicted vertical illumination affecting any adjacent dwellings.

OFFICER'S REPORT

Site Description:

This application relates to Phase 1 of residential development of the Pointues Rocques Housing Allocation site, which in total extends to approximately 2.5 hectares, or 15 vergées.

The site currently houses the St Clair Nursery (accessed off Rue des Pointues Rocques) and a dwelling called The Swallows (on Robergerie Road). Glasshouses on St Clair Nursery have recently been removed. Immediately adjoining the Phase 1 site and accessed from Rue des Pointues Rocques is St Clair House, which contains 6 no. flats, and associated parking area.

The site is within a generally low-lying area of the Island defined by hougues, or small rocky hills. The site itself is on the western side of one of these hills, with views over the north of the Island. It is within an area of built-up character which adjoins the denser urban area of The Bridge. There are fields and trees to the north and east with more rural areas to the west and south-west. The site itself can be viewed at a distance from several vantage points, including from Vale Castle, Beau Sejour and L'Ancrese Common.

The site is located within the Bridge Main Centre Outer Area and almost entirely within the Delancey Conservation Area. There are a small number of Protected Buildings to the north-west and east of the site.

Relevant History:

Application reference FULL/2022/0692, for proposed residential development for the erection of 30 dwellings, 10 flats, 12 maisonettes and 16 affordable houses with associated vehicular accesses, car parking and landscaping (Revised Scheme), was approved by the DPA at an Open Planning Meeting held on 27th July 2022 subject to conditions and a Planning Covenant relating principally to the provision of the proposed 16 Affordable Housing units. The Planning Covenant has not been finalised and if not implemented the permission will expire on 27th July 2025.

Application reference FULL/2019/1645 for proposed residential development for the erection of 32 dwellings, 10 flats, 10 maisonettes and 16 affordable houses, with associated vehicular accesses, car parking and landscaping, was refused at an Open Planning Meeting held on 06/10/2021, for the following reasons:-

1. The proposed development would, by virtue of the additional vehicle movements that would be generated, the physical characteristics and sub-standard sightline of the Rue Des Pointues Rocques – St Clair Hill junction, the narrow width of neighbourhood roads leading to the north and east of the application site, and the limited mitigation/highway improvement measures that have been proposed, have an unacceptably harmful impact on highway safety, in terms of both potential collisions between vehicles as well as increased risks to other vulnerable road users such as pedestrians and cyclists, and on traffic management on the wider highway network and as such is contrary to the clear aims and objectives of Island Development Plan Policy IP9 and the requirements of the approved Development Framework for this site.
2. The proposed development would, by virtue of the scale and proximity of Court B to the St Clair House flats and the change in levels along and proximity of Units 15 – 30 to the west site boundary, result in unacceptable overbearing and overlooking impacts on neighbouring residential properties, contrary to the clear aims and objectives of Island Development Plan Policy GP8 and the requirements of the approved Development Framework for this site as they relate to residential amenity.

Application reference FULL/2017/1956 for proposed residential development for the erection of 50 flats, 20 new dwellings and 13 affordable houses, with associated car parking and landscaping and junction alterations on St Clair Hill/Robergerie Road (Phase 1), was superseded following submission of a revised scheme under application FULL/2019/1645 on 01/08/2019.

Existing Use(s):

Residential Use Class 1
Residential Use Class 2
Agricultural Use Class 28

Brief Description of Development:

This application is for variations to the previously approved plans under application FULL/2022/0692 for residential development comprising erection of 30 dwellings, 10 flats, 12 maisonettes and 16 affordable houses with associated vehicular access, car parking and landscaping (Revised Scheme), in order to change the 16 previously approved affordable houses to private market dwellings, and to alter the boundary and parking to the south boundary, on Rue Des Pointues Rocques.

The change of the 16 previously approved affordable houses to private market dwellings is proposed due to the decision of the States of Guernsey to zero-rate IDP Policy GP11 meaning that there is now no requirement to provide Affordable Housing as part of the proposed residential development of the site.

The proposal to alter the boundary and parking to the south boundary, on Rue des Pointues Rocques follows a suggestion made by the DPA when considering previous application FULL/2022/0692 at an Open Planning Meeting on 27th July 2022, that the ends of the proposed lay-by parking area on Rue des Pointues Rocques be squared-off rather than angled, to enable one additional parking space to be provided.

