



**APPENDIX 4 - PREVIOUS PLANNING APPLICATION REPORT**

**Application No:** FULL/2020/1417  
**Property Ref:** C008620000  
**Valid date:** 27/07/2020  
**Location:** Land at La Pointe La Route Du Braye Vale Guernsey  
**Proposal:** Erect 2 dwellings with associated works.  
**Applicant:** Mr S Holland

**RECOMMENDATION - Grant: Planning Permission with Conditions:**

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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 site works, shall begin on site until each tree shown to be retained on the approved plan has been protected in accordance with the details shown on Sexton Green Dwg. No. SGL032-01. Each tree shall be protected in the agreed manner for the duration of building operations on the application site. Within the areas agreed to be protected, the existing ground level shall be neither raised nor lowered, and no materials or temporary building or surplus soil of any kind shall be placed or stored thereon. If any

trenches for services are required in the protected areas, they shall be excavated and back-filled by hand and any tree roots encountered with a diameter of 5cm or more shall be left unsevered.

Reason - The trees on this site are the subject of an Area Tree Protection Order, and this condition is imposed to make sure that they are properly protected while building works take place on the site.

5. Within four weeks of the new access being brought into use, the existing access shall be closed permanently and the land within the highway reinstated, in accordance with details which shall first have been agreed in writing by the Authority.

Reason - To minimise the number of points of access, in the interests of highway safety and the character of the locality.

6. Precise details of the design, geometry and levels of the new vehicular access hereby permitted shall be submitted to and agreed in writing by the Authority before any development, including site works, takes place. The vehicular access shall thereafter be completed in accordance with the agreed details before the first occupation of any part of the development.

Reason - In the interests of protected trees within the site and the character of the locality.

7. Site preparation and construction works associated with the development hereby permitted shall be carried out in accordance with the recommendations set out in the Ecological Assessment submitted as part of this application.

Reason - To minimise adverse impacts on biodiversity.

8. No development, including site works, shall begin on site until such time as full details of the proposed permeable hard surfacing to ensure that all surface water is disposed of within the site have been submitted to and agreed in writing by the Authority. All hard surfaces shall be completed in accordance with the details so agreed before the first occupation of any part of the development.

Reason - In the interests of sustainable development and to mitigate against the risk of flooding outside the site.

9. The landscaping scheme shall be fully completed, in accordance with the details prepared by Sexton Green and submitted as part of this application, 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. The landscaping scheme shall be maintained in accordance with the Sexton Green maintenance programme, and 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.

10. No materials to be used on the exterior of the buildings or hard surfaced areas shall be placed on the site until such time as a written schedule 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, in the interests of the character of the locality and setting of adjacent protected buildings.

11. No development shall begin on site until details at 1:10 scale of the following features have been submitted to and agreed in writing by the Authority:

- i) Windows and doors;
- ii) Eaves and verges; and
- iii) Junctions between different materials.

The development shall be carried out only in accordance with the agreed details.

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

12. No part of the development hereby permitted shall be occupied until details of two sheds each capable of storing a minimum of 2 bicycles and to be located within the garden of each dwelling, have been submitted to and agreed in writing by the Authority, and no part of the building or development hereby permitted shall be used or occupied until the agreed sheds have been provided.

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

13. Precise details of the solar thermal/PV panels to be installed as part of the development hereby permitted shall be submitted to and agreed in writing by the Authority before development progresses beyond DPC level. The solar thermal/PV panels so agreed shall be installed before the first occupation of any part of the development.

Reason - In the interests of sustainable development.

14. No development, including site works, shall be carried out until details of existing ground and finished floor levels have been submitted to and agreed in writing by the Authority. The development shall thereafter be completed in accordance with the details so agreed.

Reason - In the interests of the character of the locality.

15. Before the first occupation of any part of the development hereby permitted, bat, bird and hedgehog boxes shall be installed in accordance with recommendations set out in the Ecological Assessment submitted as part of this application. The bat, bird and hedgehog boxes shall thereafter be so maintained.

Reason - To ensure that the development makes a positive contribution towards

biodiversity.

16. Improvements to the junction of Les Mares Pellees with La Route Du Braye, the construction of a section of new granite wall containing the Parish crest (or equivalent public art), and any repairs/rebuilding of the boundary walls/banks shall be completed before the first occupation of the development hereby permitted, in accordance with details which shall first have been submitted to and agreed in writing by the Authority. In respect of the new section of wall and repairs to the existing walls/banks, those details shall specify how the work is to be carried out so as not to cause harm to the adjacent protected trees.

Reason - In the interests of highway safety, public amenity and the health of protected trees on the site.

17. Notwithstanding the submitted plans, the ground floor study to each of the dwellings hereby permitted shall have a floor area of no more than 6.5 sq m. This shall be achieved by increasing the size of the adjacent utility/store.

Reason - To ensure that the development provides 3-bedroom houses only, there being no identified need for larger housing at the current time.

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## **OFFICER'S REPORT**

### **Site Description:**

The application site comprises an agricultural field located in The Bridge Main Centre Outer Area, with no other specific designation applying to it. The site extends to some 0.2049Ha, is relatively level and triangular in shape and bounded by the Les Mares Pellees road to the north, La Route Du Braye road to the south and by residential properties (Protected Buildings) to the east.

