



**PLANNING APPLICATION REPORT**

**Application No:** FULL/2022/0692  
**Property Ref:** B00750A000+B00750C000  
**Valid date:** 22/03/2022  
**Location:** Pointues Rocques Housing Allocation Site (Phase 1) Rue Des Pointues Rocques St. Sampson Guernsey GY2 2HW  
**Proposal:** Proposed residential development for the erection of 30 dwellings, 10 flats, 12 maisonettes and 16 affordable houses with associated vehicular accesses, car parking and landscaping (Revised Scheme).  
**Applicant:** Mr R Plumley, Messrs Gabriels, Asparagus Tips Too Ltd & GHA

**RECOMMENDATION** - (a) To Grant Planning Permission with Conditions, subject to the entry by the Owners (and all persons with an interest in the land) into a binding planning covenant agreement in a form satisfactory to the Development & Planning Authority (the Authority) and;  
(b) to give delegated authority to the Director of Planning to finalise, enter into, execute and complete the planning covenant agreement materially on the terms set out in this report on behalf of the Authority.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under Condition 6.

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

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

- i) An explanation for any deviation from the requirements of BS 5228 parts 1 & 2;
- ii) Details of any piling works and specific measures that will be implemented whilst those works are taking place;
- iii) Hours of noisy works to be included in the letter drop to residents; and
- iv) The letter drop area to be increased to include properties on Rue Des Monts, Close Des Jardiniers, Waters Rocque, Ruelle St Clair and further properties on Robergerie.

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

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

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

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

10. No part of the development hereby permitted shall be occupied or brought into use until there has been submitted to the Authority a report providing verification that the development has been carried out and monitored fully in accordance with the Site Waste Management Plan approved under Condition 9 above. Where there has been any variation from the approved Site Waste Management Plan, the report shall highlight and detail the reasons for this.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Reason - In the interests of sustainable development.

20. There shall be no occupation of any dwelling on the site until the vehicular accesses onto both Pointues Rocques and Robergerie and the 6no. on-street public parking spaces on Pointues Rocques have been completed in accordance with the approved plans.

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

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

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

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

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

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

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

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

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

## **INFORMATIVES**

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

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

It is strongly recommended that in submitting details in accordance with the above conditions that the applicant has reference to CLR 11, Model Procedures for the management of land contamination. This is available online as a pdf document from [http://www.claire.co.uk/index.php?option=com\\_content&view=article&id=187&catid=45&Itemid=256](http://www.claire.co.uk/index.php?option=com_content&view=article&id=187&catid=45&Itemid=256) with further information available at <https://www.gov.uk/guidance/land-contamination-risk-management>.

II. Your attention is drawn to the Animal Welfare (Guernsey) Ordinance, 2012 and 2020 Strategy for Nature, and the need to comply with their provisions. The site may be used by nesting birds or other wildlife. You are requested to undertake site clearance outside of the main bird breeding season (March-July inclusive). Further, it is recommended that you contact La Societe Guernesiaise so that the site can be inspected prior to clearance to ensure that any protected species present, such as bats, are not impacted by the works. La Société can be contacted on 07781 166924 or email [societe@cwgsy.net](mailto:societe@cwgsy.net).

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

III. This permission has been granted following the conclusion of a planning covenant under Section 23 of the Land Planning and Development (Guernsey) Law, 2005.

IV. For the purposes of Condition 14, any lighting scheme should include: 1. an indication of the proposed frequency of use of the lights and the hours of illumination; 2. two copies of an accurate plan showing the areas to be lit; 3. details of the number, location, height and design of any lighting columns or other fixtures; 4. the type, number, mounting height and alignment of the luminaires and the beam angles and upward waste light ratio for each; 5. a diagram showing the predicted levels of illumination at the site boundaries; and 6. a diagram showing the predicted vertical illumination affecting any adjacent dwellings.

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

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## **OFFICER'S REPORT**

### **Site Description:**

The Pointues Rocques Housing Allocation site extends to approximately 2.5 hectares, or 15 vergées. The site currently houses the St Clair Nursery (accessed off Rue des Pointues Rocques), a dwelling called The Swallows (on Robergerie Road), plus St Clair House, which contains 6no. flats, and associated parking area. The site is allocated in the Island Development Plan (IDP) for housing development. This is a single site (albeit with multiple owners) and one of 15 allocated in the IDP for housing development.

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

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

### **Relevant History:**

Application reference FULL/2019/1645: Proposed residential development for the erection of 32 dwellings, 10 flats, 10 maisonettes and 16 affordable houses, with

associated vehicular accesses, car parking and landscaping. This application was refused at an Open Planning Meeting held on 06/10/2021, for the following reasons:-

1. The proposed development would, by virtue of the additional vehicle movements that would be generated, the physical characteristics and sub-standard sightline of the Rue Des Pointues Rocques – St Clair Hill junction, the narrow width of neighbourhood roads leading to the north and east of the application site, and the limited mitigation/highway improvement measures that have been proposed, have an unacceptably harmful impact on highway safety, in terms of both potential collisions between vehicles as well as increased risks to other vulnerable road users such as pedestrians and cyclists, and on traffic management on the wider highway network and as such is contrary to the clear aims and objectives of Island Development Plan Policy IP9 and the requirements of the approved Development Framework for this site.

2. The proposed development would, by virtue of the scale and proximity of Court B to the St Clair House flats and the change in levels along and proximity of Units 15 – 30 to the west site boundary, result in unacceptable overbearing and overlooking impacts on neighbouring residential properties, contrary to the clear aims and objectives of Island Development Plan Policy GP8 and the requirements of the approved Development Framework for this site as they relate to residential amenity.

This decision is subject of a Planning Appeal, which is in abeyance pending the outcome of this current application.

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

**Existing Use(s):**

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

**Brief Description of Development:**

Proposed residential development for the erection of 30 dwellings, 10 flats, 12 maisonettes and 16 affordable houses with associated vehicular accesses, car parking and landscaping, as a first phase of residential development within the Housing Allocation site, comprising an area of some 1.72 hectares or 10.5 vergées. The remainder of the site is anticipated to come forwards as a second phase in due course. This is a revised scheme following the refusal of application reference FULL/2019/1645 and seeks to address the reasons for refusal of that application.



A copy of the planning report for the previous application FULL/2019/1645 is included at Appendix 1 and is referred to within this report where appropriate.

The proposed mix and type of housing is shown in the table below, and is the same as for previous application FULL/2019/1645.

11no. 1-bed houses
19no. 2-bed houses
18no. 3-bed houses
7no. 2-bed maisonettes
3no. 3-bed maisonettes
7no. 1-bed flats
2no. 2-bed flats
1no. 3-bed flats
Total - 68

16no. of the 1 and 2-bed houses are to be affordable.

The scale of the proposed buildings within the site varies between 1 ½, 2 and 2 ½ storeys, all of pitched roof design with both traditional and more contemporary elevational treatments.

Vehicular access is to be provided from both Pointues Rocques and Robergerie, which will involve the demolition of the majority of a c.80m long roadside granite wall adjoining Pointues Rocques as well as the demolition of a 4-bedroom dwelling ('The Swallows') on Robergerie. 6no. displaced on-street parking spaces will be relocated within the site along Pointues Rocques.

Confirmation has been provided by the applicant concerning various matters raised through representations received on the application, which are referred to as appropriate in the assessment section of this report, and the following changes have been made to the proposals during consideration of the application:

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

None of these changes were significant enough to require that the application be re-advertised.

## **Environmental Impact Assessment**

A Screening Opinion was prepared in April 2019, as the site exceeds 1 Ha in area and thus falls under Schedule 2 of the Land Planning and Development (Environmental Impact Assessment) Ordinance, 2007, and it was concluded that EIA is not required.