In addition to these changes to the previously approved plans, the current submission indicated that no changes had been made to the previous scheme to address the relationship of the development with St Clair House, including details of the boundary treatment in this area, or the provision of a children's playground at the site which was also a matter suggested by the DPA at the Open Planning Meeting on 27th July 2022. However, after the receipt of the current application, an assurance has been received from the applicant that childrens' play area/s will be incorporated within the scheme and that a condition would be accepted to this effect on any permission granted.

Following representations received, confirmation has been received from the applicant that an existing tree located within the front garden of an adjoining property known as Woodlands is outside the application site and that the roots of this and of another tree (T18) located outside the application site to the rear of Woodlands will be protected from damage during development. The protection from damage of these and other trees at Woodlands which were identified in subsequent representations can be ensured by planning condition.

In all other respects, the submitted scheme remains identical to that previously approved by the DPA at the Open Planning Meeting on 27th July 2022 under application FULL/2022/0692.

As previously, therefore, the scale of the proposed buildings within the site varies between 1 ½, 2 and 2 ½ storeys, all of pitched roof design with both traditional and more contemporary elevational treatments. Vehicular access is to be provided from both Pointues Rocques and Robergerie, which will involve the demolition of the majority of a c.80m long roadside granite wall adjoining Pointues Rocques as well as the demolition of a 4-bedroom dwelling ('The Swallows') on Robergerie.

In response to representations previously received on application FULL/2022/0692, the following revisions were made by the applicant to that previous application during consideration of that application, and, for the avoidance of doubt, these all remain included within the current application.

- Retention of existing planting and provision of additional planting on the west boundary of the site with proposed use of a steel pile and sleeper solution for the retaining wall in this location (rather than a block wall with conventional strip foundations) to enable existing boundary planting to be retained
- Identification of trees on neighbouring properties adjoining the boundary and confirmation that none would be affected by the development
- Removal of Laurel (*Laurus Noblis*) from the landscaping scheme as recommended by La Societe Guernesiaise and substitution of additional native species
- Retention of oak tree T29, which was previously proposed to be removed, with the parking arrangement south of Court B revised to suit.

Environmental Impact Assessment

The site exceeds 1 Ha in area and thus falls under Schedule 2 of the Land Planning and Development (Environmental Impact Assessment) Ordinance, 2007. A Screening Opinion was prepared in April 2019, and it was concluded that EIA was not required. There has been no material change in circumstances since that time which would alter that Opinion.

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 and Open Land

GP4 – Conservation Areas

GP5 – Protected Buildings

GP8 – Design

GP9 – Sustainable Development

GP10 – Comprehensive 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

Supplementary Planning Guidance

Strategy for Nature, 2020

Pointues Rocques Development Framework, March 2019

Parking Standards and Traffic Impact Assessment, 2016

Representations:

18 letters and emails of representation have been received during the public consultation period in respect of the current application, raising the following principal issues of concern: -

- Removal of previously required Affordable Housing provision under Policy GP11
- Omission of previously required playground space/equipment
- Effect on existing trees, depiction of trees in landscaping proposals, adequacy of space provided for landscaping to boundary
- Overlooking of properties to the west of the site, development too close to west boundary and should be pushed back, noise and privacy impacts
- Boundary treatment to west boundary inadequate to protect neighbour amenity
- West boundary buffer zone should be increased
- Site boundary incorrect/owner's consent required,
- Ownership of a tree and effect of its retention on visibility splay
- Height and form of proposed/requested boundary treatments
- Wall requested to separate St Clair House parking area
- Gateway and right of way for St Clair House
- Overlooking of GF bedrooms in St Clair House apartments
- Parking court, security and pedestrian movements
- Substation location
- Medical issues
- Overlooking/overshadowing remains
- Lack of proper consultation with St Clair House residents
- Effect on the Conservation Area or matters of conservation importance, impact on cobbled pathway and dry-stone wall, threat to water tower and associated pipework, demolition of boiler house chimneys, loss of historic boundary wall along Rue des Pointues Rocques
- Effect of the development on setting of protected buildings, archaeological significance of the site, demolition of The Swallows
- Scheme is not comprehensive development, no Phase 2 is shown
- Density of scheme
- Traffic and road safety issues
- Use of shared surfaces, lack of footpaths