There are some 44 mature or otherwise established trees (comprising 22nr European Ash, 12nr Sycamore, 7nr Black Poplar, 2nr Elm, 1nr Hawthorn) set behind roadside granite walls along the north and south boundaries of the site. These trees are the subject of an area Tree Protection Order (TPO) ref: PT90, which was imposed during consideration of a previous planning application.

### **Relevant History:**

FULL/2019/1336 - Erect six houses, demolish north-west boundary wall and construct footpath and bus stop.

Refused 04-03-2020. Appeals against this decision, and against the imposition of the Area Tree Protection Order referred to above, are currently pending.

FULL/2018/2602 - Erect 8 dwellings with associated parking, create 2 new accesses and alterations to existing access.

Refused 04-06-2019

### **Existing Use(s):**

Agricultural Use Class 28

### **Brief Description of Development:**

This application proposes the construction of 2no. 3-bedroom houses, accessed via a new shared vehicular access onto Les Mares Pellees. The existing vehicular access in the northernmost corner of the site is to be infilled and closed off.

It is also proposed to carry out works in the westernmost corner of the site in order to provide an improved geometry to the junction of Les Mares Pellees with La Route Du Braye, adjacent to which it is also proposed to create a feature wall so as to enhance the public realm.

The application as submitted was accompanied by detailed information in the form of a Flood Risk Assessment and Drainage Report, a Tree Condition Survey and Categorization Report, an Ecological Assessment, Sustainability Report, Waste Management Plan, and Landscaping specification.

The application was also accompanied by 3 letters of support from local estate agent and finance companies.

### **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

GP5 – Protected Buildings

GP8 – Design

GP9 – Sustainable 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

#### Environmental Impact Assessment

This application proposes the removal of a small number of protected trees. In accordance with the requirements of s.44(3) of The Land Planning and Development (Guernsey) Law, 2005 and The Land Planning and Development (Environmental Impact Assessment) Ordinance, 2007, the Authority must consider whether or not this application involves Environmental Impact Assessment (EIA) development. The most recent application for a larger development was screened out as not requiring an EIA.

In this case, in accordance with the provisions of s.2(2)(b), the development is considered to be of so minor a nature that it is incapable of having a significant adverse effect on the

protected trees that surround the site. As such it is not necessary to undertake a screening exercise to determine whether an EIA is required or not.

### **Representations:**

In addition to the summaries of representations contained within this report, full copies of all letters/emails of representation are provided to the D&PA Committee members to be read prior to a decision on the application being made.

19 letters and emails of objection (including 3 from States' Deputies), concerns raised summarised as follows:

- Loss of green space/natural habitat and adverse impact on existing protected trees whilst brownfield sites exist elsewhere;
- Traffic management and road safety, Les Mares Pellees is a narrow road and already much too busy;
- Additional houses will exacerbate congestion on La Route Du Braye, too many houses have already been built in the area;
- The existing trees should be left to see out their lifetimes as nature intended;
- The proposed houses would not be affordable for first time buyers;
- The surrounding area experiences road flooding during periods of heavy rain;
- The IDP states that open land is important to provide breathing spaces and views across undeveloped land;
- Open fields in the vicinity of the site are all behind high granite walls and are not visible from the road, unlike this site;
- The proposed houses will impact on neighbours' privacy and tree planting will lead to a loss of light;
- The plans show insufficient parking for the size of houses proposed;
- The proposed wall at the junction with La Route Du Braye will make sightlines worse and will damage tree roots;
- The site entrance/exit should be taken from La Route Du Braye, where all mains services are located;
- The proposed design is nothing like anything else in the area and will make the new dwellings stand out;
- The proposed houses do not meet an identified shortfall;
- The proposed development breaches Goal A of the States' Strategy for Nature;
- From a social and environmental perspective a 'filling in the gaps' approach is neither sustainable or desirable and would not add to the quality of life for the residents of affected areas;
- It is unnecessary to develop this site given the number of permissions that have already been granted for housing;
- Existing trees may be damaged by works to repair boundary walls/banks and to install services;
- All agricultural land is important, removing small fields like this puts pressure on larger areas of land where the dairy industry cannot compete with the equestrian and property developer communities;
- Unclear whether existing utility services have the capacity to serve the development;
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- An online petition demonstrates widespread support for rejection of this application, or for any decision to be made at an Open Planning Meeting.

4 letters and emails of support, points raised summarised as follows:

- Use of this field for housing sits within policy;
- Important when policy is adhered to that the correct permissions are agreed to regardless of the late introduction of a TPO during consideration of the previous application;
- This revised scheme seems to be an excellent compromise ;
- Given that this site is within an 'urban' locality (voted in by all States' members), cannot see how or why a development of 2 houses cannot be supported;
- The most recent reason for refusal has been addressed by reducing the number of houses and creating access where 2 trees deemed to be hazardous have been removed;
- The design of the proposed buildings are 'traditional' and therefore meet the requirements of Policy GP8;
- Each of the buildings has more than adequate amenity space

### **Consultations:**

#### Traffic and Highway Services

Further to the previous THS responses in respect of the site from the October 2018 application, the following would apply.