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

#### Island Development Plan

MC2 – Housing in Main Centres and Main Centre Outer Areas  
GP1 – Landscape Character and Open Land  
GP4 – Conservation Areas  
GP5 – Protected Buildings  
GP8 – Design  
GP9 – Sustainable Development  
GP10 – Comprehensive Development  
GP11 – Affordable Housing  
GP17 – Public Safety and Hazardous Development  
GP18 – Public Realm and Public Art  
IP6 – Transport Infrastructure and Support Facilities  
IP7 – Private and Communal Car Parking  
IP9 – Highway Safety, Accessibility and Capacity

#### Supplementary Planning Guidance

Strategy for Nature, 2020  
Pointues Rocques Development Framework, March 2019  
Parking Standards and Traffic Impact Assessment, 2016  
Affordable Housing, 2016

### **Representations:**

125 letters and emails of representation have been received, including 2 petitions with 50 and 42 signatures respectively (some repeated). As well as objections, there are some expressions of support. The issues raised in the representations are summarised under the headings below:-

#### Density and number of dwellings

- Density of proposals is excessive
- Development is too large for the area
- Brownfield sites and derelict properties should be developed in preference to sites such as this
- Homes should be larger for families with gardens and parking
- Lack of outside community/play space
- Infrastructure, services and facilities do not have the capacity to cope with additional demand
- Cumulative impacts with other housing sites
- Too much building in the north of the Island

## Traffic and parking issues

- Increase in traffic volume and congestion over the last 20 years
- Infrastructure, services and facilities do not have the capacity to cope with additional demand
- Local highway network does not have the capacity for additional vehicle movements that would result from this development
- Increased traffic would result in greater risk for cyclists and pedestrians
- Loss of existing parking in Mont Morin
- Prohibited streets will divert traffic problem onto surrounding roads and cause danger
- Restricting roads for residents only would make it difficult to access local facilities
- Question how will be enforced and what happens if trial fails
- Lack of parking provision on site will mean parking on roads and will impact on surrounding streets
- Mandatory signs and raised cobbles at access points will be ignored
- Car clubs are not viable in Guernsey
- Car sharing scheme is unproven in Guernsey
- Opposition to widening of Robergerie
- Junction egress visibility at St Clair Hill
- Difficult right/left turns at Robergerie/Route Militaire junction
- Limited width of Robergerie/Rue des Monts junction
- Sightlines/road levels questionable at proposed Robergerie access
- TIA data out of date
- TIA does not refer to all other developments
- TIA has been produced to support the application
- TIA recommendations not followed for both site accesses to cater for pedestrians and cyclists, and for footway on Robergerie
- Inconsistency between TIA and CEMP regarding work required at Robergerie/St Clair Hill junction
- Pedestrian and cycle routes are inadequate
- Safety concerns regarding shared vehicular/pedestrian spaces
- Access for emergency services
- A pavement should be included along Rue des Pointues Rocques and traffic calming to Robergerie and Pointues Rocques
- Suggestion of traffic lights on Robergerie Lane/Route Militaire junction

## Expressions of support

- Support for the application and specifically prohibited streets proposal but request for firm conditions and scrutiny of level and quality of cycle storage and consideration of safe walking and cycling routes to make active travel a safe and viable option
- Support for prohibited streets status
- Support for removing parking and creation of a pedestrian walkway in Mont Morin
- Support for widening of Robergerie

- Support for proposal if allocated site at Franc Fief was removed, as Pointues Rocques development would have lesser impact on the area

### Environmental considerations

- Effect on biodiversity
- The existing site has an ecological value which needs to be properly evaluated and considered
- Application does not comply with Strategy for Nature SPG
- How will ecological/landscape management be ensured?
- No reference to semi-improved grassland in Development Framework or EIA screening
- Lack of planting, trees and wildlife corridors
- Details and effectiveness of proposed tree planting
- Loss of existing tree
- Noise pollution and effect on air quality
- Potential for flooding
- Need for flood risk management
- Keep some green spaces in the Parish
- Buffer should be provided to the Important Open Land and ABI
- The site has been designated as part of a conservation area, the special interest of which has not been properly taken into account
- Conservation Area should be protected
- Features within the conservation area (including boundary walls, cobbled path/pavement and dry-stone wall, Victorian water tower and two boiler house chimneys) should be preserved
- Loss of historic granite wall
- Modern design, roofline and materials not sympathetic to the character of the area
- The setting of nearby protected buildings would be harmed
- The Swallows is of historic interest and should be retained
- Proposed multi-storey houses in north-west corner of the site affect the setting of a Protected Building (The Cottage); a buffer should be given to the group of historic buildings in this corner (Lete, Robergerie Villa, The Cottage)

### Neighbour amenity

- Has site boundary been accurately surveyed?
- Inaccurate depiction of trees
- Scale and impact of retaining wall
- Development will give rise to overlooking, overbearing and overshadowing impacts on neighbouring residential properties
- Overlooking and overshadowing of properties to west
- Inadequate changes to proposed properties adjacent to west boundary – only units 15-17 moved and by a miniscule amount
- Units 18-30 have not been moved
- Wider planting belt and larger trees required
- Buffer zone is insufficient width

- Overlooking and loss of privacy to flats within St Clair House
- Loss of light/overshadowing to St Clair flats
- Overshadowing from south-east corner of Court B
- Safety and security of parking court to St Clair House
- Privacy and overshadowing concerns regarding Robergerie access, ground levels, boundary walls and landscaping (Lete and Woodlands)
- Surface water run off could cause flooding outside of the site
- CEMP – there should be no work on Sundays and Bank Holidays
- Impact of construction traffic at certain times
- Working times are unacceptable
- Impact of construction work
- Construction works will take a long time and will affect local residents, and may damage boundary walls and established trees
- Artificial lighting should be clarified
- Difficulties of accessing adjacent driveway (Marston, Rue des Pointues Rocques)
- Concerns over loss of privacy and lights shining in windows due to new access – Kantara, Robergerie Lane
- Effect on structural stability of granite boundary wall (Le Petit Coin, La Hougue St Clair)
- Possible impact on height of boundary wall to north
- Tree noted to be felled is on neighbour's land (Woodlands) and effect on other trees and hedges adjacent to boundary
- Neighbour's tree not shown (The Cottage)
- Request for site poles

#### Other matters

- Details of the Phase 2 development have not been provided, so this application cannot be seen to be comprehensive
- Not clear that Lifetime Homes/accessibility standards have been incorporated in the design
- Unclear how refuse is to be managed
- Infrastructure concept plan is incomplete
- Infrastructure should include phase 2

#### La Société Guernesaise

For context, we would like to highlight our previous comments (below), some of which have been addressed within the latest application. However, we feel that certain elements of the existing site are still not suitably considered. For example, the existing reservoir on the northwest of the site would host a range of biodiversity. As such, we would ideally like to see it retained and enhanced within the redeveloped site, or its loss suitably offset by creating a comparable feature elsewhere. We would ask whether it is possible to use the reservoir in order to address a proportion of the surface water runoff from the site.

We would reiterate that the existing hedges and outbuildings may host roosting bats and that these features should be surveyed for bats ahead of any clearance/demolition. We would highlight that it would also be beneficial to include suitable measures to support

roosting bats and nesting birds within the development proposal – a large number of boxes could be installed across the site including within the walls of the dwellings.

If the application is subsequently approved, we would request that an informative note be added to the Information Sheet as follows -

‘Your attention is drawn to the Animal Welfare (Guernsey) Ordinance 2012 and the local Strategy for Nature, and the need to comply with their provisions. The existing buildings, hedges and trees may be used by bats or other wildlife for roosting and nesting. It is advised that measures may therefore need to be taken (including a preliminary survey, consideration of the timing of the works and provision to support wildlife in the long term incorporated into the development) to ensure that protected species are not impacted by the works. It is recommended that you contact La Société Guernesaise for advice or to arrange a survey. La Société can be contacted on 07781 166924 or email [info@societe.org.gg](mailto:info@societe.org.gg)’.

We would also request that Laurel (*Laurus nobilis*) be removed from the various native plantings in the landscaping scheme. Laurel is a non-native species from the Med and supports minimal biodiversity; higher numbers of the other proposed species could be used instead.

Overall, we feel that the housing density is high and as a result, the opportunities for soft landscaping and retained green space are low. We would ask whether this provision could be improved and that communal green space be incorporated into the plans.

### **Consultations:**

#### **Traffic & Highway Services**

Traffic & Highway Services (THS) has noted that a previous application of a similar quantum of housing units and design was refused in October 2021, with the decision notice highlighting the following in relation to Policy IP9 (Highway Safety, Accessibility and Capacity)

*An unacceptably harmful impact on highway safety impacting vehicles, vulnerable road users and also traffic management on the wider highway network*

Specific themes in the refusal notification were:

- *Concerns regarding the physical characteristics of Pointues Rocques in the context of the additional vehicle movements that would be generated by the development*
- *Recognition of the sub-standard sightline in the direction of oncoming traffic at the western end of Pointues Rocques*
- *Narrowness of Neighbourhood Roads to the north and east of the application site*
- *Limited mitigation/highway improvement measures that have been proposed*
- *Increased risks to vulnerable road users such as pedestrians and cyclists*
- *Traffic management impact on the wider highway network*

**This report sets out that there are no significant traffic management grounds to oppose this specific development, when considered in isolation.**

It is recognised that resolution or limitation of the above issues as far as is practical is not entirely within the gift of the Applicants or the Development and Planning Authority because it may require for example, changes to management of the road network which could involve legislative changes or private landowners to collaborate in terms of road widening or measures to improve a junction sightline.