- Bicycle and motorcycle parking provision
- Traffic volume, access and road safety
- Parking provision, emergency access
- Safe access to bus stops
- Public realm and access
- Direction road signs will be ineffective or traffic will overload junctions
- No change to Robergerie/Route Militaire junction
- Design of access on La Robergerie
- No improvement to visibility at Rue des Pointues Rocques/St Clair junction
- No pedestrian footways across each site frontage
- No updated TIA submitted, TIA out of date and data flawed
- Use of prohibited streets
- CEMP wording is inadequate regarding construction traffic prohibitions at peak times and site working times
- Disruption during construction period
- Effect on the natural environment, effect on wildlife
- Loss of glasshouses
- Drainage and flooding, sewerage arrangements
- Refuse and recycling arrangements, turning space for refuse lorry

Several representors request the opportunity to speak at an Open Planning Meeting

Further emails of representation were received following the end of the public consultation period in relation to the potential effect of the development on several trees situated outside of the application site at an adjoining property known as Woodlands.

The Constables of St Sampson

The St Sampson Douzaine has submitted detailed objections to this proposed development on several previous occasions, including in July 2021 and again in 2022 and these documents should be used for reference purposes. In summary, the objections related to concerns over:

1. Prioritisation of greenfield sites over brownfield sites, 2. Impacts on traffic volumes and network capacity from this and other wider developments in the vicinity, 3. Road safety in the immediate area regarding narrow roads, poor junction visibility and increased localised traffic, 4. Inadequate parking provision and impacts on nearby roads, 5. Limited public and school bus services, 6. Surface water flooding, 7. Impacts on local habitat, 8. Wellbeing of the community.

It is noted that the latest application seeks to make a number of alterations to the previously approved plans, including the proposed replacement of 16 previously approved affordable houses with private market dwellings, the alteration of boundary and public parking arrangements and the removal of a planned playing area for children living on the site.

These proposed changes don't materially alter the views and objections of the Douzaine with regard to this application, although it is disappointing to see much needed affordable housing being removed from the development proposals in favour of private market dwellings along with the proposed removal of a children's play area. With regard to the latter, the Douzaine does not consider that the nearby provision of play facilities at Delancey Park is directly relevant as parents would need to accompany younger children to the Park and more closely supervise their activities than they would otherwise need to do within the safer confines of a play area within the new housing development.

The proposed amendment of boundary walls to the south, which would create one extra public parking space in Pointues Rocques to replace existing on-road parking is noted. However, concerns remain that the proposed 116 parking spaces within the site (including only 12 visitor spaces) for 68 dwellings will prove inadequate and overflow parking will inevitably spill out into nearby lanes and other roads. Furthermore, it is expected that existing residents who currently rely on on-road parking will no longer be able to find a parking spaces when they return from work in the evenings or if they need to go out during the day.

The increase in traffic in the area would add further to previously expressed concerns over the impact of additional vehicle movements from this and other proposed nearby developments on the network of narrow lanes around Pointues Rocques.

Accordingly, the Douzaine by majority remain opposed to this latest application.

La Société Guernesiaise, Scientific Committee

We would like to make the following comments on the above planning application.

Firstly, we would like to say how encouraged we are by the number of native trees and hedging being used.

We would like to suggest the following alterations and ideas that would take the site closer to achieving Biodiversity Net Gain as required by your department.

The car park in the north is divorced from the nearest housing, and a change from amenity planting to native trees and shrubs would be beneficial. We would also suggest that there is scope for more boundary planting.

Japanese Spindle *Euonymus Japonica* is widely planted to separate properties, this plant will only support one species of macro moth, the Magpie Moth *Abraxas grossulariata*. We would suggest a change to our native evergreen plants, Wild Privet *Ligustrum vu/gore*, or Holly *flex aquifolium*. We wish to point out that Evergreen Oak *Quercus ilex* is not native.

The amenity planting on the site is largely made up of non-natives. We have noted that much of it will be useful to pollinators, but it will not provide food for insect larvae. The following book, 'Foodplant List for The Caterpillars of Britain's Butterflies and Larger Moths', Atropos Publishing, 2005, may be of use.

We wish to highlight that the plans do not include any artificial nesting/roosting boxes at all, and we encourage the developers to make provision for this. Provision made by the GHA at Ivy Castle Lane has been very successful, and House Sparrow *Passer domesticus*, Common Swift *Apus opus*, and Starling, *Sturnus vulgaris* have all benefited. Another species struggling at the moment is the House Martin, *Delichon urbica*. Artificial nest cups can be purchased and mounted on the walls of a property under the eaves. For advice, email: ornithology@societe.org.gg.