In line with our usual standards, I advise that an access should: -

- a) Enable a driver 2.4m from the edge of the carriageway to see a minimum of 33m in the direction of oncoming traffic;
- b) Not have any obstructions or planting greater than 900mm high above the road surface within the visibility splays;
- c) Have sufficient width to enable cars and light vans to exit and enter the drive without crossing into the path of approaching traffic;
- d) Be sited at a distance not less than 20m from a junction;
- e) Be square to the carriageway.

The site makes the junction of Rue du Braye and Mares Pellees Road, St Sampson. The application details the closure of the existing access and creation of a single access within the Mares Pellees.

Mares Pellees Road is classified as a Neighbourhood Road, and therefore a sightline standard of 20m would apply in relation to accesses in the Mares Pellees.

The access shown is of a bell-mouth design bounded by walls on either side. The wall height of 700mm would not obstruct the sightline of a driver egressing the access. The access leads to a shared driveway area with parking for four vehicles. Based on the plans supplied, THS

is satisfied that the design affords adequate turning area for vehicles, in order that vehicles can turn within the site and egress onto the road in a forward direction.

In relation to the sightline of oncoming vehicles, THS are satisfied that the visibility splay afforded to a driver egressing would meet the minimum recommended standard of 20m. It should be noted that the visibility splay could be affected by foliage from the site's boundary, and diminish if the foliage was excessive. On the basis that the users of the site would notice the reduction of the sightline should foliage start to impact the visibility splay, it would be reasonable to suggest that either owners or tenants would maintain foliage at an appropriate level of growth.

The existing access on Les Mares Pellees (at the North Eastern corner of the site) does cause some concern from a road safety perspective. As the existing access is bounded by a 1.4m high gate post, and given the slight corner in the Mares Pellees at this point, the sightline of a driver egressing the access is particularly poor (circa 5m). The plans supplied show the closure of this access. THS supports this.

From a traffic management perspective, THS do not consider that the scale of development will significantly impact the traffic flows in the surrounding road network. Given the location of the site, residents would benefit from the bus services that pass the site, connecting the site with the Town and Bridge Main Centres, as well as other parts of the island. Residents of the site would also be able to cycle or walk with ease to the Bridge Main Centre (ten minutes' walk). Cycling into St Peter Port from the site takes between ten minutes and twenty minutes depending on background traffic volumes.

In conclusion, the scale of development would not significantly impact traffic in the area. The active travel and public transport services from the site are very good. From a road safety perspective, the access provides sightlines which meet the recommended standard.

### **Summary of Issues:**

- Principle of development
- Mix and type of housing
- Impact on openness and landscape character
- Quality of design
- Impact on setting of adjacent protected buildings
- Impact on neighbouring amenity
- Access, highway safety and parking
- Ecological impacts

### **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).**

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

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

*It is the duty of any department of the States when exercising its functions under this Law –*  
*(a) to secure so far as possible that the special historic, architectural, traditional or other special characteristics of buildings listed on the protected buildings list (“protected buildings”) are preserved, and*  
*(b) in particular, in exercising its functions with respect to a protected building or any other building or land in the vicinity of a protected building, to pay special attention to the desirability of preserving the protected building’s special characteristics and setting.*

Section 35(1) goes on to set out that:

*There is a strong presumption against planning permission being granted for any development which –*  
*(a) Involves the demolition or destruction of any part of a protected building, or*  
*(b) Adversely affects its special character or features.*

Section 42(b) relates to trees or land the subject of a Tree Protection Order, stating that:

*It is the duty of any department of the States when exercising its functions under this Law –*  
*(b) in particular, in exercising its functions with respect to any buildings or other land in the vicinity of a tree or land subject to [a Tree Protection Order] under section 43, to pay special attention to the desirability of protecting that tree or land.*

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

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

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

*(a) The likely effect of the development on the natural beauty and landscape quality of the locality in question,*

- (b) the character and quality of the natural and built environment which is likely to be created by the development,*
- (c) the appropriateness of the development in relation to its surroundings in terms of its design, layout, scale, siting and the materials to be used,*
- (d) the likely effect of the development on the character and amenity of the locality in question,*
- (e) the likely effect of the development on roads and other infrastructure, traffic and essential services,*
- (h) the likely effect of the development on parks, playing fields and other open spaces,*
- (i) the likely effect of the development on the reasonable enjoyment of neighbouring properties.*

Section 14 to Part IV of The Land Planning and Development (General Provisions) Ordinance, 2007, goes on to set out a number of additional material considerations that apply to protected monuments, of which the following is relevant:

- a) the desirability of preserving the special interest by reason of which the protected monument is listed,*
- b) where any alteration to a protected monument is proposed, the appropriateness and compatibility of that alteration in relation to that monument, and*
- c) the opportunity that the development may afford to restore, enhance or improve the protected monument or its setting.*

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

#### Principle of development

The application site is located within a Main Centre Outer Area, where Policy MC2 provides in-principle support for new residential development both on allocated and windfall housing sites. 'Windfall' housing sites are undesignated sites that come forward for development during the Island Development Plan period which are not specifically identified for housing development but where policies exist to support its provision.

