

DEVELOPMENT & PLANNING AUTHORITY

OPEN PLANNING MEETING AGENDA

An Open Planning Meeting will be held at The Theatre, Beau Sejour Centre, on **Friday 30/09/2016** at 9.15am for a 9.30am start.

The following application will be considered at the Open Planning Meeting:-

Agenda Item 1 :-

APPLICATION NUMBER:	OP/2016/1180
APPLICATION ADDRESS:	Les Blanches La Route De Blanches St. Martin.
DESCRIPTION OF WORK:	Residential development - erect 14 flats and 12 dwellings with associated parking and landscaping to include new access road and alterations to the proposed junction on Le Hurel.
NAME OF APPLICANT:	Island Development Limited.

The agenda for the open planning meeting, along with the planning application report relating to the application to be considered, which follows below, are made available five working days before the date of the Open Planning Meeting on the States website and also in hard copy at the Planning Service's offices. The planning application report below contains a summary of consultation responses and of any representations received on the applications from third parties.

There will be provision for **public speaking** at the open planning meeting. The opportunity to speak is afforded only to persons who:

- a) have submitted a representation in writing within the period specified for publicity of the application under section 10 of the Land Planning and Development (General Provisions) Ordinance, 2007, along with the applicant and/or their agent for the application; and
- b) who have notified the Planning Service in writing (by letter or by e-mail addressed to Planning@gov.gg) of their intention to speak which is received by Planning Service by 12.00 Noon on the working day immediately preceding the date of the Open Planning Meeting.



PLANNING APPLICATION REPORT

Application No: OP/2016/1180
Property Ref: J01509I000
Valid date: 23/05/2016
Location: Les Blanches La Route De Blanches St. Martin Guernsey
Proposal: Residential development - erect 14 flats and 12 dwellings with associated parking and landscaping to include new access road and alterations to the proposed junction on Le Hurel.
Applicant: Island Development Ltd

RECOMMENDATION - Minded to Grant subject to entering into a proposed planning covenant: when planning covenant entered into- Grant Outline Permission with Conditions:

1. No development shall commence on site until details of the siting, design and external appearance of the proposed buildings and the landscaping of the site (hereinafter called 'the reserved matters') have been submitted to and approved in writing by the Development & Planning Authority ('the Authority') and the development shall thereafter be carried out as approved.

Reason - To ensure, as an outline permission is being granted, that development may not begin until all the matters reserved for subsequent approval have been approved by the Authority.

2. Application for approval of the reserved matters shall be made to the Authority before the expiration of two years from the date of grant of this permission and the development hereby permitted shall be begun before the expiration of three 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. The housing to be erected under the terms of this permission shall be used only as Sheltered Housing (falling within Residential Use Class 3 of the Land Planning and Development (Use Classes) Ordinance, 2007, as amended or in any provision equivalent to that Use Class in any enactment repealing and re-enacting (with or without modification) that Ordinance) or Affordable Housing (the latter as defined in a planning covenant to be signed between the States of Guernsey Development and Planning Authority and the applicant, Island Development Limited) and consistent with Rural Area Plan Policy RH2.

Reason - Both types of housing as specified above fall within the definition of social housing under Policy RH2 and the development and use of this site for any other form of housing outwith Policy RH2 would be contrary to policies of the Rural Area Plan.

5. Prior to any development commencing on the site, a Construction and Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Authority. Agreed details shall be carried out as approved unless otherwise agreed in writing by the Authority. The CEMP shall set out aims for the development and construction works, detailing measures to minimise and control, as far as practicable:

- i. the impact on traffic flow, traffic and pedestrian management and safety;
- ii. negative impacts on residential and business occupiers nearby; and
- iii. waste management and disposal including of any excavated material.

The CEMP shall detail:-

- a. hours of construction and building operations;
- b. noise and vibration control;
- c. site lighting and light pollution control;
- d. dust prevention and management;
- e. construction phasing;
- f. traffic and parking management including the movement and use of large scale plant and machinery and parking for site workers during the development and construction works;
- g. pedestrian and construction access and management of the access to Le Hurel and Sausmarez Mill Estate including maintaining public access; and
- h. additional matters that may need to be addressed during the proposed works.

Reason - To co-ordinate and set out the implementation of construction activities to ensure that the best environmental practice is achieved, reduce the risk of adverse impacts of construction and minimise disturbance and nuisance in the interests of amenity.

6. No part of the development on the site shall be occupied until -

- (a) details of the proposed off-site traffic calming and pedestrian safety measures, including the raised table and filter, stop line, painted pedestrian walkway on Les Camps du Moulin, have been submitted to and approved in writing by the Authority, and
- (b) such works have been constructed, or otherwise completed, in accordance with those approved details and the Authority has confirmed in writing that it is satisfied of the same.

Reason - To ensure a satisfactory form of development in the interests of highway and

pedestrian safety.

INFORMATIVES

This application has been determined on the basis that siting, design and external appearance of the proposed buildings, and the landscaping of the site, (all the reserved matters) are reserved for subsequent approval. The Authority has noted the submitted layout plan and the contents of the Planning & Design Statement (PDS). In general, the design principles identified in the PDS are considered satisfactory.

The detailed scheme for development of this site must satisfactorily address these issues and ensure that it meets the relevant policy requirements. In particular, for the purposes of Policy RH2 of the Rural Area Plan, the development must be of a scale and design appropriate to the rural setting, adequate provision must be made for the protection of the rural character of the site and appropriate measures must be included for the general environmental enhancement of the locality.

Any detailed scheme must include a fully detailed landscaping scheme, supported by a landscape character assessment, demonstrating that the scheme is appropriate to its setting and planting will help to assimilate the development into its rural surroundings.

For the purposes of condition 4, Social Housing is defined in the Rural Area Plan as: that which is (a) provided by the States' Housing Department (now the Housing Services part of the Committee *for* Employment & Social Security), (b) provided by a recognised Housing Association in co-operation with that Department, or (c) in a scheme to secure specific forms of social housing sought in the Corporate Housing Programme, with the support of the Housing Department. Such housing would normally be for subsidised rent or for partial ownership but may include sheltered housing in schemes that are approved by the Housing Department.

OFFICER'S REPORT

Site Description:

This application relates to an area of land of approx. 1ha (2½ acres) generally to the rear (south east) of the Manor Stores. There are additional fields to the south and east, also owned by the applicant, but these do not form part of the application site.

Access is proposed to be from Le Hurel, via a new roadway between the Manor Stores car Park and St Martin's Tennis Club. Access is also proposed from the Manor Stores car park.

Relevant History:

2004 – Representation made to Rural Area Plan Inquiry seeking development of a site for housing (sheltered/low density). At that time the site submitted was approx. 2.5ha (6½ acres) and included three fields to the south and east of the application site. The site remained within a non-designated area.

2011 – Application to relocate recycling bins and provide a new access - Refused, for reasons related to the effect on character and amenity, access and highways safety issues and loss of footpath.

2015 - Outline planning application for a residential development - erect 20 dwellings and 17 flats with associated parking and landscaping – revised to include alterations to junction on Le Hurel, refused on 18/12/15 for the following reasons:-

“1. Rural Area Plan Policy RH2 states that:

Proposals for the erection of social housing will only be permitted where:

- a) the site is suitable, having regard to its characteristics and neighbouring land-uses and is, or can be, integrated into the existing built environment;*
- b) the site is within or would round off existing State-controlled housing or is well related to one of the designated Rural Centres;*
- c) the development would be of a scale and design appropriate to the rural setting; and,*
- d) adequate provision is made for the protection of the rural character of the site and appropriate measures for the general environmental enhancement of the locality.*

The erection of new housing in Areas of High Landscape Quality will not be permitted.

In considering the submitted application for outline planning permission to erect 20 dwellings and 17 flats, the Board of the Environment Department noted the supplementary plans and information submitted to illustrate the intended character of the proposed development, including a planning and design statement, layout drawing and typical floor plans and perspective images. The Board also undertook an unaccompanied site visit to view the site and its surroundings prior to determining the application.

Having carefully considered the application at an Open Planning Meeting, the Board concluded that development of the number of residential units proposed, by virtue of the scale and density of the resulting development, including the height of some of the buildings illustrated and the limited amenity space allocated to several of the units, would not be of a scale and design appropriate to the rural setting, contrary to criterion c) of Policy RH2, and would also conflict for the same reasons with Policies RGEN5 and RGEN8 of the Rural Area Plan.