With this in mind, the Committee *for the* Environment and Infrastructure (E&I) was presented with a number of potential options by THS and they agreed a 3 phased plan.

**Phase 1 - Options for managing localised traffic issues in and around Pointues Rocques in the event that planning approval is granted**

- Mandatory signing would be introduced opposite the site exits that would adjoin Robergerie Road and Pointues Rocques, requiring motorised traffic to turn towards the west, i.e. towards Route Militaire/St Clair Hill. This would limit the level of site traffic exiting towards the narrow section of Robergerie Road or the double bend in Pointues Rocques. It is worth noting that should the development go ahead then THS would remove the unofficial public parking from the western end of Pointues Rocques to facilitate 2-way flow of cars in this section of the road. The parking spaces would be re-located to a new widened section of road adjacent to the southern boundary of the site.
- Measures could be introduced to mitigate the traffic management impacts in the roads in close proximity to the site arising from this development, e.g. introduction of prohibited streets. However, this would be subject to consultation with residents of impacted roads and educational establishments in the area. Key considerations would be displacement of traffic, avoiding unintended consequences particularly for St Mary and St Michael School and whether or not to allow school traffic through a residential prohibited street. Note – typical wording on a prohibited street sign used in this type of circumstance – prohibited street sign with “except for access to properties therein and cycles”.

Should E&I determine, following consultation, that it is agreeable to implementing measures in the roads surrounding the Pointues Rocques site that restrict through traffic, then it is likely that overall vehicle movements in Pointues Rocques will reduce in comparison to the existing situation. In this context this will lessen the likelihood of the need to introduce physical calming measures to the north of the Pointues Rocques/St Clair Hill junction. However, THS would still re-approach the landowners to the north of the junction to request lowering of roadside walls to improve the sightline and an agreement is in place with the Developer to fund this or the alternative of traffic calming if it proved necessary. A further alternative is that THS would consider relocating the traffic mirror that is opposite the junction but this would also likely require permission of a landowner and is not considered preferable to the direct line of sight.

## **Phases 2 and 3 - Options for managing road network concerns in respect of potential developments in the wider area**

E&I has already implemented provision of a revised Route 13 bus service that increases frequency along Route Militaire and links the site with L'Islet, the Bridge and Town with an hourly service frequency throughout the day, Monday to Saturday and 2-hourly on Sunday.

Other potential options include maximising existing junction capacity through method of control and traffic signal technology improvements, such as MOVA which is designed to maximise the operational efficiency of a junction.

In order to address the wider traffic management and road safety concerns associated with the combination of proposed developments in the north of the Island, E&I is also in the process of commissioning a mobility plan using a specialist consultant that it is intended to be complete by the end of October. A meeting has previously been held with the (then) owners of the Datapark Site and the current owners of the Saltpans Housing Sites to discuss the benefits of linking the sites from a transport and mobility planning perspective. The mobility plan aims to deliver the following outcomes:

1. Properly prioritised active travel, public transport and shared mobility schemes
2. Improved access within the wider area and to key locations beyond
3. An improved range of genuinely viable transport options – delivered partially through better infrastructure to create a more liveable, walkable community
4. Safer roads and calmer, more efficient traffic management with less vehicular traffic
5. Lower rates of car dependency

### **Developer Led Changes**

In addition to the offsite measures that E&I has made (bus services), has committed to (no left/right turns at site exits), it is prepared to consider measures to limit motorised traffic in the minor roads immediately surrounding the site and a commitment to wider studies (with an aim to limit traffic management impact in the wider area due to multiple significant development sites), the Developer has also amended the proposal with an aim of promoting alternatives to private cars. This includes:

1. 117 cycle storage areas with electric charging facilities
2. Covered storage for 20 communal electric cycles
3. Reduction in car parking spaces from 133 to 115
4. Provision of adoption of a site car sharing scheme
5. Provision for electric charging throughout the site

All of these measures are welcomed by THS. Measures 1 to 4 support modal shift where appropriate to the journey or are designed to reduce overall movements associated with the development and measure 5 supports the aims of energy and climate change policy initiatives. The provision of a car sharing scheme is essential as it supports the aim of providing less car parking spaces and so it is important that this measure is introduced.



## **2021 THS Advice Regarding Pointues Rocques Housing Allocation Site**

A summary of previous THS comments regarding development of the same quantum is included as appendix 1.

### **Consideration**

The Traffic Impact Assessment (TIA) submitted with the application has not been amended to reflect the push towards active travel/public transport/car sharing or a prohibition on motor vehicles exiting from the site towards the east. However, to an extent this is unsurprising given the Assessment had concluded that the proposed development is suitable in transport terms and that subject to agreeing to the scope of offsite highway works there is no transport-related reason why planning consent should be withheld. In addition, ARUP evidenced that the site when considered in isolation would have minimal or no impact on peak hour delays at the closest signalised junctions (Fontaine and Crossways).

Whilst the views of THS differ slightly from the conclusions of the TIA this relates to a lack of acknowledgement in the TIA about the potential impact of the development on vulnerable road users which are at the forefront of the Island's Road Transport Strategy rather than in respect of traffic management issues.

In this regard, it is important to highlight that the data suggests Pointues Rocques and Robergerie Road would still not become particularly busy roads in the development scenario. According to the data in the TIA circa 100 to 150 vehicle movements pass by the site in each road during the am and pm peak hour. Even with all committed development plus housing at this site, movements are predicted to increase to circa 123 and 180 in each road which would still fall within the road capacities detailed in the Road Engineering Guidelines for Guernsey (200 vehicles per hour @ 4.1m wide & 500 vehicles per hour @ 4.8m wide). This also matches observations made on site during traffic surveys where congestion was minimal despite constraints caused by on-street parking or the road width itself.

Turning to the specific transport reasons cited as grounds for refusal of the original application:

- The physical characteristics of Pointues Rocques were highlighted as a concern in the context of the additional traffic movements that would be generated by the development but this can be mitigated to some extent by the mandatory right turn that would be introduced at the site exit and the removal of the on-street parking between the site exit and the St Clair Hill junction. Further mitigation could result from measures that E&I might choose to introduce following consultation with interested parties. By way of example, overall traffic flows in this road could reduce if prohibitions are introduced on 'through' traffic.
- In respect of the limited sightline in the direction of oncoming traffic at the western end of Pointues Rocques, E&I has noted the possibility of the need for traffic calming in advance of the junction but this would very much be a last resort

if the situation cannot be mitigated by lowering of roadside walls and planting (THS' preference & funded by the applicant) or measures to reduce traffic travelling through Pointues Rocques (E&I are willing to consider this, subject to consultation with residents and schools nearby).