The preceding text to Policy MC2 explains that, *"This approach will enable the Main Centres to be maintained and enhanced as attractive and sustainable places to live, by encouraging regeneration and increasing residential accommodation close to services, employment, leisure opportunities, public transport links and walking and cycling networks."*

The application site is not designated as Important Open Land, nor is it designated as an Agriculture Priority Area, Site of Special Significance, or Area of Biodiversity Importance. The existence of a TPO on the site is a constraint, but not a fundamental barrier to development.

In light of the above, the principle of residential development on this site is considered to be acceptable in accordance with the aims and objectives of Policy MC2.

### Mix and type of housing

The current identified need is predominantly for 2 and 3-bedroom housing, with a lesser need for 1-bedroom dwellings. There is currently an oversupply of larger dwellings with 4 or more bedrooms.

The proposed houses contain 3no. double bedrooms each, the applicant having stated that *“Due to site constraints and viability it is not possible to provide a mix of building tenure.”* Each dwelling would also contain a ground floor study which would be large enough to meet the minimum requirement for a single bedroom under the Building Regulations.

The preceding text to Policy MC2 acknowledges that *“...in some circumstances there may be important economic or social reasons to provide a particular type of dwelling.”* The Authority’s guidance note on Housing Mix and Type goes further, stating that *“For example, there could be an argument for providing a small number of larger family homes within a larger scheme where providing these larger homes in small numbers ensures that it is viable to provide the majority of what is needed (that is, homes of 1-3 bedrooms).”*

In order to prevent development proposals circumventing the policy requirement to provide housing that meets current identified needs, the Authority has assessed similar proposals on the basis that a study (or similar room) that could be used as a bedroom will be treated as such. This has led to applicants elsewhere omitting or reducing the size of such rooms below the minimum area required for a bedroom under the Building Regulations.

Whilst it is not suggested that the applicant in this case intended the study to be used as a bedroom, for the sake of consistency it is considered reasonable to impose a condition requiring that the study be constructed with a floor area of no more than 6.5 sq m - a reduction from the 8 sq m room indicated on the submitted plans which would mean it could not be used as a bedroom under the Building Regulations.

On the basis of the above it is considered that the development would appropriately contribute towards meeting the identified housing need.

### Impact on openness and landscape character

Policy GP1 states that *“Proposals will not be supported if they would result in the unnecessary loss of open and undeveloped land which would have an unacceptable impact on the open landscape character of an area.”*

The identification of the boundaries of the Main Centres and Main Centre Outer Areas was undertaken using a clear, consistent and robust process as outlined in the published report ‘Identifying Main Centre Boundaries, September 2014’. The boundary was identified following detailed site assessment and using a set of specifically developed criteria.

In relation to the inclusion of this site within the Main Centre Outer Area, following such an assessment the Authority considered that this site forms part of the settlement pattern of the more densely developed and urban Main Centre Outer Area and has a weaker relationship with more rural areas outside of the Main Centre Outer Area boundary. The

Planning Inspectors agreed with this assessment stating *'Taking into account the road layout and nature of the surrounding development the site is logically within the Main Centre...'* (Report of Planning Inspectors into the draft IDP, paragraph 49, page 29).

The assessment of sites within the Centres with regard to designation as Important Open Land was a separate process. As the spatial strategy requires the concentration of development within and around the edges of the urban centres of St Peter Port and St Sampson/Vale with the consequent restriction on development elsewhere, it was considered appropriate to only designate the most important open spaces within the Main Centres and Main Centre Outer Areas as Important Open Land as this places constraints on the development potential of the land. Again, criteria were developed and consistently applied and detailed site assessments carried out, as set out in the report 'Survey of Important Open Land in Proposed Main Centres and Local Centres, October 2014'.

For the Bridge Main Centre, areas designated as Important Open Land consist of large swathes of land that form part of a 'green wedge' in the urban landscape. These areas define the characteristic settlement pattern of the Main Centre and are sensitive to change, particularly when experienced cumulatively and sequentially as part of the wider landscape.

In response to a representation at the IDP Inquiry, the Authority assessed the potential for the application site to be designated as Important Open Land and concluded that it did not meet the criteria for designation. The Inspectors also considered the potential for the site to be allocated as Important Open Land and concluded that this is a very small triangle of land that does not relate to any larger area of Important Open Land.

In the Authority's response to written representations about this site at Public Inquiry stage, it stated that Policy GP1 would apply to any proposals on the identified site. This policy indicates that proposals will not be supported if they would result in the unnecessary loss of open and undeveloped land which would have an unacceptable impact on the open landscape character of an area, and allows for an assessment of the importance of the site in terms of landscape value and contribution to open and undeveloped land when assessing development proposals.

The application site is within the "Wetlands" lowland landscape character area, as set out in Annexe V to the IDP, and in the 18th Century would have been part of the north shore of the La Braye Du Valle. La Braye Du Valle was covered with water at high tides before it was reclaimed in the early 19th century by constructing embankments at each end and draining the area. This comprehensive reclamation, as a single military defence exercise, resulted in a layout of straight roads and a gridiron pattern of field divisions to the south and west of the application site.