The Bailiwick Bat Survey has shown that Bat populations are in the area, and includes one of our rarer species. Roosting boxes can be mounted in a suitable location. It is also possible for houses to be fitted with Bat Lofts, which could be used as nurseries or bachelor roosts. The Bat section would be happy to advise. bats@societe.org.gg

Bees would benefit from special bricks that can be incorporated into buildings; Guernsey has 5 Bumble Bee species, and over 100 species of Mining Bees.

Three swales are included in the plans, and the planting suggested for these areas indicates that they will be largely dry. Guernsey has lost much of its freshwater habitat, and as a result, the wildlife that these sites support. *Odonata*, in particular, have been hugely affected. We would like to see these created as freshwater habitats. They may form seasonal ponds, but these are important and may well result in Frogs and Newts being able to breed. Should standing water not be achievable perhaps these sites could be planted as bog gardens using plants such as Hemp Agrimony *Eupatorium cannabinum*, Purple Loosestrife *Lythrum salicaria*, Marsh Marigold *Caltha palustris*; there are many others.

In conclusion, a lot of vegetation has been cleared from this site. Whilst the latest plans go some way to achieving Biodiversity Net Gain, we would like to propose the above suggestions as realistic ideas for further improvements.

Consultations:

Traffic & Highway Services

Traffic & Highway Services (THS) commented extensively on 8th July 2022, regarding a very similar proposal. From a transport perspective the change from 16 units of affordable housing to private market dwellings will create an imperceptible difference in trip generation associated with the development and therefore raises no traffic management concerns.

As highlighted in the 2022 THS response, the Committee for the Environment & Infrastructure (E&I) agreed a phased plan (subject to the outcome of consultation),

to mitigate as far practical road safety and traffic management issues related to the road network in the immediacy of this development site and more widely in an area where significant development is planned.

The Better Transport Plan for the North (the phased plan) was published on 21st May 2024, to support the development of new housing and to provide more choice and freedom to residents when it comes to how they travel. Information on the plan can be found here:- [Better Transport Plan for the north of the island - 'More Homes, more Choice, more Freedom' - States of Guernsey](#). Around the Pointues Rocques site the plan includes measures to prioritise those walking, cycling and better public transport provision. These would be in addition to enforceable road signing that would require development traffic exiting the site to turn towards Route Militaire/St Clair Hill and also measures to improve or manage the limited sightline at the junction of Pointues Rocques and St Clair Hill.

The deadline for formally commenting on the Better Transport Plan ended on 30th June 2024 and E&I has considered the responses. Initially, it will be progressing measures that are not dependant on the progression of development and will benefit those walking or cycling to schools. Measures such as the Ruelle des Habitants near Pointues Rocques (primarily motor vehicle access to property within a road or road section) will be matters to be considered by E&I in the next political term.

In conclusion, THS remains of the view that there are no significant traffic management grounds to oppose this specific development, subject to delivery of the Better Transport Plan including successful implementation of Ruelle des Habitants and development traffic exiting the site being required to head in a westerly direction (towards major roads). It is also of the view that road safety concerns previously raised relating to the constrained infrastructure in the vicinity of the Pointues Rocques site could be reasonably managed through the successful introduction of the Ruelle des Habitants.

With regard to the creation of the additional parking space on the northern side of Pointues Rocques adjacent to unit 11, there is a risk if a vehicle were to be parked on the southern edge of the bay that it would obstruct the sightline from the site access. However, a sightline of approximately 25m would still be achieved and therefore not considered overly significant in the context of expected traffic speed utilising the road.

Guernsey Water (previously)

All surface water needs to be dealt with on site. Guernsey Water recommends that Sustainable Urban Drainage Systems (SUDS) are used throughout the development. Regarding foul water drainage all flows must come to the south of the site. This allows flows to gravitate naturally through the existing foul sewer network. Guernsey Water's current desired location for connection is at the St Clair Hill / Pointues Rocques junction. Due to the potential yield of properties at the development it will

be necessary to carry out hydraulic modelling to review the impact on the existing foul sewer network. Regarding potable water Guernsey Water will carry out modelling to assess the impact of the development on the existing potable water network. Properties in the area currently receive potable water at around 4 bar pressure.

Consultations were also previously undertaken with the Office of Environmental Health and Pollution Regulation (OEHPR) and the Housing Service on application FULL/2019/1645 and where relevant have been taken into consideration in the assessment of this current application.