In reaching its decision, the Board did not consider that criterion c) of Policy RH2 could be met through the submission of reserved matters following a grant of outline planning permission in view of the density and height of buildings needed on site (as indicated in the submitted supplementary information) to achieve the intended number of residential units. Use of a planning condition to deal with this issue would also not have been appropriate as it would have significantly changed the nature of the development being applied for in terms of the number of units proposed.

Therefore, the proposals would not fully satisfy the provisions of Policy RH1 as required by the Rural Area Plan. Policy RH1 states that the provision of new housing through other means, such as new build, will not be permitted unless the proposal fully satisfies the provisions of Policy RH2.

2. Policy RCE1 states that there will be a presumption against the unacceptable loss of open and undeveloped land and that development will only be permitted where it is an acceptable form of development for which a rural location can be justified, and the scale, location and design of the development would not detract from the openness of the countryside or result in the unacceptable irreversible loss of agricultural land or have an adverse effect on the viability of an agricultural holding.

The Board carefully considered that a need had been established by the Housing Department for the social housing in question but considered that the development would conflict with criterion b) of Policy RCE1 as it would result in an unacceptable irreversible loss of agricultural land. The Board concluded, having particular regard to the expert views of the Commerce and Employment Department that the loss would be unacceptable, despite the relatively small size of the site, because of the particularly high quality of the agricultural land in question so that the proposal would depart from Policy RCE1. In its response to consultation on this application, the Commerce and Employment Department confirmed that the specific area of land that is subject of the application is some of the highest quality and most versatile land in Guernsey, being classified as Grade 1 Excellent Quality Land in the 1988/89 Soil and Land Evaluation of Guernsey. The Soil and Land Evaluation report noted that only 11% of the land area in Guernsey was in this highest Grade 1 classification.

Therefore, the Board refused permission on the basis that the proposal did not fully satisfy Policy RH2, so that it conflicted with Policy RH1, and on the basis of a departure from Policy RCE1.”

Existing Use(s):

Agricultural land

Brief Description of Development:

This is a revised outline planning application for a social housing development to comprise 14 flats and 12 dwellings (26 units) (previously 17 flats and 20 dwellings) (37 units), with associated parking and landscaping.

The proposal is for 10 flats to be transferred to GHA ownership, with the remaining 4 flats and 12 houses restricted to Residential Use Class 3 (Sheltered housing).

Although an outline application, it includes details of the proposed access onto Le Hurel. All other details are reserved matters.

The application is supported by additional information including a Planning and Design Statement (which is not part of the formal application) to illustrate the intended character of the proposed development, and includes illustrative typical floor plans and perspective images. The application also includes a Traffic Impact Assessment (TIA) concerning traffic implications of the development and the proposed new access.

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

Rural Area Plan

RGEN3 - Landscape, ecology & wildlife

RGEN5 - Character & amenity

RGEN6 - Design

RGEN7 - Safe & convenient access

RGEN8 - Parking & open space

RGEN11 - Effect on adjoining properties

RCE1 - Protecting open land & avoiding unnecessary development

RCE2 - Landscape character

RCE8 - Landscape design

RCE12 – Design & local distinctiveness

RH1 - New housing

RH2 - Social housing

Representations:

54 letters/emails of representation, including letters from States Deputies and from St Martin's Tennis Club. Some representors wrote more than one letter.

Also a petition, in three parts, with 295 signatures on paper forms, a computer list of 759 names and a second computer list with 318 comments. The comments attached to the petitions predominantly refer to agricultural land, green spaces, no need for houses and that development will spoil the area and spoil Guernsey.

Representors objected on various grounds, including, policy, need, agricultural land, green/open space, traffic and impact. Objections are summarised as follows;

- Does not adhere to Rural Area Plan with regard to new build in rural area; contrary to RH1, Plan directs development to the urban area,
- Policy RH2 should only be used in exceptional circumstances, no evidence of exceptional circumstances, there must be a need, needs to be clearly identified needs, no explanation of need, not aware of any such need, no shortage of social housing in St Martins, site must be suitable, and should only be for limited development, this is not limited, does not adjoin or round off States housing, does not consolidate, needs to be integrated, RH2 requires scale and design to be appropriate, site is not suitable having regard to its characteristics,
- RH2 should not be used to override RH1, only for filling in, not for new estates, previously at RAP inquiry it was said that it would exclude land separated by a highway, a deputy who was a progenitor of this policy says this sort of site was never envisaged for development under this policy,

- Outside centre of St Martin's village, not well related to Rural Centre, site is a non-designated area, not connected to Rural Centre,
- Only part of development is social housing, 60% is not, not the majority, if RH2 is to be used it should all be social, Social housing is defined in the Rural Area Plan as where the States has control, this is not social housing, housing for over 55's should not be considered to be social housing,
- Already exceptions in St Martin, much recent development in the area, Edgebaston recently approved, States owns other land west of Rue de Hurel,
- RCE1 protects against loss of open undeveloped land, presumption against loss of open undeveloped land in RCE1, primary objective of the Rural Area Plan is the conservation and enhancement of the rural environment, maintaining and enhancing the openness of the countryside,
- Impact on natural beauty, character and amenity, greenfield site, impact on rural character, design is not in keeping with traditional Guernsey houses, not in keeping with surroundings, will dominate the area, height will have a negative impact,
- Land is agricultural, in top 11% in the Island for quality of soil, highest quality, prime land grows better crops, loss of agricultural land, linked to other agricultural land, contiguous with other agricultural land, good growing land, will need land for growing food locally, needed for food security and sustainability, grade 1 soil would be irrecoverably lost, remembers agricultural use and the farmer, has been continuously used, agricultural land to be protected, currently being actively farmed, loss of agricultural land was resisted at the last public inquiry, farmland should be protected, even if not in APA, loss of farmland will affect viability of farm, small parcels of land are important, it is not right to refer to parts of the draft Island Development Plan out of context, with regards to Agricultural Priority Area,
- Other more suitable sites, use derelict greenhouse sites, use old vinery sites, there are alternative sites, there are more appropriate sites,
- Importance for natural wildlife, 2010 habitat survey, owls present, also bats, slow worms, voles and shrews, green lung, loss of biodiversity, gardens won't protect biodiversity, need green spaces, breathing spaces, St Martin is a country parish, trees will be lost, important open land,
- Effect on roads and other infrastructure, busy roads, rat runs, Le Hurel is a narrow lane, roads not suitable, La Route de Blanchés is busy, can't take more traffic,
- Junction of Le Hurel with Les Camps du Moulin is poor, why add more traffic, lots of near misses, recent accidents, congested, difficult to park, increased traffic,
- Traffic, estimates low, estimates of one trip per household per day is low, many people over 55 still work, why would 20% turn south other than to reduce statistics, formal reports don't show the reality experienced by residents,
- Road was deemed unsuitable for recycling access, should not have retail traffic using Le Hurel, could channel new traffic through the retail site,
- Filter may well help road users and reduce traffic speeds, but will not reduce volume, not help pedestrians, volume of traffic will pose risks to pedestrians and children, lack of pavements,
- Walking route to schools, many children use these roads, narrow pavements, no pavements, roads unsuitable, impact on horses using the lanes,
- Area busy on 'double divi' day,
- Pressure on parking on site and surrounding lanes, insufficient parking,
- Impact on schools, school bursting at seams, school is oversubscribed,

- Impact on neighbouring community, no benefit to the community,
- Scale of development, reduced scale does not mitigate, previous list of RH2 sites were all less than 0.5ha, this site is 50% bigger, and not limited,
- Many houses not being sold, not convinced there is a need,
- Previous applications on this site refused, that should be the end of it,
- Proposal is for profit not helping Islanders,
- Concerns about site notices being removed
- Precedent for rest of the fields
- This isn't the first time these fields have been targeted, Inspector at the last Rural Area Plan inquiry rejected this site for housing, at the last Rural Area Plan inquiry the Inspector stated that he would not expect the Corporate Housing programme to conclude either of these areas acceptable unless there is a need in St Martins that cannot be satisfied elsewhere. Also that he was satisfied that the policies properly understood ought to provide a very strong protection for open countryside,
- Public opinion is against this, must have an Open Planning Meeting, Board must have the full facts, any decision could face a legal challenge
- Planning Covenants cannot be used – States did not rescind the restriction to HTA sites only.

Some longer letters (from Dr Lee and Mr Lee) set out lengthy arguments on why they consider policy RH2 cannot override (or trump) policy RCE1, and that they consider the Environment Department incorrectly used RH2 previously. Either RH2 is a self-contained stand-alone policy (in which case RCE1 does not need to be considered) otherwise RCE1 does need to be considered. RH2 must be read alongside RCE1. The supporting text to RH2 shows there must be a balance between the need for social housing and the general objectives of the Plan. There are 4 criteria to be considered as a framework within which to make the assessment. Many of the words in RH2 are non-specific to allow Deputies to have discretion, and this discretion should be used within the context of the other policies of the Plan.