However, the application site is not part of the gridiron that is characteristic of that period of military reclamation. Instead, in landscape character terms, it is more closely related to a historic network of irregular shaped fields and narrow winding roads to the north and east, albeit the southern boundary is formed by the La Route Du Braye which is a relatively straight road.

The application site is further identified on page 32 in the Guernsey Character Study, Stage 1 (March 2015) as being within the 'Braye Du Valle' 'Built-Up' character area. 'Built-Up' is described as:

*The landscape and built form compete with each other. Spaces are enclosed by a mixture of buildings and boundary walls and landscape features. Long range views are few. The areas have a relatively medium density of development.*

Although this description is somewhat generic, it accurately describes the character of the site and its surroundings. La Route Du Braye is enclosed by detached and semidetached domestic scaled buildings of a variety of architectural styles that are set back from the road behind front gardens. The front gardens are used for car parking as well as landscaping in the form of trees and hedges. The character is similar at Les Mares Pellees, although this road turns more often and has much less vehicular traffic. The character changes at the industrial estate to the south of the application site where there are industrial scale buildings with little landscape. The application site is enclosed by granite walls in front of established trees.

Although the site was not assessed as warranting designation as Important Open Land it can nonetheless be recognised as forming a pleasant undeveloped open space in an otherwise built up area. However, it does not form part of a wider area of open landscape so in and of itself its development would not have an unacceptable impact on open landscape character in the area, and would not be contrary to the provisions of Policy GP1.

Policy GP1 goes on to make clear that where development would not have an unacceptable impact on open landscape character, it will be supported where it:

- a. respects the relevant landscape character type within which it is set; and,*
- b. does not result in the unacceptable loss of any specific distinctive features that contribute to the wider landscape character and local distinctiveness of the area concerned; and,*
- c. takes advantage, where practicable, of opportunities to improve visual and physical access to open and undeveloped land; and,*
- d. accords with all other relevant policies of the Island Development Plan.*

Criterion a) is assessed in the following section on design.

With regards to criterion b), the existing trees on this site and the boundary walls that they sit behind are considered to contribute to local character and therefore form a feature which contributes to local distinctiveness. The Authority formally recognised this during consideration of the previous planning application, imposing an Area TPO covering all of the existing trees on the site. Section 42(b) of the Law requires special attention to be paid to the desirability of protecting protected trees, establishing a high threshold when considering proposals for their removal.

This application proposes to retain all of the existing trees on the site, the new vehicular access onto Les Mares Pellees to be formed where 2no trees were recently removed on

the advice of a professional arboriculturalist in accordance with the provisions of Class 7(2) of The Land Planning and Development (Exemptions) Ordinance, 2007.

The application is accompanied by a specification for tree protection measures, including root protection areas, and additional tree and hedge planting, the implementation of which can be secured by way of condition. In the same way, works to install services and any repairs required to the existing boundary wall/banks can also be controlled by condition.

The proposed buildings themselves are shown to be set back from Les Mares Pellees outside of the root protection areas, and consequently it is not considered that the development would cause unacceptable harm to or lead to the loss of the protected trees.

Regarding criterion c), as the site does not form part of a wider area of open land, it is clearly not possible for the proposed development to improve visual and physical access to open and undeveloped land.

On the basis of the assessment set out above, the proposal is considered to comply with the general purposes and specific provisions of the Law and the aims and objectives Policy GP1.

#### Quality of design

Policy GP8 generally expects new development to achieve a good standard of architectural design, but in the Island's more sensitive areas, which can include sites adjacent or close to protected buildings, development *"...will be expected to achieve a particularly high standard of design which should respect the character of the particular environment concerned."* The preceding text goes on to state that *"This may result in either a contemporary or traditional approach to design but, whatever the chosen approach, new development in such circumstances should consider, without necessarily replicating, the scale, mass, detail and special interest of the surrounding built form to complement the local character"*, and also identifies that *"the correct approach to building design will depend upon the particular location of development and the specific factors affecting the proposals. Whilst new development should acknowledge the surrounding built form, flexibility in the design of development will be allowed in order to ensure proposals also address issues of sustainable design, mitigation and adaptation to climate change and creating flexible and adaptable spaces within buildings as well as recognising the personal choice and aspirations of property owners."*

The application materials describe how site and context analysis has been undertaken which identified a number of constraints and opportunities, including:

- opportunities to enhance the highway/pedestrian infrastructure;
- consider the protected buildings within the design proposals;
- consider the existing tree planting/types of planting/soft landscaping proposals.

It is also stated that the layout of the site considered the opportunity for passive solar gain with the orientation of the dwellings facing south, the retention of the existing trees, and opportunities for highway improvements to Les Mares Pellees.