- With regard to the narrowness of roads to the north and east of the site, it is unclear specifically which roads are being referred to but the eastern end of Robergerie Road and the double bends in Pointues Rocques were mentioned during the Open Planning Meeting. Again, this can be partially mitigated by the prohibition on site traffic exiting to the east and potentially also by E&I's willingness to consider measures to limit through traffic, albeit subject to consultation as noted above. In addition, as outlined in a briefing note from E&I submitted by the applicants titled 'Traffic Impacts Affecting Delivery of Housing', THS could investigate the feasibility of road widening in the narrow section of Robergerie Road along the boundary of the Franc Fief Housing site or alternatively creation of a pathway within that site. Both options would require agreement of the landowner and Planning approval plus allocation of funding, most likely from Road Transport Strategy budgets. The need to consider this further would be partially dependent on whether E&I agree to measures that would limit traffic flow through this section of road.
- In terms of the perceived increased risk to vulnerable road users such as pedestrians and cyclists, it is impractical to create segregated infrastructure in the minor roads surrounding the site but E&I has indicated that it is prepared to consider measures that would limit through traffic in these roads. It does appear practical to create a walking route to link the Pointues Rocques development site with the Bridge Main Centre through prohibition of the through traffic in Pointues Rocques, existing paths within Delancey Park and removal of parking at the eastern end of Mont Morin to create a walkway (approximately 15 unofficial spaces removed). The removal of parking spaces would require E&I Committee sign off. THS has made this suggestion in the context that section 20.7 of the IDP promotes accessible communities in the Centres and these measures would go some way to help achieve this.
- In terms of the traffic management impact on the wider network associated with this specific development, the Pointues Rocques site is not considered significant and the sensitivity testing in sections 9.13-9.18 of the TIA provide examples of why this is considered to be the case. In addition, in the figures section of the TIA it can be seen for example, that this development is expected to add 25 movements in the am peak hour to the 509 base figure recorded in St Clair Hill to the south of its junction with Pointues Rocques. In the same period, 5 movements are expected to be added to the 242 northbound movements in Route Militaire at the junction with Robergerie Road.
- The impact is not the same when other committed major development sites in the area are factored in with TIA Appendix E showing significant predicted morning peak queuing at Crossways, on the St Clair Hill arm of the Fontaine signals and significant morning peak queues are already observed at the Halfway filter. It is

worth noting in this regard that the TIA junction modelling includes predicted traffic flow data associated with the 'one school on 2 sites model', which are much higher than THS understands to be the case with the States chosen option.

It is exactly for this reason that E&I is commissioning a mobility plan for the wider area encompassing all the potential housing development sites and aimed at improving transport options for current and future residents in this area, which could have positive and meaningful impacts on individual choice, travel times, traffic volumes, congestion, road safety, air quality, carbon emissions, the local economy and quality of life in this part of the Island.

E&I's focus in trying to accommodate the impacts of multiple developments in the north will therefore be built around the findings of the mobility plan, the scope of which is outlined in the paragraph headed 'Phases 2 and 3' above. It is unclear at this time to what extent the outcome of the mobility plan will impact on traffic management issues recognised in the TIA.

## **Summary**

There are no significant traffic management grounds to oppose this specific development if considered in isolation as evidenced in the sensitivity testing in the TIA.

In terms of road safety, concerns regarding the substandard sightline at the junction of Pointues Rocques/St Clair Hill could be mitigated or at least not exacerbated, through the measures identified in this report that range from reduction in traffic volumes using the road, to at the most significant end, physical traffic calming along Route Militaire if other options are not agreed.

The issues impacting vulnerable road users in the minor roads in the immediate vicinity of the site can be mitigated to an extent should E&I decide to introduce measures to prohibit through traffic and a walking route towards/from the Main Centre can be provided if the removal of parking along Mont Morin is agreed and a walkway installed.

The data to inform about the predicted traffic management impact of a mobility plan is not available at this time.

## **Appendix 1**

Summary of 2021 THS comments regarding Pointues Rocques Housing Allocation site based on a 99 unit housing development with access points adjoining Pointues Rocques and Robergerie Road. The TIA submitted by the applicant was the same as this latest application.

1. Both Pointues Rocques and Robergerie Road present challenges for development of the site due to (in parts) limited width, geometry and absence of pedestrian infrastructure.
2. It welcomed the provision of 2 access points in the context of the spreading vehicle movements on the Neighbourhood Roads in the context of the lack of segregated infrastructure.

3. It noted the efforts, through design of the site accesses to encourage drivers exiting the site to turn towards the major roads but noted the access design would not prevent turning to the east.
4. The predicted 3% of drivers turning east from the development (towards the minor roads) was challenged given known peak hour congestion at major road junctions nearby such as the Halfway Filter.
5. It was acknowledged that both Robergerie/Route Militaire and Pointues Rocques/St Clair Hill could accommodate the extra traffic movements generated by the development but this was caveated with advice that the additional movements should be subject to improvement in the sightline in the direction of oncoming traffic with regard to Pointues Rocques.
6. It acknowledged that the site contribution to overall traffic capacities at junctions modelled is negligible in terms of increased wait times
7. The loss of on-street unofficial parking at the western end of Pointues Rocques to create 2-way road width would be off-set with creation of public parking alongside the southern boundary of the proposed development.
8. The parking standards do not exceed the maximums expected under the IDP.
9. THS welcomed that segregated pedestrian access routes through the site would provide improved options for pedestrians walking to/from Delancey Park.
10. There were road safety grounds to oppose the application in the context of the substandard sightline at the junction of Pointues Rocques/St Clair Hill and slight concerns about the impact on vulnerable road users in respect of the proposed development.

### The Constables of St Sampson

The Douzaine are disappointed to have to make representation yet again on the above. This is now the third time and this new application does not differ significantly from the previous one which was refused at an Open Planning Meeting (“OPM”) held on 6 October 2021.

We have been inundated with parishioners’ concerns regarding this application; 52 people attended our Parish Surgery held on Saturday, 23 April 2022. We have also received endless emails, letters, telephone calls and visits to the office expressing concerns and disappointment that, once again, they have to defend this part of their parish from over development in the small lanes especially. We have not received one communication which has been in support of this application.

As stated above, and due to the very few changes, we are reiterating points we raised in our previous letters dated 30 July 2021 and 8 October 2019 as well as expanding on our reservations of the Briefing Note appended to this application in connection with traffic management.

### **Infrastructure/Traffic**

Following on from our letter of representation dated 30 July 2021 and the refusal at the OPM of Application: FULL/2019/1645, there is no doubt whatsoever that the road infrastructure and traffic remains of paramount concern and this has been consistently relayed to us by parishioners and in respect of this development in particular. We

reiterate that the access roads to the site are on narrow roads/lanes and are unsuitable for any heavy traffic and especially large vehicles. The junction/exit roads to Route Militaire and the Vale Road are already fraught with issues relating to design, width and visibility. The current heavy vehicular use of Vale Road/Route Militaire, being a main arterial route, means exiting Pointues Rocques, Robergerie Lane and the Salt Pans is already difficult and all main junctions are already at over capacity. There are often accidents, the latest was on 21 April 2022 involving 3 vehicles at the junction of Robergerie Land/St Clair Hill.

The Traffic Impact Assessment (“TIA”) commissioned by PF+A using ARUP is outdated and was discredited at the last OPM. It should therefore not form part of this application. As stated in our letter of 30 July 2021, it omits other development, some of which are now progressing; and all of which will have further cumulative and detrimental effects on traffic in the area:

- Le Four Banal – up to 35 dwellings – estate road permission now granted;
- Les Bas Courtils approved planning application for 13 dwellings – now in progress;
- Les Bas Courtils & Fleur de Lys approval for 17 dwellings – now in progress;
- Braye Road Industrial Estate – permission granted for 18 light industrial units & parking;
- Domarie & Avondale Vineries – change of use to storage units/yards but now being used by Grow Limited (a very popular charity) and visited by many Islanders to buy plants in support;
- Oatlands Village – approved nursery application for 52 children, therefore up to 104 extra car journeys each week day; and a recently approved application for a gymnastics academy with up to 750 children attending 7 days a week;
- St Sampson’s High School – whilst this is referred to within the TIA and, quoted in the applicant’s letter, the 2-school model will no longer take place. However it must be recognised that the school will increase in size once La Mare de Carteret Secondary School has closed, thus there will be an increase in traffic in future years; and
- The Douzaine are mindful that the owners of the Data Park are currently in discussion with the Planning Department and are concerned that the impact of whatever this site will be used for needs further clarification and consideration.

Therefore, we do not feel this report is accurate and hides a multitude of issues that will arise for Islanders of the north of the Island.

### **Briefing Note – Traffic Impacts affecting delivery of housing**

The Committee *for the* Environment & Infrastructure (Traffic & Highways (“THS”)) have produced a Briefing Note on traffic impacts for this application and it highlights this particular development within it. It also makes reference to the cumulative impact of committed (and some already in progress) developments in the north. However, it does not include; Cleveleys (29), Le Maresquet (38), English & Guernsey on Southside (17), Camp Dolent (1), Rue de Tertre (51), Longue Hougue Recycling Facility and any future use of further reclaimed land and, as listed above, Four Banal (35), Les Bas Courtils (barn, protected building and land) and Les Bas Courtils/Fleur de Lys at Richmond (30 plus),

Braye Road Industrial Estate (18 units) plus the recent permissions granted to Oatlands Centre, not to mention several “windfall sites” where properties are being demolished and replaced with 2 or 3 buildings in their place.

With this in mind, the true figure of what is likely to be built in the north is not found in either the TIA or the briefing note and we would draw your attention to this.