St Martin's Tennis Club – raised a number of concerns including road safety, traffic issues and impact on the club, supermarket traffic and insufficient parking provision.

Consultations:

Committee for Employment & Social Security

Note: Although these comments refer to an "on-site warden", the applicant only refers to there being a warden to provide on-site support (as required by Use Class 3). The President of the Committee for Employment and Social Security has subsequently confirmed that the Committee considers the proposed development to meet the aims and objectives of the Corporate Housing Programme regardless of whether warden services are provided by someone living on or off-site.

The Committee considered the proposed La Route de Blanches development at its meeting on 21 June 2016 and, from the Committee's perspective, consider it to meet the aims and objectives of the Corporate Housing Programme. The development proposal

confirms the agreement that has been made between the developer, the Guernsey Housing Association (GHA) and the former Housing Department for 10 apartments to be transferred to the GHA upon completion for use as partial ownership, with the remaining 16 units used exclusively as sheltered housing units aimed at people over-55.

The GHA's partial ownership waiting list currently stands at over 200 applicants, a level that has remained relatively consistent over recent years. This, together with the most recent Housing Needs Survey data, shows that there is currently an extensive demand for partial ownership units. Providing partial ownership units, as proposed by this development, meets Action Area C of the Corporate Housing Programme: To support the development of agencies to provide for the varied needs of the Intermediate Housing Market and to work with those agencies to ensure that there is sufficient provision of affordable social housing to meet the reasonable needs of that sector.

In terms of the provision of sheltered housing units, the Supported Living and Ageing Well Strategy highlighted how Guernsey's changing demographics will lead to an ever-increasing pressure on units of accommodation adapted to meet the needs of older people. In particular, the provision of an on-site warden at the proposed development means that it delivers a support that stands it apart from general older people's housing. The development of sheltered units falls directly into meeting the objective of Action Area E of the Corporate Housing Programme: To develop appropriate options for persons requiring supported accommodation, which may include older persons, young people, people with a learning disability, persons with a mental illness, ex-offenders etc. In the Committee's view, creating 16 sheltered housing units meets a specific profile of local needs that is, and will be, in increasing demand.

A key objective of both the Corporate Housing Programme and the Supported Living and Ageing Well Strategy is to enable Islanders to live independently in accommodation rather than be reliant on institutional care; this objective is met with the provision of these sheltered housing units.

For these reasons, the Committee for Employment and Social Security consider the proposed development to meet the aims and objectives of the Corporate Housing Programme.

Note – The 10 units to be transferred to GHA clearly falls into the category of Social Housing, as does sheltered housing meeting the needs of older people.

Agriculture, Countryside and Land Management Services

The comments are summarised below;

The Agriculture and Rural Environment Section of Commerce and Employment provided comments to the Environment Department on 13 April, 2015 on that application. These comments are still relevant and valid for this application and it would be appreciated if these comments could be taken into account for the current application. (See below for previous comments).

The applicant's town planning consultant, Mr Bill Lockwood, has provided an 11 page critique of the Agriculture and Rural Environment Section's previous comments. These comments seem to reflect a view that open and undeveloped agricultural fields, local farming and milk production and the maintenance of the island breed of cattle is no longer an important part of island life, which is not accepted.

In making his comments Mr Lockwood appears to have extensively referred to a 2010 leaflet entitled 'Guernsey Island Agricultural Information'. This was a general note about farming in Guernsey that was produced specifically for tourists and other visitors to the island, who might have a superficial interest in local farming and how it differs from farming in the UK. As such, the information provided is not detailed and it is inappropriate that this should be quoted in support of any planning application.

We would wish to make the following additional comments:

1. If permission for the proposed development were granted then this might provide an argument for additional future development of social housing (or partial social housing) or another development on the remainder of the land owned by Island Development Ltd.

He refers to adjoining land owned by the applicant and to previous applications.

2. Land Quality

I visited the site again recently and took soil samples to a depth of up to 80cm in a W pattern across the field. I inspected the soil throughout that depth in individual 150mm samples and can confirm that it was a fine sandy silt loam to depth with the top 35 – 40cm containing organic matter rich top soil. This is Excellent Quality land that is very similar to the adjoining areas of land in this ownership.

This specific area of land was classified in the 'Soil and Land Classification of Guernsey', undertaken by professional UK consultants in 1988, as Grade 1 Excellent Quality Agricultural Land, which means that it is of such quality that there are no or only very minor limitations to agricultural use. Referring to land of this quality, the consultant's report stated that "A very wide range of agricultural and horticultural crops can be grown" and that "Yields are high and less variable than on land of lower quality".

The soil is eminently suitable for the cultivation of a wide range of crops but has mainly been used in recent years for the growing of ryegrass crops for conservation as silage, which is used as the main winter food for dairy cattle. This farmer also grows crops of forage maize, again for silage as a winter feed for cows, and fodder beet (a root crop not dissimilar to Sugar Beet) that was grown in the adjoining field in 2015. It is understood that these crops have all been grown in these fields in recent years in an agricultural rotation.

It appears that since the local farmer who was using this field lost the tenancy of the land, the field (for which this application has been made for housing development) has been left undisturbed and un-cropped. Grass and weed growth from last year had not been cut or

harvested (as the field was no longer tenanted) and this has been allowed to rot down on the surface of the soil. When visited today there was a growth of indigenous grasses, dock plants and thistles in the field. It should be noted that this does not detract in any way from the quality of the soil or its capabilities for future cropping, as these weeds could be readily treated and the soil ploughed and cultivated in readiness for future cropping if desired by the owners.

3. Loss of Agricultural Land

The Agent's dismissal of the argument that the site should be preserved for agricultural use is, in itself, a weak one. It appears to overlook the clear statements made by the Commerce and Employment Department, describing its policy, most recently in Billet d'État XX, of Wednesday 24th September 2014, which states;

Agricultural and open land should continue to be protected and left undeveloped, leaving a strategic "land bank" for the future of food production and farming, and

The Department believes strongly that if dairy farming is to have a viable and sustainable future, the land that it needs must be strongly protected, and

The increasing costs of importing animal feed are likely to persuade more dairy farmers to explore the possibility of growing their own grain and root crops to supplement cattle rations as an alternative to such imports.

4. Guernsey Island Agricultural Information:

It is wrong for Mr Lockwood to conclude that justification for maintaining an agricultural industry in Guernsey is primarily based on its benefits as a land management system rather than its contribution to the island's economy.

There is a strong argument that the best agricultural land in the island should be retained. The specific area of land that is now proposed for housing development is 'Grade 1 Excellent Quality Land' that can grow almost any crops, without limitation, and that 'Excellent Quality' land is only 11% of the total land available in Guernsey. To develop this land when other land is available would seem to be irresponsible.

5. Agricultural Priority Areas

In his submission, Mr Lockwood has made much of the Agricultural Priority Areas that are included in the Draft Island Development Plan, which is yet to be approved by the States of Deliberation. The Commerce and Employment Department did not agree with the extent of the Agricultural Priority Areas, arguing that they should include other areas of land, including land such as the application site. It also wished agricultural land that was not in an APA to be protected from development.

6. Conclusion

Given the option to develop numerous redundant glasshouse 'brown field' sites, why would an authority condone the development of some of the best quality undeveloped agricultural land (and open space) in the island. This land may have been growing grass and forage crops for dairy cattle in the recent past but it is of such quality that numerous other crops (including a wide range of crops for human consumption) could be grown on this land, if the strategic need ever arose. This Excellent Quality land is the ultimate strategic reserve for any society and one that would not be available if a housing development was permitted.

The Agriculture, Countryside and Land Management Service, in following the previously stated policy regarding agricultural land, remains very opposed to this development which would result in the loss of some of the highest quality agricultural land within the island, when other sites are likely to be available at no great distance from this location.

(Previous comments)

Commerce and Employment - States Agriculture and Environment Adviser

This application is for the development of dwelling houses and flats on previously undeveloped agricultural land. This is in direct opposition to one of the primary objectives of the 2005 Rural Area Plan Policy, which was the conservation and enhancement of undeveloped agricultural land.