Summary of Issues:

- Principle of development
- Mix and type of Housing
- Highway safety, accessibility and capacity
- Design and amenity
- Flood risk
- Ecology and landscaping
- Planning covenant

Assessment against:

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

Principle of development

The 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 principle of housing development on the site is established by the Island Development Plan. This site is specifically allocated for housing development in the Island Development Plan and has an approved Development Framework to guide its development for that purpose. It is located within the Main Centre Outer Area and thus accords with the approved spatial strategy of the States.

The detailed design and layout of this first phase of development would not preclude subsequent development of the remainder of the housing allocation, and as such complies with the objectives of Policy GP10 and the requirements of paragraphs 7.2 – 7.3 of the Development Framework.

Mix and type of housing

The States decided on 25th April 2024 after consideration of a Requête entitled “Affordable Housing – GP11” that with immediate effect the percentage requirement of the Affordable Housing policy in section 19.12 and Policy GP11 of the IDP be set at 0% for all proposals subject to the policy until 31st May 2029. Policy GP11 required proposals for development resulting in a net increase of 20 or more dwellings to provide a proportion of the developable area of the site for Affordable Housing. As the policy requirement to provide a proportion of the development as affordable housing effectively no longer exists as the States has zero-rated Policy GP11, the change of the 16 previously approved affordable houses to private market dwellings is therefore acceptable in principle.

The mix and type of private market housing proposed meets the current identified need and remains acceptable in accordance with the requirements of Policy MC2.

Highway safety, accessibility and capacity

The proposals for access to and parking at the site remain identical to those previously approved by the DPA at an Open Planning Meeting on 27th July 2022 under application FULL/2022/0692.

The scheme includes the following which were previously proposed under application FULL/2022/0692 compared with the earlier refused scheme (FULL/2019/1645): -

1. Reduction in proposed car parking spaces by 18 from 133 in the refused scheme FULL/2019/1645 to 115
2. Increased cycle storage areas including secure electric charging facilities (117)
3. Communal electric cycles including covered storage and charging facilities (20)
4. Provision for adoption of a car sharing scheme
5. Provision for electric car charging throughout the site

Parking provision is within the maximum standards set out in the Parking Standards and Traffic Impact Assessment Supplementary Planning Guidance (SPG). Visitor and accessible parking provision exceeds those standards. In addition, provision is made for a car sharing scheme with seven spaces for this allocated in various locations throughout the development.

The development provides connectivity for cyclists and pedestrians with routes through the development for both resident and public use. Covered cycle storage provision is approximately double the requirement of the SPG and includes dedicated electric cycle storage rooms with charging facilities within the housing courts. One such room in Court A accommodating 20 electric cycles is intended for communal use for all residents of the development. Units 1-30 will be provided with individual cycle storage facilities in the form of a garden shed for each unit. The

proposals are designed with the intention of encouraging active travel and alternatives to private car ownership.

The application is supported by a Traffic Impact Assessment (TIA). This has not been amended from that submitted with the previous applications, however the conclusions in respect of traffic management were previously accepted by THS and in the absence of any material change in circumstances the TIA remains valid.

Overall, the proposals remain consistent with those previous approved by the DPA on 27th July 2022. A condition was previously imposed requiring signage to be installed to prevent vehicles egressing the site from turning left up Rue des Pointues Rocques or right into Robergerie. The efficacy of such signage has been questioned by some representors, however these will be legally enforceable mandatory signs and which along with the physical junction designs will prevent an undesirable intensification of traffic use within these streets.

In relation to representations received on the application concerning other access or highways considerations, the following matters were clarified in relation to previous application FULL/2022/0692 and remain equally pertinent to the current application:-

- Sight lines from both entrances comply with the requirements of GTS Part P. Levels are based on detailed levels surveys and no works are required to the existing walls at the proposed Robergerie access to achieve the necessary sight lines for vehicles and cyclists. The gradient of the roadway at the Robergerie access complies with the Development Framework and relevant technical standards.
- Both site accesses incorporate a pedestrian crossing which is set in from the roadway, allowing pedestrians to cross safely.
- The development includes footpaths on both sides of the main access road along with dedicated pedestrian and cycle routes through the site, separated from vehicular traffic and available for both residents and the public. These allow safe and convenient movement for cyclists and pedestrians between Robergerie and Pointues Rocques.
- Provision of a public footpath along the site frontage on Pointues Rocques is not a requirement of the Development Framework and is not supported by THS as worthwhile given the limited site frontage and no prospect of extension beyond.
- Shared surfaces are only proposed in a cul-de-sac area south of Court B and a separate footpath is also proposed in this area.
- All accesses, internal road widths and turning points have been designed for the use of service vehicles which will allow use by fire appliances and refuse

lorries. The access past St Clair House is not required for use by emergency vehicles.