It is further noted that the Applicant has only chosen to include ‘some’ of the recommendations within their application, namely;

- A mandatory no left turn from the exit onto Rue des Pointues Rocques;
- A mandatory no right turn from the exit onto Robergerie;
- “Prohibited street” status given to Robergerie and Rue des Pointues Rocques; and
- Revision to bus route 13 along St Clair/Route Militaire

It is these proposals, referred to in the application, that have been highlighted in every visit, letter, email or telephone call to the Douzaine. Concerns are:

- That the prohibited street proposals will simply push the traffic to other small lanes within the vicinity, i.e. the Salt Pans, Round Chimney, Rue des Monts, Mont Morin, Delancey Lane and Camp Code Lane (the latter 2 lanes have been omitted from the Traffic Impact Assessment and the Briefing Note). All those living in Rue Jacques and Francief would only be able to access their properties from the Salt Pans via Route Militaire and vice versa or they will have to get to their properties from Nocq Road, via the Bridge; or Mont Morin, Rue des Monts; all the while trying to circumnavigate the prohibited streets.

It must be noted that the Bridge is very busy as it is and will be more so when development at Leales Yard gets underway with up to 325 habitable units as well as a larger supermarket and many retail units.

The imminent submission of plans by the Guernsey Housing Association (“GHA”) for Kenilworth Vineries is likely to provide for 150-170 homes putting huge strain on Braye Road and ultimately Lowlands Road through to the Salt Pans even if Braye Road remains the exit for the estate.

It should also be noted that the junction of Salt Pans/Route Militaire/Les Sauvagees is extremely dangerous as it is and not suitable for added vehicular movements as other Islanders will also be pushed through these lanes to access the Guernsey Alzheimer’s Association Centre, the Church, St Mary & St Michael’s Primary School, Butterflies Pre-School, Delancey Campus, School of Popular Music, Bright Beginnings Pre-School and Delancey Park itself where the Velo Club meet and the Northern Bowls Association.

- For those who attend Delancey Campus, which will become even more heavily utilised from this September due to the closing down of the St Peter Port Campus in preparation for building the new Post-16 Education Facilities, they will be using the Salt Pans, Round Chimney or Mont Morin (via Grandes Maisons Road) routes in

the main to get there thus putting further pressure on the small lanes. The now commenced building of 30 houses plus barn conversion and the redevelopment of the protected building at Les Bas Courtils and the Richmond area must be taken into account as more traffic will be trying to get to the Delancey Campus from this direction.

- There is already a known policing constraint on Island in that there are not enough police officers and concern of enforcement of the prohibited streets is very much in question.
- The Briefing Note refers to restriction of through traffic on these roads (although only 2 of the 3 prohibited streets are included within this application) being trialled on a 9-12 month basis. Will this “trial” be implemented **before** the application is considered? It is perhaps foolhardy to rely on these proposals working if it is successful if it has not been trialled before. We therefore do not believe it should be considered until the “trial” has been completed to see whether it will work or not and whether the issues raised above will come to pass.
- There has been no mention at all of the increase of servicing these homes which will mean more commercial and heavy loaded vehicles using these small lanes.
- When all other builds are complete, the increase on commercial traffic will be increased even further and no account is taken of this within the Briefing Note.
- The revision to bus route 13 is welcomed and is required irrespective of this development.

The Douzaine express their disappointment, that once gain, they were not consulted by THS on the Briefing Note regarding these proposals for managing traffic impacts in the delivery of housing in the parish especially in the light of the Douzaine presenting their concerns to members and officers of the Committee *for the Environment & Infrastructure* in October 2021 and following the rejection of the previous application due in part to the traffic issues.

### **Additional Traffic Management Measures**

The Applicant has incorporated, into the “revised application”, additional traffic management measures to encourage active travel to include cycle storage areas, electric charging facilities, covered storage for communal electric bikes including charging facilities, a reduction of car parking spaces from 133 to 115, and a provision for adoption of a “car sharing” scheme.

As stated in our letter of 30 July 2021, we believe more people will seek to find on-road car parking. This has been happening in the Salt Pans since the development of the GHA development at Pont Colliche (formerly Bickley) and the redevelopment of Treetops and Hunters Haven (immediately opposite this development) into flats. The Douzaine regularly receives complaints from other residents who live in the Salt Pans as this has caused damage to vehicles and concern for the safety of pedestrians and other road-users.

It should also be noted that the “car sharing” scheme has not yet been trialled in Guernsey and there is no guarantee or evidence that residents of the new development will want to opt into this.

### **Proximity of Court B to St Clair House Flats and overlooking to west boundary**

The plans have been revised to reduce over-bearing and over-looking but it is clear from these that here will not be a lot of difference to the previous plans and the Douzaine consider that there are too many dwellings being proposed for the site as a whole. If density were reduced further, then this could be addressed properly. We believe dwellings are being “crammed in” to the detriment of those who currently live in properties adjacent to the development and as per our letter of 8 October 2019 believe the density should be reduced further.

### **Surface Water Run Off**

We have considered the section of the plans relating to waste water. The concerns we have relate to surface water and we do not consider that the various plans on the topic of Swales and surface water will deal with the bigger problem. The Swales shown by the Robergerie entrance/exit are not big enough to deal with the amount of water that runs from the site and climate change will only increase the volume. Indeed 2020 has been reported as being the wettest year since 2000 in the UK with rainfall 16% above average. 2021 thus far has seen much rain and this year’s volume could well exceed that of 2020. Neighbouring properties are likely to be adversely affected by the expected increase in surface water run off should this development go ahead. As one of the responsibilities of the Douzaine, we have knowledge accumulated over many years of the hidden underground culverts leading down from Pointues Rocques which feed in to the douits and stream network and believe, without question, that they will not cope with any additional volume of water. We are already aware of water running from this site into neighbouring gardens on the west side and whilst we note that there is some provision for tanking on this boundary wall, we doubt that this goes far enough to remediate the problem and the very real concerns of parishioners in that area. We do not accept that Section 19.10.5 (Policy GP9) of the IDP relating to flood risk has been adequately addressed.

### **Environment**

As per our letter of 30 July 2021, this site is an area containing critically endangered habitat as identified by a report completed in 2019 by Biodiversity Officer, Julia Henney. This report was given to the developers and we are unable to see, on the plans, where any of her suggestions or concerns have been adequately addressed. This is of particular sadness and concern for the parish as a whole and suggests that Planning is paying “lip service” to the clear wording of the report by Julia Henney and her reference to the Animal Welfare Ordinance (2012). Surveys should have been completed and presented as part of this application.

The Douzaine were very surprised that the decision at the OPM did not focus more on the environment and biodiversity of this parcel of land and we note that development at a site



in Les Amballes has recently been rejected due to the impact the loss of biodiversity would have there. We do not feel that the Applicant has provided enough mitigation for the loss of biodiversity on this site and wonder why this does not carry as much importance on this particular development as on others? In fact, on re-examining the plans, it is quite clear that the density of building here will decimate all biodiversity in this area and the planting suggested does nothing to enhance or mitigate such loss. The Douzaine would like this re-examined under Policy GP3.

The site also has points of historical interest including a dry-stone wall and cobbled pathway circa pre-1700's, Victorian granite boundary walls and vinery buildings. This is Guernsey history being lost and a clear breach of IDP Policy GP4 relating to conservation features.

### **The States of Guernsey Property Portfolio/Estate**

As previously stated, there is now general agreement within Guernsey, including its politicians, that brownfield sites should be developed before sites such as this. The States of Guernsey is the largest owner of brownfield sites and there is also a significant amount of Government property lying empty which should be investigated before greenfield sites are decimated forever.

### **Well-Being of the Community**

The Douzaine have been made aware in recent years, through the constant drip of development frameworks and the fruition of them now being developed, along with windfall sites, that the well-being of the community here in St Sampson's is not being adequately considered and many feel that there is a very real north/south divide within the Island. It is not equitable to expect those in this parish to "give up" their motor vehicles purely to enable more and more development when other Islanders will not have to do this. The quality of life for parishioners has and will continue to diminish further, each and every time one of these afore-mentioned developments takes place.

### **Conclusion**

The Douzaine therefore, in light of the above comments, ask that this development once again be subject to an Open Planning Meeting where it should be rejected as we do not believe the new proposals will address the concerns raised and it is obvious there are no answers and ways to mitigate the impact of traffic on this network of small lanes.