The 2005 Plan aims to protect and enhance the open and undeveloped character of the rural area and to restrain development. "Accordingly, under Policy RCE1, unnecessary incursions of development into the rural areas should be avoided." (Conservation and Enhancement Policies, Section 3.1, page 23, of the Rural Area Plan 2005). Section 3.1 of the Plan goes on to state that "Agricultural land will be protected from irreversible development wherever possible and particular care will be taken to protect the best and most versatile agricultural land". Policy RCE1 states that "There will be a presumption against the loss of open and undeveloped land".

The specific area of land that is the subject of this application is some of the highest quality and most versatile land in Guernsey. It is also known to have been in constant use for the production of crops for dairy farming for at least the past 30 years (and for untold years before that).

An official 'Soil and Land Evaluation of Guernsey' was carried out in 1988 and 1989. The Report and maps that were produced by the professional team identified the various soil types within the island. An 'Agricultural Land Classification' detailed the quality of the land and any limitations to its use in agriculture. The soil type in the field to which this application relates was identified as 'deep loamy' soil, which is the best type of free draining soil for plant growth in the island. This field was also classified as Grade 1 Excellent Quality land, with no limitation to the type of agricultural crops that could be grown. This is some of the highest quality and 'most versatile' land in Guernsey and the Soil and Land Evaluation report noted that only 11% of the land area of Guernsey is in this highest Grade 1 classification. Therefore, this land is a prime example of the type and quality of land that should be protected for the future agricultural requirements of the island population.

High quality agricultural land should also be protected and not developed for sound 'food security' reasons. Guernsey now produces little of the food that is consumed by residents and is almost totally dependent on imports of food. The production of locally produced milk is the one exception where the island is fully dependent on home produced milk production. The farm that has utilised this land over the past (at least) 30 years is one of only 15 dairy farms still in production within the island. It is efficiently managed and it is most likely that it will remain in milk production in the next generation, supplying milk and dairy products to island consumers, provided that sufficient land is retained for the number of dairy cattle that are required to produce milk. In no small measure this will depend on the outcome of this application to develop some of the agricultural land on which this farm depends. Similarly, if this application succeeds, on what is some of the best quality productive land in the island, this will set a most unwelcome precedent for any similar future developments of this kind throughout the island.

Agricultural land is often very fragmented within the island which makes production less efficient. Therefore, a large block of high quality agricultural land, such as this, is particularly important. The land that this owner now wishes to develop for housing includes a field of about 4 verges 27 perch that is within a block of land (all apparently owned by the same company and farmed by the same dairy farmer) of approx. 22.5 verges. The fields within this block of land are all very high quality land and have been cropped together with a number of productive arable and grassland crops in the past. The fact that the land that is proposed for development is part of a larger block of agricultural land in the same ownership and with the same tenant farmer means that it can all be managed together using more efficient larger scale agricultural equipment and methods. Therefore, areas of land such as this are vital for the continued viability of this farm and of farming in Guernsey.

Policy RCE1 (b) states that a development will only be permitted if the development would not detract from the openness of the countryside or result in the unacceptable irreversible loss of agricultural land, "or have an adverse effect on the viability of an agricultural holding". If permitted this development will represent an unacceptable irreversible loss of prime quality agricultural land and will have an adverse effect on the viability of a long established dairy farm. This St Martin's dairy farm has expanded cow numbers considerably in recent years so as to ensure the maintenance of milk supply for the island community. In order to maintain supply it must have sufficient land to produce feed for the dairy cattle.

This Department has maintained detailed records of individual land use in recent years. We also hold records of land use collected in 1985/6, when the ownership and tenancy of all agricultural land in the island was surveyed and recorded. Annually revised 'Digi-map' records undertaken by this Department indicate that this area of land has been used in recent years by Les Hubits Farm, St Martins and, prior to that, records detailing these fields in the 1990's and the farm land survey that was undertaken in 1985/6, prove that this land has been used by Les Hubits Farm for at least 30 years. This field has therefore been in constant agricultural usage and is a vital part of the land used by that farm.

Although this particular field is not within an Area of High Landscape Quality or a Site of Nature Conservation Importance as defined in the 2005 Rural Area Plan, it has been within a 'Farm Biodiversity Action Plan' that was developed by the UK based Farming and Wildlife Action Group (FWAG) in 2002/3, revised in 2009. The agricultural land provides habitat for a wide range of wildlife and if developed, could not only have a detrimental impact on wildlife in the area, but would mean that other land farmed by Les Hubits Farm would need to be farmed more intensively so as to maintain overall productivity. This could have a much wider detrimental effect on wildlife.

There are many areas of lower quality land within the island that could be utilised if it can be shown that there is a pressing need for a development of this kind, but there are also many sites that were previously developed for protected horticulture, that could be utilised. There are numerous derelict vinery sites within St Martins and there is even a recent example where social housing has been developed on a redundant glasshouse site within the Parish. Therefore, rather than develop pristine agricultural land that is of excellent quality, surely any 'essential' development of this kind should be directed towards one of the existing redundant horticultural glasshouse sites within the parish or within the vicinity. Pristine agricultural land of this quality should be protected for future generations and not developed.

The Agriculture and Rural Environment Section of Commerce and Employment would be very opposed to this development and the loss of some of the highest quality agricultural land within the island. Even if social housing of this type is required, this is not an appropriate site for such a development.

Traffic and Highway Services

The former Traffic Services Unit (TSU) was consulted on a few occasions concerning this site and also met with the developer's representatives and their traffic consultants. The principles of the latest application appear to be a less intensive scheme in terms of numbers of dwellings but with an increase in parking provision per unit which is welcomed by Traffic & Highway Services (THS).

In May last year the TSU commented broadly as follows:-

- 1) The proposed access design adjoining Le Hurel will not achieve a 20 metre sightline in both directions, as there are obstructions within the visibility splay that are outside the direct control of the applicant.
- 2) The sub-standard radius on the left side of the access when exiting would require vehicles to cross into the path of oncoming traffic when exiting to the left.
- 3) The access roadway leading to the development would not support two way traffic for larger vehicle types likely to be using the roadway, particularly taking into consideration the potential for delivery vehicles to use the proposed exit from Galleries du Manoir.

- 4) The parking provision would not appear to be commensurate with a development of this scale, no evidence has been provided to support the applicant's belief that a reduced car ownership will be evident given that the potential age restriction on occupancy may only apply to part of the development's units.
- 5) The egress from Le Hurel onto Les Camps du Moulin currently exhibits a significantly sub-standard sightline of oncoming traffic, however the TSU would support measures to significantly improve the observed sightline.

The TSU concluded that there were Road Safety grounds on which to oppose the application, specifically in regard to the sub-standard sightlines that would be observed from the proposed access and the need to cross into the path of approaching traffic when intending to exit to the left.

There were some Traffic Management grounds on which to oppose the application, specifically in regard to the proposed level of parking provision as it would not appear to be commensurate with the requirements of the UAP Annexe 2 and the shortcoming in width relating to the proposed access roadway, taking into consideration the vehicle types likely to be using it.

Current Scheme

THS can confirm that it agrees with the methodology and vast majority of the conclusions reached in the latest Traffic Impact Assessment for the site dated 26th April 2016. These are essentially:-

- a) The scheme will provide an improved pedestrian link from the south with Les Galleries du Manoir.
- b) The proximity of the site is very well located for pedestrian access to a Local Centre and also access to public bus services.
- c) The development will generate a fairly low level of traffic movements that can easily be accommodated by the road network in the area.
- d) Le Hurel can accommodate the increased traffic flows exiting Les Galleries du Manoir via the new service road.
- e) The ability for drivers to exit Les Galleries du Manoir via Le Hurel will relieve some of the conflict at the pinch at the southwest corner of the Iceland Stores.
- f) Improvements can be made to sightline in the direction of oncoming traffic observed at the junction of Le Hurel and Les Camps du Moulin through a change to where road markings are installed
- g) The proposed raised filter at the junction of the new access road/Le Hurel/Le Hurel Estate would provide traffic calming at a point where there is restricted

visibility at the existing Estate junction and there will be restricted visibility at the exit of the new estate road/alternative Galleries du Manoir exit.

In addition to the above, the latest scheme goes a long way to address the concerns previously raised regarding levels of parking provision within the site and also the width of the estate road has been widened to accommodate 2-way flow of service vehicles.

It has been noted that some planting is proposed adjacent to where Galleries du Manoir secondary exit would adjoin the access road. This planting should be set back away from the edge of the road to ensure a driver exiting can see at least 20m along the service road.

Conclusions

In light of the amendments to the scheme, THS believes that there are no significant traffic management grounds to oppose the application, i.e. the road network and junctions can easily cope with the level of traffic movements predicted and the level of parking is set at what is considered to be a more realistic level.