Traffic & Highway Services (THS) has been consulted on the current application and concludes that there are no significant traffic management grounds to oppose this specific development, subject to delivery of the Better Transport Plan including successful implementation of Ruelle des Habitants and development traffic exiting the site being required to head in a westerly direction (towards major roads). It is also of the view that road safety concerns previously raised relating to the constrained infrastructure in the vicinity of the Pointues Rocques site could be reasonably managed through the successful introduction of the Ruelle des Habitants.

The Better Transport Plan for the North (the phased plan) was published on 21st May 2024, to support the development of new housing and to provide more choice and freedom to residents when it comes to how they travel. Around the Pointues Rocques site the plan includes measures to prioritise those walking, cycling and better public transport provision. These would be in addition to enforceable road signing that would require development traffic exiting the site to turn towards Route Militaire/St Clair Hill and also measures to improve or manage the limited sightline at the junction of Pointues Rocques and St Clair Hill.

The deadline for formally commenting on the Better Transport Plan ended on 30th June 2024 and the Committee *for the Environment & Infrastructure* has considered the responses. Initially, it will be progressing measures that are not dependant on the progression of development and will benefit those walking or cycling to schools. Measures such as the Ruelle des Habitants near Pointues Rocques (primarily motor vehicle access to property within a road or road section) will be matters to be considered by the Committee *for the Environment & Infrastructure* in the next political term.

On this basis and having regard to the previous decision to grant planning permission for a similar proposal which includes the provision of appropriate signage, it would be unreasonable to refuse the current application on road safety or traffic management grounds which are matters within the mandated responsibility of the Committee *for the Environment & Infrastructure*.

Regarding the creation of the additional parking space on the northern side of Pointues Rocques adjacent to unit 11, THS note that there is a risk if a vehicle were to be parked on the southern edge of the bay that it would obstruct the sightline from the site access. However, a sightline of approximately 25m would still be achieved and therefore not considered overly significant by THS in the context of expected traffic speed utilising the road. As such this proposal would not have a significant effect on highway safety.

Design and amenity

Apart from the proposed changes to the parking lay-by on Rue des Pointues Rocques, in design terms the current proposals remain identical to those previously approved by the DPA at an Open Planning Meeting on 27th July 2022 under application FULL/2022/0692.

Amendments to the layout and design of the proposed development were made in application FULL/2022/0692 to address the second reason for refusal of the earlier application FULL/2019/1645. These points all remain unchanged in the current application.

- Relocation of proposed Units 15-17 1.7m further from the western site boundary to increase the interface distance with existing properties to the west
- The alignment and proposed construction method of the west boundary retaining wall has been amended. A steel pile and sleeper solution is proposed which enables existing boundary planting to be retained unaffected. The retaining structure and fence is set in from the boundary by 2m. Additional landscaping is proposed to the western boundary comprising mature specimens
- Revisions to proposed Court B to reduce potential for overlooking and overbearing effects on St Clair House
- Additional landscaping to improve visual amenity to the north side of St Clair House

At the Open Planning Meeting held on 27th July 2022, the DPA remained concerned about the relationship between proposed Court B and St Clair House, including the boundary treatment, and requested an additional condition be imposed to reserve details of this for future agreement. The current application makes no further amendments in this respect and seeks that the proposals be determined as submitted.

As noted previously in respect of application FULL/2022/0692, the south-east corner of Court B was repositioned by 2.7m to reduce the overlap with St Clair House and a door and balcony at second floor level on the east elevation were omitted. St Clair House primarily projects to the south of Court B so any loss of light or shading would be minimal. The ground level around Court B is over 2m lower than the ground level around St Clair House, so the ridge and eaves levels of the two buildings are comparable. The proposed boundary treatment comprising fencing is considered appropriate. Overall, it is concluded that there are no reasonable grounds to resist the current proposals based on the likely effect of the development on the amenity of occupiers of St Clair House.

Regarding safety and security adjacent to St Clair House, the pedestrian and cycle route would be provided with low level lighting in accordance with GTS Part P, the details of which can be controlled by planning condition.

With regard to the amenity of properties to the west of the site, the proposed retention of existing boundary features and landscaping to the western boundary, the previous relocation of units 15-17 and the addition of further landscaping on the west boundary which can be ensured by means of planning condition is considered sufficient to respect the reasonable amenity of adjacent residents situated to the west of the site. The potential for overlooking from units 18-30 is minimal due to the position and distance between properties and any minor overlooking, or perception of same, would be mitigated adequately by the existing and proposed boundary landscaping. Due to the position, orientation, height and design of the proposed buildings, potential for overshadowing of properties to the west would be negligible.