The application covering letter describes how the design process:

*...has led to a contemporary designed proposal, with [the buildings] form relating to the predominate pitched roofs, single and double storey dwellings in the immediate area, the materials reflect those of the site and the adjacent area incorporating, random granite, render, slate and to bed the proposals into the specific location timber cladding at the upper storey, which is a strong reference to the protected trees. The plan form maximises the opportunity to utilise solar gain and orientate the buildings to make use of solar collectors. Within the building layouts we have included ground floor bedrooms for flexible lifelong enjoyment of properties and have provided a first floor terrace area which is discrete and does not allow for overlooking of adjoining neighbours private space and provides an opportunity for the occupiers to be close to the tree canopy.*

Dealing with each criterion of Policy GP8 in turn, the following conclusions are drawn:

a) *Achieve a good standard of architectural design*

The details of the buildings (e.g. services, junction of materials, bicycle store, bin store) appear to have been carefully considered and form a coherent architectural design. The entrance to each unit is clear and obvious. The form, internal layout and appearance of the buildings is contemporary with some of the external materials and detailing drawn from the local context. In general terms therefore the development achieves a good standard of architectural design. As noted above however, in the Island's more sensitive areas development "*...will be expected to achieve a particularly high standard of design*". In that regard the final quality of the design will depend on the specification of high quality materials and careful construction detailing, both of which can be controlled by way of condition. The site layout, access and parking arrangements, and generous and useable private garden provision, are also of a high quality.

b) *Demonstrate the most effective and efficient use of land*

As noted in connection with the previous application on this site, the requirement to achieve an effective and efficient use of land is not a charter for high density development in every situation, particularly where such density would result in adverse environmental impacts or be achieved through a poor quality of design. This current application represents a sensitive response to the protected trees, adjacent protected buildings, and the character of the locality, and as such is considered to demonstrate an effective and efficient use of land.

c) *Respect the local built or open landscape character*

In terms of its scale, architectural design, layout and treatment of the new access through the Les Mares Pellees roadside boundary, the proposed development is considered to respect the character of the local built environment.

The application site does not form part of an open landscape. However, it is recognised that existing trees and walls/banks to the site boundaries make a positive contribution to landscape character and local distinctiveness, and the trees have the benefit of formal protection under an Area TPO. Their retention will maintain the existing character, although it is acknowledged that this will be slightly altered because it is inevitable that the proposed buildings will be seen through and under the tree canopy.

The layout of the development is based on each dwelling set back from the boundary wall/bank along Les Mares Pellees with the space between the buildings and the pavement used for hard surface/car parking. This building set-back follows the general front building line established by many other buildings along the Les Mares Pellees. Therefore the development respects this local characteristic.

The application includes the demolition of a short section of the boundary wall/bank along Les Mares Pellees to form the vehicular access to the site. Given the proposed materials and method of laying of the wall, it is considered that this would be in keeping with the existing character of this part of Les Mares Pellees.

The new houses are two storeys with some single storey elements. This scale of development is similar to others in the vicinity, and as such is considered to respect the character of the local built environment.

*d) Consider the health and well-being of the occupiers and neighbours*

This criterion is explained in more detail in Annex I of the IDP. The main points are:

- The objective to build at high densities will be balanced against (i.e. will not override) the need to create acceptable living and working environments
- The Annex does not repeat the Building Regulations or Guernsey Technical Standards (GTS)
- There are no rigid standards or figures for amenities provision because each site and use will have its own particular amenities considerations and requirements which could be achieved in a number of ways.
- Matters that must be considered are:
  - Internal space provision,
  - Privacy
  - Aspect/outlook
  - Access to external open space
  - Daylight/sunlight.

*Internal Space Provision, Layout and Arrangement*

The development consist of 2no. 3-bedroom houses. The internal space standards of each house exceed GTS Part G7 and the DGLC Technical Housing Standards - Nationally Described Space Standard (March 2015), which although carrying no formal weight in Guernsey nonetheless is recognised as representing best practice, and as such may be referred to when assessing new housing development. The internal layout and arrangement is considered to be fit for purpose as a speculative residential development.

*Privacy*

Due to the distance between the buildings, their location and orientation, they will not have unreasonable inter-visibility between windows that might compromise the internal privacy of each house.

Neighbouring residential amenity is addressed separately below.

*Aspect/Outlook and Daylight/Sunlight*

The protected trees to be retained, together with new/replacement trees shown to be planted, are considered to be located a sufficient distance from the front and rear elevations of the proposed dwellings such that the outlook, sunlight and daylight levels from and within those properties will not be adversely affected.

*Access to external open space*

It is likely that the proposed houses will be occupied by families and thus need access to private open space of sufficient size and quality for family use. Both of the proposed houses would be provided with large gardens that are considered to represent a good quality of external amenity space.

*e) Provide hard and soft landscaping*

Detailed hard and soft landscaping proposals are included as part of this application. Amongst other things the submitted details indicate a permeable hard surfaced driveway/parking area and paved terrace to each unit, with lawned gardens, native species hedging and 'set-aside' meadow planting, and new/replacement tree planting. This landscaping scheme is considered to respect the character of the surrounding landscape and is acceptable in and of itself, and of sufficiently high quality that it would outweigh the harm caused through the earlier, authorised removal of a small number of the existing lowest quality protected trees. The precise specification of the permeable hard surfaces, and the specification and future maintenance of the proposed landscaping, can be controlled by way of condition.