There are however road safety grounds to oppose the application. These are predominantly due to the limited sightlines (particularly in the direction of oncoming traffic) that would be observed at the junction of Le Hurel and the new access road. The applicant is proposing measures that would mitigate against the risk as far as is practical without alterations being made to the adjacent property's roadside banks and planting. The access design will also not enable cars to left turn out of the new access without crossing into the path of approaching traffic, including those waiting at the filter.

Clarification is required regarding the planting scheme in the vicinity of the Galleries secondary exit to ensure sightlines are not compromised and thereby introduce a road safety risk that is avoidable.

Constables of St Martin

The application was reviewed by the Constables and members of the Douzaine and the general consensus is against the proposal, as our view has not changed since we were asked to comment on the original proposal.

Constables of St Martin – Previous comments

Writing as Constable of St. Martin and on behalf of and with the authority of the Douzaine to object to the application.

Whilst aware that any comments made should refer to this application only, should emphasise that the Douzaine are in favour of the type of development contained within this application. Objection is to this site and this site alone.

On reviewing the map of the intended build it is noted that the extra traffic is to exit through a new two lane road past the St. Martin's tennis club and onto Le Hurel. It is felt that this road is not capable of taking the increased traffic. Whilst it is noted that a traffic survey was carried out, it should be noted that this was done on two Saturdays over the

Easter period. Hardly a time of normal traffic! Another road is to be accessed/exited via Manor Stores car park, which is a plan rejected only a few years ago.

There are a number of other far more suitable sites in St. Martin for this type of development which would have the support of the Douzaine rather than building on a greenfield site which is of high agricultural importance.

The Douzaine of St. Martin trust the application is rejected.

Constables of St Martin – previous further comments

The dangers caused by increased traffic will not be lessened to any great extent by the proposed revisions. All other objections still remain. While welcoming additional homes for elderly and social housing, do not support this vicinity. Still object to proposal to build on an agricultural field that is grade one agricultural land. Numerous other sites begging to be built on, which Douzaine would wholeheartedly support.

Summary of Issues:

The main issues in deciding this application are:

1. whether the principle of housing development is acceptable;
 2. whether development of agricultural land is acceptable
 3. the impact of the development on the appearance and character of the area;
 4. the impact of the development on the amenity of people living in the area; and
 5. parking and access issues,
- taking into account the policies set out above.

Assessment against:

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

1. The principle of housing development

Strategic Context

The Rural Area Plan puts in place the Detailed Development Plan required pursuant to the 2003 Strategic and Corporate Plan (the “S&CP”) (also known as the Strategic Land Use Plan, or “SLUP”). It should be noted, as set out below, that this is the relevant “SLUP” when considering the Rural Area Plan.

Under “*The Purpose of the Strategic Land Use Plan*”, the 2003 S&CP sets out, at 10.1.4, that –

“This year the SLUP includes the following amendments and additions:

Housing – the introduction of a new policy (Strategic Policy 6(A)) to make provision in the rural area for a limited amount of social housing...

10.3.19 Although the majority of social housing should be directed towards the Urban Area in accordance with Strategic Policy 3, provision may be made for a limited amount of social housing to be developed ...Such provision should not be of a scale or in a location that would compromise the conservation and enhancement of the rural environment.

Strategic Policy 6(A)

Notwithstanding Strategic Policy 3, Detailed Development Plans for the Rural Area may, as an exception, provide for the development of a limited amount of subsidised social housing."

Rural Area Plan Housing Policy

The Rural Area Plan notes that one of the strategic policies of the States is that the majority of new housing provision should be within the urban area on previously developed land.

In light of this and with regard to the primary objective of this Plan, opportunities for new housing development within the rural area are very limited. Such opportunities are normally restricted under Policies RH1 and RH3 to the subdivision of existing dwellings, the conversion of buildings and to the replacement of dwellings on a one for one basis within the same site.

The supporting text at the beginning of the Housing policies also states, in the context of the often premium prices commanded for new homes in the rural area, that "... for the time being the delivery of affordable homes to meet identified social needs will be limited to sites where the States is able to exert control as landowner or other enforceable means". Enforceable means would include conditions attached to a planning permission and restrictions and obligations under a legal agreement known as a planning covenant made under the Land Planning and Development (Guernsey) Law, 2005 which is enforceable by the Environment Department against an owner of land who enters into it and future owners of the land. Further reference is made below to a possible planning covenant in relation to the application site.

The Plan also acknowledges that an element of new social housing may be required in the rural area, in order to ensure the local provision of social housing in different parts of the Island and to meet a range of different housing needs. The supporting text to the Housing policies therefore states that in very exceptional circumstances, provision will be made for the erection of social housing that meets a clearly identified need. These exceptional circumstances are set out in Policy RH2 which provides discretion for the Development & Planning Authority to override the normal policy in RH1 where the criteria in RH2 are met. The supporting text to RH1 acknowledges this by saying "the provision of housing through...new build, will not be permitted unless the proposal fully satisfies the provisions of policy RH2".

The supporting text to RH2 also states that it is important to strike a satisfactory balance between the provision of genuine social housing and the general objectives of the Plan which include the general, conservation and enhancement chapters including policy RCE1 in relation to protecting open land. Therefore, it is clear that the policy in RH2, against which a social housing development has to be assessed, itself aims to balance these objectives.

Sites to which Policy RH2 applies are almost inevitably greenfield sites. The Rural Area Plan therefore envisages the loss of greenfield sites *if* policy gateway RH2 is satisfied.

References have been made by representors to the previous Rural Area Plan Inquiry and to the Inspector's Report. In particular attention was drawn to the statement, "Thus I would not expect the Corporate Housing Programme to conclude that either of these areas of land would be an appropriate site for social housing unless there were a particular need in St Martin's that could not be satisfied elsewhere." The two areas of land being referred to at that time included a field alongside Le Hurel (to the north of the proposed access) and a number of fields (including the application site) to the south and east of the shopping centre.

The Authority has to interpret the policies of the Rural Area Plan on a common sense basis and in the context of the Plan as a whole having regard to the particular application before it and the facts at this time. The purpose of the Inspector's report was rather to provide expert assessment and recommendations on the draft plan at the time and did not address particular development proposals. Furthermore, the issue of housing need has evolved, as discussed below, since that time, which was over 10 years ago. The Inspector's report did also refer to the protection of agricultural land, saying that such protection was not set aside by Policy RH2. The protection of agricultural land in the context of this particular proposal is a key issue that is considered in more detail below.

The Inspector's report also made other comments in relation to policy RH2. The Inspector did say that the number of rural social housing units "would nevertheless be likely to be modest". Small infill developments or modest extensions of existing estates were envisaged rather than "major new estates." This proposal is considered to fall within the category of a small infill development, rather than a major new estate. The proposal has been reduced from the 37 units previously proposed to 26 units now.

The Inspector also noted Deputy Roffey's concern that there should be adequate provision for sheltered housing particularly in areas well away from the Urban Area, and specifically suggesting that there ought to be more locational flexibility. He had suggested an additional caveat to RH2 stating, "or in exceptional circumstances, and at the discretion of the committee, on other sites deemed ideal for the social housing objectives identified by the Housing Authority".

The Inspector stated that his proposed wording for RH2, "would not rule out hybrid schemes that might enable creation of sheltered schemes that would include some subsidised but also non-subsidised units without recourse to States land or subsidy, provided that support for the States Housing Department could be secured, presumably

with private covenants used to secure continued availability for the intended occupiers.” This proposal is considered to represent precisely such a scheme.

Housing Need

The Rural Area Plan states:

Where a need has been established by the Housing Department for specific forms of social housing, then the provisions of Policy RH2 may, at the Environment Department’s discretion, override those of Policy RH1.

Housing (now the Housing Services part of the Committee for Employment & Social Security (“Housing”)) has confirmed that there continues to be an unmet need for affordable social housing and partial ownership housing in Guernsey, as evidenced by the most recent Housing Needs Study (the “HNS”) and both Housing’s and the Guernsey Housing Association’s waiting lists figures.

Housing Needs Study - In 2000, the States agreed that a study was required comprehensively to review the provision of housing in Guernsey. In response, housing needs studies have been carried out in 2001, 2006 and, most recently, 2011. Over the three studies carried out to date, spanning a 15 year period, the research has consistently shown an increasing need for affordable social and partial ownership housing on the island. The 2011 HNS, published in December 2012, identifies the Island’s housing requirements for the period 2011 – 2016 as being an additional 451 households to be accommodated every year (an additional 2253 households in total). It broke this figure down further and stated that of the additional households required, 100 needed to be partial ownership and 158 needed to be social rental housing per year. This means that over 57% of the overall requirement identified relates to affordable type housing across the island. This level has not been achieved to date, as supported by the current waiting lists, and so the development of La Routes de Blanches, as proposed, works towards meeting this identified requirement.