### **Guernsey Water**

All surface water needs to be dealt with on site. Guernsey Water recommends that Sustainable Urban Drainage Systems (SUDS) are used throughout the development.

Regarding foul water drainage all flows must come to the south of the site. This allows flows to gravitate naturally through the existing foul sewer network. Guernsey Water's current desired location for connection is at the St Clair Hill / Pointues Rocques junction. Due to the potential yield of properties at the development it will be necessary to carry out hydraulic modelling to review the impact on the existing foul sewer network.

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

Consultations were previously undertaken with the Office of Environmental Health and Pollution Regulation (OEHPR) and the Housing Service on application FULL/2019/1645 and the responses from those bodies were set out in Appendix A to the planning report on that application (found at Appendix 1 to this report).

### **Summary of Issues:**

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

### **Assessment against:**

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

### **Principle of development**

The duties imposed by the Planning Law and relevant to this application are set out in the attached planning report on application FULL/2019/1645 (at Appendix 1 to this report). The purposes of the Land Planning and Development (Guernsey) Law, 2005, are to protect and enhance, and to facilitate the sustainable development of, the physical environment of Guernsey.

This site is specifically allocated for housing development in the Island Development Plan and has an approved Development Framework to guide its development for that purpose. It is located within the Main Centre Outer Area and thus accords with the approved spatial strategy of the States. Development of the site for housing, including affordable housing, will help to meet housing needs, which constitutes a top prioritised Recovery Action in the Government Work Plan.

**The principle of developing this allocated site for housing is not therefore open to question in considering this application and is wholly consistent with the Island Development Plan, the Strategic Land Use Plan and the Government Work Plan.**

The detailed design and layout of this first phase of development would not preclude subsequent development of the remainder of the housing allocation, and as such complies

with the objectives of Policy GP10 and the requirements of paragraphs 7.2 – 7.3 of the Development Framework.

The application seeks to address the reasons for refusal of application FULL/2019/1645, which were limited to two matters; traffic safety and management and impact on residential amenity of adjoining occupiers, as specifically detailed in the two reasons for refusal of application FULL/2019/1645 which were set out earlier in this report and are referred to below.

### Mix and type of housing

The mix and type of housing proposed has not changed from that previously proposed. As previously determined, the proposed mix and type meets the current identified need and remains acceptable in accordance with the requirements of Policy MC2. The policy requirement to provide a proportion of the development as affordable housing has been met with 16 affordable 1 and 2-bed houses proposed, as previously.

### Highway safety, accessibility and capacity

Refusal reason 1 in respect of previous application FULL/2019/1645 was as follows:

*1. The proposed development would, by virtue of the additional vehicle movements that would be generated, the physical characteristics and sub-standard sightline of the Rue Des Pointues Rocques – St Clair Hill junction, the narrow width of neighbourhood roads leading to the north and east of the application site, and the limited mitigation/highway improvement measures that have been proposed, have an unacceptably harmful impact on highway safety, in terms of both potential collisions between vehicles as well as increased risks to other vulnerable road users such as pedestrians and cyclists, and on traffic management on the wider highway network and as such is contrary to the clear aims and objectives of Island Development Plan Policy IP9 and the requirements of the approved Development Framework for this site.*

Since that refusal of planning permission in October 2021, discussions have taken place on the part of the Planning Service with the applicant in relation to possible amendments to their development proposals, and jointly between the Development & Planning Authority and the Committee *for the Environment & Infrastructure*, which holds the political mandate under which Traffic & Highway Services (THS) operate.

As a result, the following amended proposals are put forward by the applicant, within the application site, to address refusal reason 1:

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

Parking provision would remain within the maximum standards set out in the Parking Standards and Traffic Impact Assessment Supplementary Planning Guidance (SPG). Visitor and accessible parking provision exceeds those standards. In addition, provision has been made for a car sharing scheme with spaces allocated in various locations throughout the development. The development focusses on providing connectivity for cyclists and pedestrians with routes provided through the development for both resident and public use. Covered cycle storage provision is approximately double the requirement of the SPG and includes dedicated electric cycle storage rooms with charging facilities within the housing courts. One such room in Court A accommodating 20 electric cycles is intended for communal use for all residents of the development. Units 1-30 will be provided with individual cycle storage facilities in the form of a garden shed for each unit. The proposals are designed with the intention of encouraging active travel and alternatives to private car ownership.

All of these measures are welcomed by THS. Measures 1 to 4 support modal shift where appropriate to the journey or are designed to reduce overall movements associated with the development and measure 5 supports the aims of energy and climate change policy initiatives. The provision of a car sharing scheme is essential as it supports the aim of providing less car parking spaces and so it is important that this measure is introduced. This can be ensured through an appropriately worded planning condition.

The Committee *for the* Environment & Infrastructure is responsible for management of the road network outside the application site, something which the applicant cannot control, and has agreed a three-phased plan as set out in the THS consultation response above.

Phase one of this plan relates to the provision of mandatory signing opposite the site exits that would adjoin Robergerie Road and Pointues Rocques, requiring motorised traffic to turn towards the west, i.e. towards Route Militaire/St Clair Hill. This would limit the level of site traffic exiting towards the narrow section of Robergerie Road or the double bend in Pointues Rocques. THS would also remove the unofficial public parking from the western end of Pointues Rocques to facilitate 2-way flow of cars in this section of the road. The parking spaces would be re-located to a new widened section of road adjacent to the southern boundary of the site. The creation of these compensatory spaces was a requirement of the approved Development Framework for the site and is included within the current development proposals. The spaces would be transferred to the States under the provisions of the planning covenant. This change, in and of itself, would improve safety for vulnerable road users on this section of Pointues Rocques.

Measures could also be introduced by the Committee *for the* Environment & Infrastructure to mitigate the traffic management impacts in the roads in close proximity to the site arising from this development, e.g. introduction of prohibited streets. However, this would be subject to consultation with residents of impacted roads and educational establishments in the area. If introduced, as well as improving safety for vulnerable road users, this would lessen the likelihood of the need to introduce physical calming measures to the north of the Pointues Rocques/St Clair Hill junction. THS would also still re-approach the landowners to the north of the junction to request lowering of roadside walls to improve the sightline. Developer funding for these measures, if required (i.e. for lowering

the roadside walls or introduction of physical traffic calming measures) is provided for as part of the planning covenant (at Appendix 2 to this report).

**Together, the above measures are sufficient for THS to conclude that there are no significant traffic management grounds to oppose this specific development if considered in isolation.**

Notwithstanding this conclusion, Phases 2 and 3 of the Committee *for the Environment & Infrastructure's* plan relate to options for managing road network concerns in respect of potential developments in the wider area. Improvements have already been made to bus services in the area. There is likely to be scope to make improvements to traffic signal junction capacity through use of improved signal technology. The Committee *for the Environment & Infrastructure* is also in the process of commissioning a mobility plan. Development of the former Data Park site would also allow the potential for new highway infrastructure which could have a significant beneficial effect on movement in the north of the Island.

None of these elements within Phases 2 and 3 of the Committee *for the Environment & Infrastructure* plan are however pre-requisites for the development proposed in this application, which in isolation would result in no significant traffic management grounds to oppose the application.

The application is supported by a Traffic Impact Assessment (TIA). This has not been amended from that submitted with the previous, refused application, however the conclusions in respect of traffic management are accepted by THS and the TIA remains valid. THS notes that it is important to highlight that the data suggests Pointues Rocques and Robergerie Road would still not become particularly busy roads in the development scenario. According to the data in the TIA circa 100 to 150 vehicle movements pass by the site in each road during the am and pm peak hour. Even with all committed development plus housing at this site, movements are predicted to increase to circa 123 and 180 in each road which would still fall within the road capacities detailed in the Road Engineering Guidelines for Guernsey (200 vehicles per hour @ 4.1m wide & 500 vehicles per hour @ 4.8m wide). This also matches observations made on site during traffic surveys where congestion was minimal despite constraints caused by on-street parking or the road width itself. In addition, it will be noted that the TIA junction modelling includes predicted traffic flow data associated with the 'one school on 2 sites model', which are much higher than is the case with the current States' chosen option

Regarding the independence of the TIA, which has been questioned by some representors, there is no doubt whatsoever on the part of the Planning Service or THS regarding the expertise, capability and independence of the consultants who prepared the TIA, based on experience and knowledge of the company and their extensive work in Guernsey and elsewhere over many decades.