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

The application demonstrates the development has been designed so that it is accessible, in accordance with the requirements of this criterion.

*g) With regard to residential development, offers flexible and adaptable accommodation*

The application demonstrates how the development has been designed so that it is flexible and adaptable to allow people to age in their own homes, in accordance with the requirements of this criterion.

In all respects the proposed development is considered to comply with the aims and objectives of Policy GP8.

Policy GP9 makes clear that *"the design, layout and orientation of buildings, their form of construction and the materials used have a key role in delivering more sustainable development and reducing energy demand."* The intention of this policy is not to repeat the Building Regulations or Technical Standards. Instead it is to ensure that matters such as the design, method of construction and location of proposals and how this will help to achieve more sustainable development are considered at the earliest stages of the design and development process.

As submitted the application was supported by a 'Sustainability Statement', 'Design Statement' and covering letter which seek to address the requirements of Policy GP9, and amongst other things it is proposed that solar thermal and PV panels be installed on the south facing roof slope of the 2-storey elements. Although the quality of the submitted information varies, overall it is considered that the requirements of Policy GP9 have been satisfactorily addressed.

The preceding text to Policy GP9 also notes that:

*The design of development, and the extent of impermeable surfaces proposed as part of it, can have significant implications for flood risk management and the management of the surface water run-off resulting from development. The drainage implications of development should be considered at the early stages of the design process. Drainage solutions will need to form part of development proposals and should address and, where necessary, mitigate any unacceptable increase in flood risk as a result of the development proposed. Consideration should be given to incorporating sustainable drainage measures as part of the development process. The design of soft and hard landscaping can help address drainage and runoff issues positively whilst reinforcing local character and distinctiveness. The Authority will also encourage greater water efficiency through rainwater harvesting.*

A number of representors have highlighted instances of surface water flooding in the immediate vicinity of the site. The applicant has stated that all of the hard surfacing around the development will be self-draining, and the application is supported by a Flood Risk Assessment and Drainage Report. This concludes that *"the contribution of the proposed development towards increased flood risk is negligible and will not unduly increase the risk to the local area and neighbouring properties."* As noted above, the precise specification of permeable hard surfacing can be controlled by way of condition.

In the wider context of encouraging a high standard of design, Policy GP18 requires potential improvements to the public realm and public art to be given consideration as part of development proposals. The public highways surrounding the site clearly form part of the public realm, and on that basis the proposed junction improvements are considered to appropriately address the requirements of Policy GP18. Precise details and the implementation of these works can be controlled by way of condition.

In light of all of the above, it can be concluded that the proposed development complies with the aims and objectives of policies GP8, GP9 and GP18.

#### Impact on setting of adjacent protected buildings

Policy GP8 notes that *"where development relates to protected buildings or protected monuments or their settings, development will be expected to conserve the particular special interest of those areas or buildings and the relevant policies relating to those areas shall apply."*

In that context Policy GP5 provides that development will be supported where it *"does not have an adverse effect on the special interest of the particular protected building or its setting or where the economic, social or other benefits of the development and, where*

*appropriate, its contribution to enhancing the vitality of a Main Centre outweigh the presumption against adversely affecting that special interest.”*

The preceding text to Policy GP5 also makes clear that *“applicants will be expected to demonstrate an understanding of the special interest of the protected building so that it can be taken into consideration at the outset of the design and development process and, wherever possible, any negative effects on the special interest can be avoided.”*

The two protected buildings adjacent to the site to the east, ‘Homeland’ and ‘Mares Pellees’, are detached houses set within their own garden grounds and face onto their respective streets. The application site in its current form contributes positively to the setting of both buildings.

The application materials describe how the setting of ‘Homeland’ and ‘Mares Pellees’ were taken into account in developing the proposed scheme. They state that by locating the proposed buildings as shown the setting of ‘Homeland’ will be unaffected, whilst in relation to ‘Mares Pellees’ the proposed buildings are set away from the boundary and further back from the building line to maintain the setting of that building as far as possible. The juxtaposition between the existing and new buildings is acknowledged, but additional boundary landscape planting is identified as a way to mitigate this.

Although this assessment is limited in terms of its insight into the specific characteristics of those buildings’ setting and how that contributes to their special interest, and does not acknowledge the contribution made to setting by the existing undeveloped field and protected trees, when taken together with the assessment on design under Policy GP8 set out above, it is not considered that there would be any significant adverse impact on the setting of those protected buildings as a result of the proposed development that would not be outweighed by the applicant’s reasonable aspiration to develop this site. The application is therefore considered to accord with both the Law and the aims and objectives of Policy GP5 in this respect.

#### Impact on neighbouring amenity

There are a number of dwellings opposite the application site to the south on La Route Du Braye and to the north on Les Mares Pellees, none of which would be adversely affected by the proposed development.

The two dwellings that adjoin the site’s east boundary face onto La Route Du Braye and Les Mares Pellees (‘Homeland’ and ‘Mares Pellees’ respectively), and back onto each other with a separation distance of c.23m across rear gardens.