The 2011 HNS is the most up to date study of this kind at present and Housing’s waiting lists have remained relatively constant, which is live data showing that demand for this type of accommodation still exists.

Waiting Lists - The waiting lists for affordable social housing have remained relatively constant over recent years, at a combined level of approximately 480 households. These are not the same 480 households on the waiting list year on year – households are being continually housed, and so removed from the waiting list, only to be replaced with new applicants coming forward.

The total waiting list figure of 480 households comprises Housing’s social rental waiting list, the GHA’s social rental waiting list and the GHA’s partial ownership waiting list. Although fluctuations occur, recent history shows that the combined waiting lists comprise approximately 50% for partial ownership and 50% for social rental (226 household applicants for partial ownership as at 1st April 2016 and 243 household applicants for social rental as at 1st July 2016). The majority of applicants on waiting lists have been assessed as requiring one and two bed properties.

The La Route de Blanches proposal is for 14 flats and 12 dwellings in total; 10 flats will be transferred to GHA ownership, with the remaining 4 flats and 12 houses restricted to Residential Use Class 3 (Sheltered housing). As demonstrated by the waiting list figures, there continues to be a profound ongoing demand for social rental and partial ownership properties and in particular one or two bedroom units.

Parish Specific Demand - The 2011 HNS did not break down the Island's overall housing requirement by parish and the waiting list does not operate on a 'parish preference' basis.

Housing's development programme aims to develop sites across the Island. There are a significant number of tenants who are currently living in three-bedroom properties who need to downsize and reasonably wish to remain within the parish where they currently live and have their support community nearby. This proposal helps to provide for this in the St Martin's parish. Similarly, it is the view that sheltered housing buyers should be offered properties across the Island rather than concentrated in one area and, again, this site makes such a provision.

From Housing's perspective, as explained above, the La Route de Blanches proposal meets the aims and objectives of the Corporate Housing Programme.

As mentioned above, planning conditions attached to any permission and a planning covenant, under the provisions of Section 23 of The Land Planning and Development (Guernsey) Law 2005, are enforceable by the Development & Planning Authority and so provide an enforceable means of ensuring that the affordable housing element of the scheme is provided as mentioned in the housing policies of the Rural Area Plan.

A draft planning covenant has been volunteered by the applicant, and prepared to be entered into between the States of Guernsey Development & Planning Authority and Island Development Limited, to ensure that the affordable, partial ownership element of the social housing is delivered as required in accordance with Policy RH2. If the Authority is minded to grant planning permission, then the agreement would be signed by both parties and the actual outline planning permission would not be issued unless and until the planning covenant had been entered into. The planning covenant is an enforceable means as it contains certain obligations, in relation to the delivery of the affordable housing element of the scheme, which cannot clearly be required by condition attached to a planning permission, including obligations relating to a transfer of ownership of the affordable housing part of the scheme to the Guernsey Housing Association (GHA) and an obligation for the landowner to pay towards the costs of highways works related to the scheme. The covenant is also enforceable by the GHA under planning legislation as it is named in the covenant as a person for whose benefit it is entered into.

The enforceable means provided by the covenant is also important in assisting the Development & Planning Authority to be satisfied that the provisions of RH2 will be fully met as required by the Rural Area Plan.

The proposed planning covenant is a material consideration which can be taken into account by the Development & Planning Authority under the Land Planning and

Development (General Provisions) Ordinance, 2007 if it provides a benefit having regard to a purpose for which a planning covenant may be entered into under the Law. This test is met as the planning covenant contains obligations ensuring the delivery of the affordable housing element of the scheme consistent with one of the purposes for which a planning covenant may be entered into i.e. ensuring the provision of affordable housing as provided under the Land Planning and Development (Planning Covenants) Ordinance, 2011.

The point has been made by a representor that a planning covenant cannot be used as the States did not rescind the 2007 States Resolution noting the 2007 policy on the use of planning covenants of the Housing and Environment Departments which provided for a limited application of planning covenants on Housing Target Area Sites. However, the policy was only noted by the States, rather than formally approved and was expressed to be "initial" some 9 years ago. This initial 2007 policy against universal application of covenants to all private residential developments does not bar a voluntary use of a planning covenant, as in this case, where there are good reasons for its use on the particular site.

Social Housing

The definition of social housing, for the purposes of the policy, is outlined in Policy RH2. It indicates that *social housing is taken to be that which is:*

- (a) provided by the States' Housing Department,*
- (b) provided by a recognised Housing Association in cooperation with that Department, or*
- (c) in a scheme to secure specific forms of social housing sought in the Corporate Housing Programme, with the support of the Housing Department.*

Such housing would normally be for subsidised rent or for partial ownership but may include sheltered housing in schemes that are approved by the Housing Department.

Housing has stated that this proposal meets the aims and objectives of the Corporate Housing Programme. Part of the site, 10 units of accommodation, is to be transferred to the Guernsey Housing Association (GHA) and therefore will fall within the scope of (b) above when part of the site is sold to the GHA as required under the proposed planning covenant. Part of the site, 16 units, is to be Sheltered housing, which can fall within (c) of the definition of social housing, if it is as sought in the Corporate Housing programme, and has the support of Housing.

In this case, Housing has confirmed that Guernsey Housing Association's partial ownership waiting list currently stands at over 200 applicants. This, together with the most recent Housing Needs Survey data, shows that there is currently an extensive demand for partial ownership units. Providing partial ownership units, as proposed by this development, meets Action Area C of the Corporate Housing programme: To support the development of agencies to provide for the varied needs of the Intermediate Housing Market and to work with those agencies to ensure that there is sufficient provision of affordable social housing to meet the reasonable needs of that sector.

In terms of the provision of sheltered housing units, the Supported Living and Ageing Well Strategy highlighted how Guernsey's changing demographics will lead to an ever-

increasing pressure on units of accommodation adapted to meet the needs of older people. The provision of an on-call resident or nearby warden at the proposed development means that it delivers a support that stands it apart from general older people's housing. The development of sheltered units falls directly into meeting the objective of Action Area E of the Corporate Housing Programme: To develop appropriate options for persons requiring supported accommodation, which may include older persons, young people, people with a learning disability, persons with a mental illness, ex-offenders etc. In Housing's view, creating 16 sheltered housing units meets a specific profile of local needs that is, and will be, in increasing demand.

A key objective of both the Corporate Housing Programme and the Supported Living and Ageing Well Strategy is to enable Islanders to live independently in accommodation rather than be reliant on institutional care; this objective is met with the provision of these sheltered housing units.

This echoes the findings of earlier strategic policies referred to in the supporting text at the beginning of the Housing policies of the Rural Area Plan which note that: "Specific issues identified include affordability and the ability to accommodate a range of housing needs for all members of the community, including elderly people...".

Therefore, this proposal falls within the definition of Social Housing.

In conclusion, the proposed housing would be social housing as defined in RH2, would meet the criteria of the policy, the planning covenant would provide an enforceable means of ensuring the provision of the affordable housing element of the scheme and can be taken into account by the Development & Planning Authority under planning legislation.

Policy RH2 criteria

Policy RH2 states:

Proposals for the erection of social housing will only be permitted where:

- a) the site is suitable, having regard to its characteristics and neighbouring land-uses and is, or can be, integrated into the existing built environment;*
 - b) the site is within or would round off existing States-controlled housing or is well related to one of the designated Rural Centres;*
 - c) the development would be of a scale and design appropriate to the rural setting; and,*
 - d) adequate provision is made for the protection of the rural character of the site and appropriate measures for the general environmental enhancement of the locality.*
- The erection of new housing in Areas of High Landscape Quality will not be permitted.*

Criterion (a)

In the context of RH2, having regard to the characteristics of this site and the neighbouring land uses, it is noted that the site is quite clearly defined, with boundaries including earthbanks, hedging and trees, and the neighbouring land uses comprise other housing, a commercial/retail centre, a tennis club and additional agricultural land. The site, whilst not

particularly visible from outside its boundaries, can be integrated into the existing built environment.

By contrast, sites that might not be suitable, having regard to their characteristics, could, for example, include sites in close proximity to un-neighbourly uses, sites where the land is irrevocably contaminated, sites within airport public safety zones, etc.