Overall, it is concluded that there have been material changes to the proposals, arising both from amendments made by the applicant and measures proposed by the Committee *for the Environment & Infrastructure*, as set out above, which address the previous concerns regarding highway safety, accessibility and capacity that led to the refusal of application FULL/2019/1645.

The amendments made to the scheme by the applicant support modal shift where appropriate to the journey or are designed to reduce overall movements associated with the development.

In respect of highway safety, the sightline issue raised previously is mitigated through physical measures proposed at the Pointues Rocques/St Clair junction for which developer funding is allocated and/or by introduction of prohibited street status if approved by the Committee *for the Environment & Infrastructure* following appropriate consultation. Accessibility is improved in Pointues Rocques/Robergerie/Rue des Monts through mandatory left/right turns with the additional potential for introduction of prohibited street status if approved by the Committee *for the Environment & Infrastructure* following appropriate consultation. In relation to junction capacity, potential measures have been identified by the Committee *for the Environment & Infrastructure* aimed at addressing cumulative impacts, however, in relation to this particular application, THS has acknowledged that the impact of the Pointues Rocques development on its own is not significant. On this basis it is concluded that further refusal of planning permission for the proposed development of this site on traffic grounds would be unreasonable and unsustainable.

In relation to representations received on the application concerning other access or highways considerations:

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

## Design and amenity

The current application incorporates amendments to the layout and design of the proposed development to address refusal reason 2 of previous application FULL/2019/1645 which was as follows:

*2. The proposed development would, by virtue of the scale and proximity of Court B to the St Clair House flats and the change in levels along and proximity of Units 15 – 30 to the west site boundary, result in unacceptable overbearing and overlooking impacts on neighbouring residential properties, contrary to the clear aims and objectives of Island Development Plan Policy GP8 and the requirements of the approved Development Framework for this site as they relate to residential amenity.*

In response to this reason for refusal of the previous application, the proposals have been amended principally as follows:

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

In combination, the retention of existing boundary features and landscaping, the relocation of units 15-17 and the addition of further landscaping on the west boundary which can be ensured by means of planning condition is considered sufficient to respect the reasonable amenity of adjacent residents situated to the west of the site and overcome previous reason for refusal 2 in this respect. The potential for overlooking from units 18-30 is minimal due to the position and distance between properties and any minor overlooking, or perception of same, would be mitigated adequately by the existing and proposed boundary landscaping. Due to the position, orientation, height and design of the proposed buildings, potential for overshadowing of properties to the west would be negligible.

Regarding the impact of the development on St Clair House, to the east, the position of the south east corner of Court B has been repositioned by 2.7m to reduce the overlap with St Clair House and a door and balcony at second floor level on the east elevation have been omitted. St Clair House primarily projects to the south of Court B so any loss of light or shading would be minimal. The ground level around Court B is over 2m lower than the ground level around St Clair House, so the ridge and eaves levels of the two buildings are comparable.

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

It is concluded that the proposals as amended would respect the reasonable residential amenity of occupiers of St Clair House and that refusal reason 2 has been addressed satisfactorily in this respect.

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

- Notwithstanding the representation received in this respect, there would be no impact on the driveway or access at Marston, Pointues Rocques which is on the other side of the road from the application site with no works proposed adjacent to or directly opposite the property. The removal of on-street parking and relocation of spaces to within the application site is likely to improve access for properties on Pointues Rocques.
- The proposal for taking access onto Robergerie will have no material effect on the amenity of occupiers of Kantara which is offset from the proposed access position and the frontage of which is presently screened by high Leylandii hedges with only the garage door visible from within the application site.
- It has been confirmed that the site boundaries have been professionally surveyed. All structural works including works to existing boundary walls will be subject to structural checks and structural engineering design. Dilapidation surveys will be carried out prior to work commencing.
- Planting is proposed along the access road from Robergerie which in combination with the existing boundary wall and hedges will provide adequate screening and avoid potential overlooking of adjoining properties.
- The proposed dwellings have been designed to comply with the recommendations of Lifetime Homes standards including accessibility and adaptability. All properties will have level thresholds and wider doors and hallways on the ground floor providing access for wheelchairs. The stair will be designed to accommodate a stairlift if required in the future and part of the living space can be converted easily to provide a ground floor bedroom.
- Refuse collection points will be provided throughout the development to comply with GTS Part H.
- The infrastructure plan shows location of connections to public services comprising water, mains drainage, telecommunications and electricity. Within the site the detailed services distribution design will be carried out by service suppliers and mechanical and electrical specialists at the detailed design stage.



In relation to other design and amenity matters, including as referred to in the report on the previous application FULL/2019/1645 at Appendix 1 to this report and not forming part of any reason for refusal of that application, in summary:

- The proposed development for 68 dwellings represents a density consistent with the approved Development Framework and makes an effective and efficient use of land in accordance with the aims of IDP Policy GP10.
- The layout of the development helps to break up the built form to maintain a sense of openness, whilst at the same time reflecting and reinforcing the built character of the locality. The layout accords with the principles of Crime Prevention Through Environmental Design (CPTED).
- The proposed buildings are of a domestic scale and height and would not appear visually incongruous in either short or longer distance views. The design of the proposed houses is acceptable, with those facing onto Pointues Rocques being more traditional in appearance, reflecting the character of roadside development to the east within the Delancey Conservation Area. Other buildings are of more modern style but use traditional forms including pitched roofs and well-proportioned fenestration.
- All the proposed houses are to be provided with private rear gardens, while the maisonettes and flats are to be served by balconies and small patios with access onto larger areas of communal open space located at the centre of Courts A and B above the parking areas. The type and size of open space to be provided is acceptable and it would be unreasonable to insist on the provision of public open space within the application site. The site's very close proximity to Delancey Park, which serves as a high-quality recreational space for the wider community, reinforces this conclusion.
- Overall the submitted information appropriately demonstrates how sustainable development principles have informed the design process in accordance with Policy GP9.
- In accordance with the requirements of Policy GP18, the development incorporates public art which responds to the site's former horticultural use and will contribute to creating a sense of place.
- Notwithstanding representations that have been received, neither the IDP nor Development Framework identify the application site, nor any of the structures/features within it, as contributing to the interest of the Conservation Area.
  - The tall granite boundary wall adjacent to Pointues Rocques is an attractive and historic feature, but its demolition and replacement with lower granite walls either side of the new site access, enclosing the front gardens of new houses of traditional scale and form, is considered to make an equal contribution to the character of the Conservation Area.

- Several of the specific features mentioned by representors as being of conservation interest are located within the phase 2 area of the allocated site and are not therefore subject of the current application.
  - The only such feature mentioned which is within the application site is a single boiler house chimney which is in a poor state of structural repair and for which there are no planning grounds to retain.
  - No planning requirement was imposed at Le Friquet to retain a chimney there.
- The application site is not considered to form part of the setting of any of the protected buildings in the area, the closest of which ('The Cottage' and 'Knowhere') are located c.20m to the north-east of the Robergerie site access and some 50m from proposed units 1-3 in the north-west corner of the application site, with intervening landscape screening. The proposal complies with the legal duties concerning Protected Buildings and with IDP Policy GP5. The Swallows has been much altered over previous decades and is not a Protected Building or within the Conservation Area.

### Flood risk

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

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

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

### Ecology and landscaping

In relation to ecology and landscaping matters, including as referred to in the report on the previous application FULL/2019/1645 at Appendix 1 to this report and not forming part of any reason for refusal of that application, in summary:

- The application site is not the subject of any formal designation as an Area of Biodiversity Importance (ABI) or Site of Special Significance (SSS), and IDP policies GP2 and GP3 do not apply. Land to the north designated as Important Open Land and partially as an ABI is beyond a tall granite wall, which will be unchanged, and

will not be altered or affected in any way. The ABI does not form a boundary with the application site.