Proposed Unit 2 would be positioned closest to the east site boundary and those neighbouring dwellings. The orientation of this unit would be such that there would be some oblique overlooking from second floor rear-elevation windows towards the rear garden of ‘Mares Pellees’, with more direct views towards that property’s west facing gable (which contains 2no. windows). However, given a substantial separation distance between Unit 1 and ‘Mares Pellees’, proposed boundary tree planting, and the generally urban character of the area to the south and east of the application site, it is not considered that such overlooking would unreasonably impact on the amenity of neighbouring properties.

The scale and position of the proposed buildings are well related to neighbouring dwellings such that there would be no unacceptably adverse overbearing or overshadowing impacts.

The application is considered to comply with guidance set out in Annexe I of the IDP and the aims of Policy GP8 as it relates to neighbouring amenity.

#### Access, highway safety and parking

The application site is currently accessed by a single, narrow access directly opposite the junction of Roseland Lane with Les Mares Pellees. This access is to be infilled to match the adjoining boundary treatment.

In assessing this application, THS concluded that *"...the scale of development would not significantly impact traffic in the area. The active travel and public transport services from the site are very good. From a road safety perspective, the access provides sightlines which meet the recommended standard."*

Notwithstanding the concerns that have been raised following public consultation, it is considered that the new vehicular access onto Les Mares Pellees is acceptable from a road safety perspective, and that the existing public road network would be able to cope with the modest increased demand arising from the proposed development in accordance with the relevant aims of Policy IP9.

A footpath runs along the south site boundary on La Route Du Braye. Les Mares Pellees is not served by a footpath. Policy IP6 requires *"development to be well integrated with the transport network and where potential exists, proposals will need to demonstrate excellent pedestrian and bicycle access to, within and through the site, taking opportunities to increase connectivity and create linkages and public through-routes where appropriate."* Furthermore, the preceding text to Policy IP9 makes clear that *"A key outcome statement within the Strategic Land Use Plan is to work towards achieving 'a safe, secure and accessible environment for all'.* It notes that the creation of compact, walkable communities centred on a high quality public transport system can make it possible to live a higher quality life without complete dependence on a motor car", and that *"Proposals for development offer the opportunity to secure a more accessible environment for both the users of the site and those travelling in the area."*

The provision of a footpath on Les Mares Pellees and a bus stop on La Route Du Braye formed part of the most recently refused application. However, the TPO that covers all of the existing trees on the site represents a significant constraint, such that it is not considered possible or reasonable to insist that improvements (beyond that proposed to the junction of Les Mares Pellees with La Route Du Braye) form part of this current application. On this basis there is considered to be no overriding conflict with the aims and objectives of policies IP6 and IP9 in this regard.

Two parking spaces per dwelling would be provided, and there is space on the shared driveway for visitors and within each plot for motorbikes to be parked. This accords with the maximum standards provided for under Policy IP7 and set out in the relevant Supplementary Planning Guidance. The application covering letter refers to the provision

within the garden of each unit of a secure timber shed to accommodate 2 bicycles, although the submitted plans are somewhat contradictory on this point. However, as the garden to each dwelling is large enough to accommodate a shed, this could reasonably be required by way of condition.

### Ecological impacts

The States' 'Strategy for Nature' has recently been adopted as supplementary planning guidance. Taking account of that document it is reasonable to conclude that opportunities to create new or protect or enhance existing habitats/biodiversity should be taken into account in all cases, whether or the site in question is the subject of any formal designation or not.

The application is supported by an Ecological Assessment which identifies that although the site comprises habitat of generally low to moderate overall value, its position in a developed landscape means that its relative importance is somewhat higher and may support more wildlife than might otherwise be expected. The report concludes that, subject to mitigation measures during the design, pre-construction, construction and post-construction phases (such as taking care over the timing of works, conducting surveys for bats and nesting birds as appropriate, installing fencing to ensure that perimeter hedging is not encroached on, managing the 'meadow' area for wildlife and not as part of either property's domestic curtilage, and bat, bird and hedgehog boxes being incorporated), the environmental impacts of developing the site would *"...generally be minor or negligible although several impacts may be positive, particularly in the medium to long term."*

Whilst it would be reasonable to impose conditions requiring construction work to be carried out in accordance with recommendations set out in the submitted Ecological Assessment, the provision and retention of bat, bird and hedgehog boxes, and to require management of the proposed landscaping scheme for a period of 5 years, in the absence of any explicit policy direction to consider ecological impacts on non-designated sites such as this it is considered that it would not be reasonable to require perimeter hedging or the 'meadow' area to remain outside of recognised domestic curtilage. Inevitably this presents a degree of risk that future occupants may not maintain the planting in the most ecologically beneficial way, but in and of itself this would not warrant the refusal of permission on this ground alone.

### Other matters

The application is accompanied by a draft waste management plan. Whilst this is welcomed, as it is not required under the provisions of Policy GP9 it would be unreasonable to impose a condition seeking to monitor its implementation.

### Conclusion

In light of the assessment set out above, and notwithstanding the objections that have been raised, it is recommended that planning permission be granted.

**Date:** 23-09-2020