Criterion (b)

The supporting text to Policy RH2 states, “In order to minimise any impact on the character or appearance of the rural area, sites for new social housing should consolidate (i.e. round-off) existing States controlled housing developments before exceptional consideration can be given to limited development that is well related to the Rural Centres”.

There might appear to be some tension between the Policy Box (the alternative between “rounding-off” and being well related to a Rural Centre) and the supporting text. Reading the policy as a whole and in a common sense manner, it is clear that the supporting text emphasises the importance of rounding-off *over* a site that is merely well related to the Rural Centre.

While the Policy Box makes clear that there are two alternative routes, the supporting text emphasises that the Authority must consider whether development can be done in a manner that rounds off existing sites first to achieve the same aim. If it cannot – perhaps if there is no local social housing that can be appropriately rounded-off, only then does the alternative of a development that is well related to the Rural Centre become an option.

In this case, whilst this site would not round-off existing States controlled housing; the site is directly across Le Hurel from existing States housing. There is no possibility of additional development rounding off that existing States Housing on the same side of the road as the existing housing is bounded by roads to the east and west and an Area of High Landscape Quality to the south.

The application site is well related to the Rural Centre of St Martin, and is immediately next to a commercial centre (Manor Stores) which includes shops and medical facilities. It can therefore be considered as a site well-related to the Rural Centre of St Martin.

This site is limited development, reduced from 37 units in the previous application to 26 units now proposed, and on a defined site of 1ha, only comprising social housing, and can be given exceptional consideration. For comparison, similar recent RH2 permissions have generally been for developments of between 16 and 28 units. Policy RH2 itself makes clear that an alternative route through the gateway policy is one where the site is well related to one of the designated Rural Centres. Furthermore, to apply the policy correctly it is not a question of selecting only the best sites; Policy RH2 itself recognises exceptional circumstances and allows assessment of any/all potential RH2 sites which are not subject to any special designation against the policy criteria, as set out above.

Criterion (c)

The scale and design of the proposal is discussed in more detail below, but the application is submitted as an Outline application where a number of matters are treated as “reserved matters” – In this case these are siting, design, external appearance and landscaping, with access having been specified in more detail.

The application is accompanied by plans showing a possible layout with access and parking arrangements, the siting of the buildings, indicative floor plans and an indication of perspective images.

The plans are based on the design principles included in the Planning and Design Statement. These suggest:

- 26 residential properties, 12 as 1½ storey semi-detached houses and 14 within 2 storey apartment blocks,
- Homes built in accord with the latest Lifetime Homes standards,
- 16 dwellings (12 houses, 4 flats) intended for owner occupation, restricted to persons over 55, sheltered housing
- 10 apartments to transfer to Guernsey Housing Association to administer on behalf of States of Guernsey Housing
- Access to be via a new junction on Le Hurel, with a filter and raised table, leading to a looped roadway, partially with a shared surface,
- Parking provision at 1 space per dwelling, with 15 visitor spaces
- Retain existing boundary hedging, with additional planting, and central communal area,
- A mix of 1 and 2 storey buildings, with higher buildings towards SW corner,
- Architectural treatment to include pitched roofs, with a mix of render and timber cladding.

Any application for approval of reserved matters would need to demonstrate that the relevant requirements of Policy RH2 are met, as well as the detailed requirements of the relevant design and conservation policies.

The site’s location is such that there are limited public views into the site, and therefore the visual impact of the development on its rural setting will be limited. The indicative plans submitted show planting around the whole site which would also help to minimise the visual impact of development. The details of landscaping would be a reserved matter.

The site is surrounded on three sides by existing development, housing to the north and east, and the commercial centre to the west, and a suitably designed development will be able to fit into those surroundings without significantly impacting on the character and visual amenity of the area.

The indicative plans and sketches seek to show how the site might be laid out, with a mix of 1 and 2 storey buildings proposed. The higher 2 storey development is proposed towards the southwest of the site, and grouped to form a ‘gateway’ to the development. The lower, 1 and 1½ storey buildings are proposed to the north and east, to integrate with the existing pattern of residential development beyond, on Jerbourg Road. The indicative

proposals show a form of development which would in principle comply with the relevant design policies of the Rural Area Plan (Policies RGEN6 and RCE12).

Since the previous refusal, the proposed development has been revised, significantly reducing the number of units, the maximum heights of the flats and the overall density of the scheme. The revised proposal is considered to successfully address the reason for the previous refusal relating to scale and design.

It is concluded that the scale and design can be satisfactorily controlled on the basis of the proposed scheme to ensure they are appropriate to the rural setting.

Criterion (d)

The rural character of the site can also be protected by an appropriate landscaping scheme to ensure that development is assimilated well into its rural surroundings. The site is not within an Area of High Landscape Quality and is in a non-designated area. The proposal would not affect any particular landscape feature or any identified ecological or wildlife interest. The submitted Planning and Design Statement identifies existing planting and other important features within and around the site and recognises the need to retain and enhance these. General environmental enhancement can be achieved in this case largely through the requirements for comprehensive landscape design at the reserved matters stage.

2. Development of Agricultural Land

The bulk of the objections received to this proposal, including from the States Agriculture and Environment Adviser, relate to the loss of high quality agricultural land. This formed one of the two reasons for the refusal of planning permission for the previous application.

Policy RCE1 seeks to protect and enhance the open and undeveloped character of the rural area and to restrain development. However, it recognises that some forms of development may necessarily require a rural location and the supporting text (Rural Area Plan paragraph 3.1) makes specific reference to social housing under RH2 on sites in areas with no special designation (non-designated areas) such as the application site.

The preamble states that Agricultural land will be protected from irreversible development wherever possible, and particular care will be taken to protect the best and most versatile agricultural land in consultation with the Commerce and Employment Department (now, in relation to this matter, the Committee *for the Environment & Infrastructure*).

Policy RCE1 states that there is a presumption against unacceptable loss of open and undeveloped land and that development will only be permitted where it is an acceptable form of development for which a rural location can be justified; the scale, location and design of the development would not detract from the openness of the countryside, result in the unacceptable irreversible loss of agricultural land or have an adverse effect on the viability of an agricultural holding.

In this case, Agriculture, Countryside and Land Management Services is strongly opposed to the development and to the loss of some of the highest quality agricultural land within the island. Even if social housing of this type is required, it states, this is not an appropriate site for such a development.

The consultation response refers to the site as being a field that forms part of a larger block of agricultural land in the same ownership. However, it is important to note that the application only relates to this one field of 4 verges, 27 perch from the total block of 22.5 verges in the same ownership. No specific evidence has been given by the States Agriculture and Environment Adviser to support the comment that the loss of one field of this size would have an adverse effect on the viability of any farm.

As referred to above (The principle of housing development) the need for social housing is recognised in the Rural Area Plan, and it provides limited opportunity for such development under Policy RH2, recognising that an element of this will be in the rural area. Policy RH2 precludes such new housing in Areas of High Landscape Quality, but does not preclude it on agricultural land, such as this site, which is not in an area with any special designation under the Rural Area Plan.

Policy RH2 itself aims to balance the need for social housing against the general objectives of the Plan, which include policies such as RCE1. The criteria of RH2, which it is considered this development meets, reflect this balance and provide the necessary policy gateway for this development.

As specifically mentioned in the supporting text to RCE1, the rural location is justified if the proposal meets the criteria in RH2. The issue of scale, location and design is dealt with under "impact on the appearance and character of the area" below. As noted above, there is no specific evidence that the proposal would have an adverse effect on the viability of any agricultural holding.

Whilst the development would result in the loss of a small area of agricultural land it is considered that this is not unacceptable in view of the relatively limited size of the site. It is practically inevitable that the provision of social housing in the Rural Area as envisaged by Policy RH2 will result in the loss of agricultural land, which includes former vineries as well as open agricultural fields. Although it is recognised that this land is of high quality, given the limited area of the application site and that it meets all other criteria of Policy RH2 it is concluded that this factor alone is not sufficient to justify refusal of this application.

The former Environment Department concluded that the previous proposal would result in an unacceptable, irreversible loss of agricultural land because of the particularly high quality of the land in question. However, in the context of the need to provide social housing, the revisions made to the scheme to address the other reason for refusal and the policy gateway provided by RH2 the loss is considered not to be unacceptable in this particular case.

The applicant's agent refers to the draft Island Development Plan and the proposed Agriculture Priority Areas. He notes that the application site is not within such an area, and

that the IDP Inspectors' report endorses this, suggesting that the importance of this green field has been over-emphasised by Commerce and Employment in the past. Under Guernsey planning Law, however, the Rural Area Plan remains the relevant Development Plan until replaced by the States of Deliberation and so the application must be determined against the policies of the Rural Area Plan; the draft Island Development Plan, is not a material planning consideration in the determination of this application.