- The States' Biodiversity Officer assessed the site in July 2019 at the invitation of the applicant, it being noted that *"The majority of the site is under glass and, due to recent heavy disturbance is mostly devoid of vegetation. I would expect it to contain very limited biodiversity."* Some features of ecological interest were identified however, including a dry-stone wall, an overgrown horticultural reservoir, and semi-improved grassland to the south of the existing glasshouses.
  - Recommendations were made that the dry-stone wall be retained, or similar connecting features created, that new freshwater habitats should be created, that small mammal, slow worm, bat emergence and breeding bird surveys be carried out, that bird and bat boxes be provided as part of the development, and that the loss of the semi-improved grassland should be offset by developing similar habitat elsewhere.
  - Other recommendations relate to the timing of works in the context of the Animal Welfare (Guernsey) Ordinance, 2012. Similar comments have also been made by La Societe Guernesiaise.
- Subsequent to this the States' Strategy for Nature, 2020 was adopted as Supplementary Planning Guidance, which can be taken into account when decisions on individual planning applications are being reached insofar as is lawful and proportionate under the Law and the relevant provisions of the IDP.
  - The Strategy for Nature can be seen as a high-level document, setting out a framework of shared goals and objectives for the States of Guernsey, private sector and community to strengthen Guernsey's response to the changes facing nature from climate change and other human made pressures.
  - Insofar as it is relevant to this application, it can be seen to provide general encouragement for design approaches that consider opportunities to protect or enhance biodiversity.
- In the context of the Law and IDP, given that the site is not the subject of any form of ecological designation, and notwithstanding the recommendations of the States' Biodiversity Officer, it would not be reasonable to insist on pre-determination surveys or habitat offsetting on another site elsewhere in the Island.
  - This conclusion is reinforced by the fact that the glasshouses, other structures and vegetation could be cleared at any time without the need for planning permission, and that the site is allocated for residential development at relatively high density.
  - The provisions of the Animal Welfare (Guernsey) Ordinance, 2012 are separate to the planning process and apply regardless of whether planning permission is granted or not.
  - The dry-stone wall is not within the current application site, being located within the phase 2 area.
- Notwithstanding this, the applicant has indicated that bird and bat surveys would be carried out prior to work commencing on the site. This should be extended to

include surveys for Guernsey Vole and Slow Worms, given their likely presence on the site, to ensure that any ecological impacts are minimised during the construction phase. This can be controlled by planning condition. Translocation if found may be required to avoid breach of the Animal Welfare legislation. Bat surveys must follow Bat Conservation Trust (2015) *Bats and Buildings*; available online at [www.bats.org.uk](http://www.bats.org.uk). These guidelines are an industry standard for bat surveys and should be followed to avoid possible breach of the Animal Welfare legislation. A suitable informative is recommended to advise the applicant of these matters.

- At present, approximately 60% of the application site is covered by glasshouses or hardstanding and therefore has no ecological value. The proposed development would retain 30% of the site as landscaped areas.
  - Detailed landscaping proposals have been submitted, which are considered to represent a good quality of design, are well integrated into the scheme for managing surface water within the site, would create an attractive public realm, and provide an effective buffer between the proposed buildings and neighbouring residential properties.
  - The reservoir is not required for surface water attenuation as road surfaces are proposed to be permeable paving/tarmac (SUDS) and the surface water drainage system has been designed and engineered to deal with all surface water on the site.
- Plants including trees have been selected to contribute to biodiversity. Laurel (*Laurus Noblis*) is omitted as recommended by La Societe Guernesiaise and a revised planting plan has been received which substitutes additional native species. In addition, T29, a young oak tree, will be retained, with the parking arrangement revised to suit. Trees on neighbouring land but close to the site boundaries will be retained and protected according to industry standards. Neighbour's trees were generally not shown on the plans unless directly adjacent to the boundary and accessible for survey.
- The applicant's agent has further highlighted that the proposed swales, which form part of the SUDs proposal for the site, have the potential to mitigate against the loss of the wetland habitat centred on the overgrown horticultural reservoir, whilst bat and bird boxes will be positioned on suitable gables. Precise details of these features can be controlled by planning condition.
- Although the development would not deliver biodiversity net gain as encouraged by the Strategy for Nature Supplementary Planning Guidance, what is proposed is, subject to the recommended planning conditions, proportionate and acceptable in accordance with the purposes of the Law, the aims and objectives of the IDP and Supplementary Planning Guidance, and the requirements of the Development Framework.

## Planning covenant

In order to secure the transfer of the land allocated for affordable housing and on-street public car parking, and for other potential highway works that may prove necessary (referred to above), and to ensure that access to the Phase 2 land will be provided without unreasonable impediment, it is necessary for a legal covenant to be entered into as described in section 23 of the Land Planning and Development (Guernsey) Law, 2005. A planning covenant has been prepared in draft and is included in substantially agreed form at Appendix 2 of this report.

The covenant deals with the following matters on implementation of the planning permission, and as the case may be prior to occupation of the market housing: -

- The transfer to the Guernsey Housing Association of the agreed contribution land to facilitate 30% of the residential developable area of the development for Affordable Housing
- The construction of the affordable housing to GHA scheme development standards on open book terms to be agreed
- Management company being established for the maintenance of communal areas on equitable terms between the householders of the affordable and market housing
- A payment for off-site highways works to be delivered by Traffic & Highway Services for traffic management purposes
- The transfer of 6 spaces to be maintained by Traffic & Highway Services subject to construction to technical standards set by Traffic & Highway Services
- The constructed provision of agreed Access Rights – to be maintained by a management company.

## Other matters

In relation to other matters, including as referred to in the report on the previous application FULL/2019/1645 at Appendix 1 to this report and not forming part of any reason for refusal of that application, in summary:

- The application is accompanied by a Construction Environmental Management Plan (CEMP). This was previously assessed by Environmental Health, who suggested several relatively minor changes that can appropriately be dealt with by way of condition. Future adherence to the CEMP can similarly be controlled by way of condition, which should ensure that development of the site is carried out in a way that minimises adverse impacts on local residents and the surrounding area so far as is reasonably possible, in accordance with the aims and objectives of Policy GP17.
- Other conditions requested by Environmental Health relate to noise generated by fixed plant and machinery that will or may need to be incorporated in the development and contaminated land given the site's former use a commercial vinery, both of which are reasonable.

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

### Conclusion

This site is specifically allocated for housing development in the Island Development Plan and has an approved Development Framework to guide its development for that purpose. It is located within the Main Centre Outer Area and thus accords with the approved spatial strategy of the States. Development of the site for housing, including affordable housing, will help to meet housing needs, which constitutes a top prioritised Recovery Action in the Government Work Plan. The principle of developing this allocated site for housing is not therefore open to question in considering this application and is wholly consistent with the Island Development Plan, the Strategic Land Use Plan and the Government Work Plan.

The proposed development for 68 dwellings represents a density consistent with the approved Development Framework and makes an effective and efficient use of land in accordance with the aims of IDP Policy GP10.

The scale, design and layout of the scheme are acceptable and would not adversely affect the character and amenity of the area, the character or appearance of the Conservation Area or the setting of any Protected Building.

Subsequent to refusal of previous application FULL/2019/1645, amendments and measures are proposed by both the applicant and the Committee *for the* Environment & Infrastructure which address the previous concerns regarding highway safety, accessibility and capacity:

- The amendments made to the scheme by the applicant support modal shift where appropriate to the journey or are designed to reduce overall movements associated with the development.
- In respect of highway safety, the sightline issue raised previously is mitigated through physical measures proposed at the Pointues Rocques/St Clair junction for which developer funding is allocated and/or by introduction of prohibited street status if approved by the Committee *for the* Environment & Infrastructure following appropriate consultation.
- Accessibility is improved in Pointues Rocques/Robergerie/Rue des Monts through mandatory left/right turns with the additional potential for introduction of prohibited street status if approved by the Committee *for the* Environment & Infrastructure following appropriate consultation.
- In relation to junction capacity, potential measures have been identified by the Committee *for the* Environment & Infrastructure aimed at addressing cumulative impacts, however, in relation to this application, THS has acknowledged that the impact of the Pointues Rocques development on its own is not significant.

On this basis it is concluded that further refusal of planning permission for the proposed development of this site on traffic grounds would be unreasonable and unsustainable.

Suitable amendments have also been incorporated in the current application which mitigate the previous concerns regarding neighbour amenity. These amendments will ensure that the reasonable residential amenity of occupiers of St Clair House to the east and adjoining properties to the west of the site are respected such that the previous refusal reason 2 has been satisfactorily addressed.

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

A Planning Covenant has been prepared which covers the delivery of the affordable housing contribution, maintenance of communal areas, off-site highways works, provision of the compensatory parking spaces and access rights to enable development of phase 2 of the housing allocation.

Consequently, it is recommended that planning permission be granted subject to the planning covenant being completed and signed and under the conditions set out above.

**Date:** 19/07/2022