In relation to representations received on the application concerning other design or amenity considerations:

- Planting is proposed along the access road from Robergerie which in combination with the existing boundary wall and hedges will provide adequate screening and avoid potential overlooking of adjoining properties.
- Refuse collection points will be provided throughout the development to comply with GTS Part H.

In relation to other design and amenity matters:

- The proposed development represents a density consistent with the approved Development Framework and makes an effective and efficient use of land in accordance with the aims of IDP Policy GP10.
- The layout of the development helps to break up the built form to maintain a sense of openness, whilst at the same time reflecting and reinforcing the built character of the locality. The layout accords with the principles of Crime Prevention Through Environmental Design (CPTED).
- The proposed buildings are of a domestic scale and height and would not appear visually incongruous in either short or longer distance views. The design of the proposed houses is acceptable, with those facing onto Pointues Rocques being more traditional in appearance, reflecting the character of roadside development to the east within the Delancey Conservation Area. Other buildings are of more modern style but use traditional forms including pitched roofs and well-proportioned fenestration.
- All the proposed houses are to be provided with private rear gardens, while the maisonettes and flats are to be served by balconies and small patios with access onto larger areas of communal open space located at the centre of Courts A and B above the parking areas. The type and size of open space to be provided is acceptable and it would be unreasonable to insist on the provision of public open space within the application site. The site's very

close proximity to Delancey Park, which serves as a high-quality recreational space for the wider community, reinforces this conclusion.

- Overall the submitted information appropriately demonstrates how sustainable development principles have informed the design process in accordance with Policy GP9.
- In accordance with the requirements of Policy GP18, the development incorporates public art which responds to the site's former horticultural use and will contribute to creating a sense of place.
- Notwithstanding representations that have been received, neither the IDP nor Development Framework identify the application site, nor any of the structures/features within it, as contributing to the interest of the Conservation Area.
 - The tall granite boundary wall adjacent to Pointues Rocques is an attractive and historic feature, but its demolition and replacement with lower granite walls either side of the new site access, enclosing the front gardens of new houses of traditional scale and form, is considered to make an equal contribution to the character of the Conservation Area.
 - Several of the specific features mentioned by representors as being of conservation interest (a dry-stone wall, stone paving, boiler house chimney and water tower) are located within the phase 2 area of the allocated site and are not therefore subject of the current application.
 - There is one boiler house chimney located within the application site. There are no planning grounds to require that this structure be retained.
- The application site is not considered to form part of the setting of any of the protected buildings in the area, the closest of which ('The Cottage' and 'Knowhere') are located c.20m to the north-east of the Robergerie site access and some 50m from proposed units 1-3 in the north-west corner of the application site, with intervening landscape screening. The proposal complies with the legal duties concerning Protected Buildings and with IDP Policy GP5. The Swallows has been much altered over previous decades and is not a Protected Building or within the Conservation Area.
- An existing tree located in the front garden of an adjoining property to the south-west of The Swallows will not be affected by the proposals and its retention will have no impact on achievable visibility splays from the proposed access. The protection from damage of this and of other trees situated outside of the application site can be ensured by imposition of a suitable planning condition.
- Since submission of the current application, the applicant has provided a commitment to the provision of play area/s within the site suitable for

younger children who could be unable to conveniently and safely access the nearby play facilities at Delancey Park. This provision can be controlled by planning condition.

Flood risk

Regarding potential for flooding, at present, approximately 60% of the application site is covered by glasshouses or hardstanding. It has poorly managed and maintained surface water drainage which focusses water run-off into single drainage points which can be overwhelmed and have been known to cause localised flooding in extreme circumstances.

It has been confirmed that the surface water drainage scheme proposed has been designed by a structural engineer to provide water management and attenuation within the site. The proposed scheme distributes surface water around the site either in localised soakaways serving a small number of dwellings, permeable paving within the parking courts, or permeable paving for roads (all roads will now be permeable) and pathways which make up one quarter of the site surface area. Swales are also included as an additional measure to manage excess surface water.

Notwithstanding representations received on this topic, there are no concerns that the proposed development which would include effective surface water management would lead to or exacerbate flooding.