Agriculture, Countryside and Land Management Services was concerned that if this application succeeds it could create a precedent for similar future developments of this kind. However, no precedent in relation to other land in the applicant's ownership would be possible, since policy RH2 only allows limited development which this proposal is. Anything further would not satisfy Policy RH2. Development of social housing in the Rural Area can only be considered in exceptional circumstances where the criteria of Policy RH2 are satisfied. Any future applications for development on agricultural land would be assessed against the relevant planning policies. It is concluded that there is no realistic potential for this proposed development to set a precedent.

3. Impact on the appearance and character of the area

As mentioned above (criterion (c)) the application is submitted as an Outline application where a number of matters are treated as "reserved matters" including siting, design, external appearance and landscaping.

Any application for approval of reserved matters would need to demonstrate the character and appearance of the development in more detail, and show that the relevant design and conservation policies can be met, including detailed landscape proposals.

However, the site's location is such that there are limited public views into the site, and therefore the visual impact of the proposed development on its rural setting will be limited. The indicative plans submitted show planting around the whole site which would also help to minimise the visual impact of development. The site is surrounded on three sides by existing development, housing to the north and east, and the commercial centre to the west, and a suitably designed development will be able to fit into those surroundings without significantly impacting on the character and visual amenity of the area.

The proposal would not affect any particular landscape feature or any identified ecological or wildlife interest (Policy RGEN3). The Planning and Design Statement identifies existing planting and other important features within and around the site and recognises the need to retain and enhance these. Any additional issues can be addressed in any detailed scheme. It is considered that the site is capable of development in a way that would have only a limited impact on the rural character and amenity of the area (Policy RGEN5).

4. Impact on the amenity of people living in the area

A grant of outline planning permission would establish the principle that social housing is appropriate on this site. However, all other matters of detail (except the access - details of which have been provided) would need to be reserved for subsequent approval, and it

should be made clear that the indicative layout and floor plans are subject to later approval of details.

The detailed design of the new dwellings can be completed in a way which would safeguard the amenities of other adjoining dwellings in accordance with Policy RGEN11 of the Rural Area Plan. These are a reasonable distance from the boundary and there is no reason why development should unduly impinge on neighbouring residents by virtue of overlooking or overshadowing.

5. Parking and access issues

Traffic and Highway Services has noted the limited sightlines that would be observed at the proposed entrance junction, but noted that the proposed measures (a raised table and filter) would mitigate the risk as far as practical without alterations being made to the adjacent property. It would also benefit residents of the housing estate opposite

Traffic and Highway Services has also noted that the estate road has been widened to accommodate 2-way traffic and that improvements are proposed to sightlines at the junction of Le Hurel and Les Camps du Moulin, through a change to road markings. These are likely to improve general safety in the area for pedestrians.

With regard to the level of parking provision, Traffic and Highway Services notes that the current scheme goes a long way to addressing previous concerns, although the refusal of the previous application for a larger development was not for any reason relating to traffic safety or management.

It has previously been noted that the development site is in close proximity to a number of community related facilities that can easily be reached by foot, and has connections to bus services to St Peter Port and the airport, the west and beyond.

Traffic and Highway Services concludes that there are no significant traffic management grounds to oppose the application.

Detailed comments have been made by Traffic and Highway Services regarding the access design and regarding planting. The access design deliberately seeks to encourage traffic to exit to the right, rather than to the left on Le Hurel. Details of planting will be provided as part of the landscape scheme at the reserved matters stage.

Having regard to these matters, it is considered that a detailed scheme developed along the lines indicated in this outline application would satisfy Policy RGEN7 of the Rural Area Plan concerning safe and convenient access. The indicative proposals also comply with the guidance contained in Annex 7 of the Rural Area Plan relating to parking and thus satisfy Policy RGEN8 with regard to the provision of parking.

Other comments

Many of the matters raised by representations are covered above, particularly those in relation to Rural Area Plan policies, agricultural land and traffic matters. Other matters are

referred to below, such as; previous applications, numbers of houses currently on the market, and publicity of the application. Most of these matters are not material to the planning decision.

Some of the representations refer to previous applications having been refused on this site. Although an application for residential development was refused in 1974, this was for a much larger site than the present application. Other planning policies were operating at that time and this decision is not relevant to the current application.

Comments were also made about the number of houses currently being available for sale. These do not assist on their own in addressing whether or not this application meets the requirements of RH2 in relation to social housing. The question of need has been addressed above, with supporting information from Housing.

Some letters suggested all neighbours should have been informed of the application, or that the site notice was removed on occasions. Publicity for this application was carried out in accordance with the planning legislation by Site Notices and the application was also publicised in the Guernsey Press.

Comments were made with regard to the applicant's agent relating to matters which are not material planning considerations. Also mention has been made of previous discussions with the Environment Department. It is normal practice for the Authority (and previously the Environment Department) to provide pre-application advice to potential applicants. Such advice is always given without prejudice to the formal decision of the Authority on any planning application submitted.

Some comments suggest the draft Island Development Plan must not be taken out of context, particularly references to Agriculture Priority Areas. However, under Guernsey planning case Law, the Rural Area Plan will carry the same weight until replaced so that the application must be assessed against the Rural Area Plan. The draft Island Development Plan is not a material planning consideration in the determination of this application.

Policy RD1, relating to essential development, has been mentioned in some representations. For the avoidance of doubt, however, Policy RD1 is not relevant to the proposed development. Policy RH2 is the relevant gateway policy for consideration of this proposed development.

Conclusions

Social housing is supported by the Rural Area Plan where it satisfies the provisions of Policy RH2. Social Housing is defined in Policy RH2. This proposal is for a form of housing which meets that definition. Policy RH2 aims to balance the need for social housing against the general objectives of the Plan.

Whilst Policy RCE1 seeks to protect open and undeveloped land, it recognises that some forms of development may require a rural location. Development of agricultural land is allowed in limited circumstances, and social housing development is allowed in areas with

no special designation (i.e. not within the Areas of High Landscape Quality), such as the application site.

This development would result in the loss of a small area of agricultural land, and Agriculture, Countryside and Land Management Services is opposed to the development on grounds of loss of high quality agricultural land. However, it is considered that this is not unacceptable in view of the relatively limited size of the site, the reduced number of units now proposed, and given that loss of agricultural land is practically inevitable for developments where Policy RH2 is applicable. Although it is recognised that this land is of high quality, having regard to all other relevant factors that must be taken into account in the determination of this application as set out in this report it is concluded that this factor is not sufficient to justify refusal of this application.

Housing (the Committee *for* Employment and Social Security) has confirmed the need for affordable housing and demand for housing meeting the needs of older people; it has confirmed that the development would help meet the aims and objectives of the Corporate Housing Programme.

The Rural Area Plan only provides limited opportunity for the supply of housing within the rural area, throughout the Island, not just in certain parishes. It provides that delivery of affordable homes to meet identified social needs will be limited to sites where the States is able to control or enforce such provision. The provision of the affordable housing element of the housing is enforceable through the proposed planning covenant which is a material consideration under planning legislation.

Policy RH2 sets out a number of criteria which a site must meet, including being well related to a Rural Centre and able to be integrated into the existing built environment, as well as being of a scale appropriate to the rural setting. This site meets those criteria.

The impact of the development on the appearance and character of the area would be limited and would not be sufficient to justify refusal of an otherwise acceptable scheme.

The impact of the development on the amenity of people living in the area would again be limited and would not be sufficient to justify refusal of an otherwise acceptable scheme. Condition 5 is recommended requiring a Construction and Environmental Management Plan, to reduce the risk of potential adverse impact during construction.

Parking and access matters are acceptable, with parking provision meeting standards and access arrangements having been revised to provide an acceptable solution. Condition 6 is recommended to ensure these are implemented.

Therefore the principle of housing development on this site can be considered under RH2 and the Authority may exercise its discretion under that policy to override the provisions of Policy RH1.

The application is therefore considered to accord with the purposes of the Law and the relevant policies of the Rural Area Plan. All material considerations as set out in the Land Planning and Development (Guernsey) Law, 2005 and the Land Planning and Development

(General Provisions) Ordinance, 2007 have been taken into account in the assessment of this application.

It is recommended that the Development & Planning Authority be minded to grant outline planning permission subject to the proposed planning covenant being entered into, and that when the planning covenant is entered into outline planning permission be granted, subject to conditions, under delegated authority as provided for by the Authority's approved scheme of delegation.

Date: 13/09/2016