Ecology and landscaping

In relation to ecology and landscaping matters, the application site is not the subject of any formal designation as an Area of Biodiversity Importance (ABI) or Site of Special Significance (SSS), and IDP policies GP2 and GP3 do not apply. Land to the north designated as Important Open Land and partially as an ABI is beyond a tall granite wall, which will be unchanged, and will not be altered or affected in any way. The ABI does not form a boundary with the application site.

Notwithstanding the above, recommendations concerning measures to protect or enhance biodiversity, made previously by the States' Biodiversity Officer and subsequently by La Societe Guernesiaise, can where reasonable in this context be subject of planning conditions requiring inclusion within the development, in line with the Strategy for Nature, 2020.

Following representations received, confirmation has been received from the applicant that an existing tree located within the front garden of an adjoining property known as Woodlands is outside the application site and that the roots of this and of another tree (T18) located outside the application site and to the rear of Woodlands will be protected from damage during development. Subsequent representations have referred to two other trees situated within the garden of Woodlands. A suitable planning condition can be imposed to ensure that these and

other trees situated on adjoining properties are protected from damage during the course of the development.

Planning covenant

Under application FULL/2022/0692, it was necessary for a legal covenant to be entered into as described in section 23 of the Land Planning and Development (Guernsey) Law, 2005, primarily to secure the transfer of the land allocated for affordable housing. Due to the decision of the States of Guernsey to zero-rate IDP Policy GP11 there is now no requirement to provide Affordable Housing as part of the proposed residential development of the site, meaning that a planning covenant is not now required for this purpose.

The draft covenant also included a provision for off-site highways works, however given the comments and conclusions of THS on the current application this is also not now required.

Other matters

The application is accompanied by a Construction Environmental Management Plan (CEMP). This was previously assessed by Environmental Health, who suggested several relatively minor changes that can appropriately be dealt with by way of condition. Future adherence to the CEMP can similarly be controlled by way of condition, which should ensure that development of the site is carried out in a way that minimises adverse impacts on local residents and the surrounding area so far as is reasonably possible, in accordance with the aims and objectives of Policy GP17.

Representations on the application have suggested that the CEMP be strengthened to apply a restriction on construction traffic in both the morning and afternoon peaks, typically when vulnerable road users will be accessing/egressing local schools, with the times of those peaks specifically defined. This has been agreed by the applicant and can be required by planning condition. Suggestions have also been made by representors regarding adopting more restrictive working times for construction activity on the site however this is a matter which could be addressed under Environmental Health controls if found to be necessary rather than through a CEMP.

Other conditions requested by Environmental Health relate to noise generated by fixed plant and machinery that will or may need to be incorporated in the development and contaminated land given the site's former use a commercial vinery, both of which are reasonable.

The application is accompanied by a Site Waste Management Plan, the implementation and outcomes of which can appropriately be controlled and monitored by way of conditions in accordance with the aims and objectives of Policy GP9.

Conclusion

This site is specifically allocated for housing development in the Island Development Plan and has an approved Development Framework to guide its development for that purpose. It is located within the Main Centre Outer Area and thus accords with the approved spatial strategy of the States. Development of the site for housing is acceptable in principle.

The proposed development for 68 dwellings represents a density consistent with the approved Development Framework and makes an effective and efficient use of land in accordance with the aims of IDP Policy GP10. Due to the decision of the States of Guernsey to zero-rate IDP Policy GP11 there is no requirement to provide Affordable Housing as part of the proposed residential development of the site.

The scale, design and layout of the scheme are acceptable and would not adversely affect the character and amenity of the area, the character or appearance of the Conservation Area or the setting of any Protected Building. The reasonable residential amenity of occupiers of St Clair House to the east and adjoining properties to the west of the site are respected and concerns of neighbours regarding potential damage to trees outside the application site have been adequately considered and addressed.

Traffic & Highway Services (THS) has been consulted on the current application and concludes that there are no significant traffic management grounds to oppose this specific development, subject to delivery of the Better Transport Plan by the Committee *for the* Environment & Infrastructure. On this basis and having regard to the previous decision to grant planning permission for a similar proposal which includes a requirement for signage, it would be unreasonable to refuse the current application on road safety or traffic management grounds. The creation of the additional parking space on the northern side of Pointues Rocques would not have a significant effect on highway safety.

Other specific points raised by representors in the consideration of this application have been addressed where relevant within this report and none would justify refusal of planning permission.

Consequently, it is recommended that planning permission be granted subject to the conditions set out above.

Date: 21/05/2025

