

THE LAND PLANNING AND DEVELOPMENT (GUERNSEY) LAW, 2005
AND THE LAND PLANNING AND DEVELOPMENT (GENERAL PROVISIONS)
ORDINANCE, 2007

NOTIFICATION OF GRANT OF PLANNING PERMISSION

PROPOSALS: Demolish existing, erect two dwellings, create vehicular access and change of use of agricultural land to domestic garden (429 sqm).

LOCATION: La Lande No.2, La Route De St Magloire, Vale.

APPLICANT: Mr & Mrs P Le Lievre

This permission is granted under the terms of Sections 15 and 16 of the Land Planning and Development (Guernsey) Law, 2005 (the 'Law').

Date of Grant of Permission: 07/04/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 20/10/2021 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: PF+A Ltd: 7491-01 B1A, B2A & B3A.

Application Ref: FULL/2021/2225

Property Ref: C000490000

Conditions and reasons:-

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

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

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

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

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

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

4.No development, including demolition and site works, shall begin until a Method Statement for the demolition and clearance of the glasshouses, any ancillary structures and areas of hard surfacing, and the restoration of the land so that it is capable of being used for agriculture has been submitted to and agreed in writing by the Authority. The works shall thereafter be carried out in accordance with the agreed details before the first occupation of either dwelling hereby permitted.

Reason - To ensure that the glasshouses and all ancillary structures/surfaces are cleared and the land is restored to a state where it is capable of productive agricultural use, in accordance with the requirements of Island Development Plan Policy OC7.

5.No dwelling hereby approved shall be occupied until a landscaping scheme, to include those details specified below, has been submitted to and agreed in writing by the Authority (see note below):

- i) the treatment proposed for all ground surfaces, including hard areas;
- ii) full details of tree and hedge planting;
- iii) planting schedules, noting the species, sizes, numbers and densities of plants;
- iv) details of the earth bank along the north boundary of the access track and the domestic land of unit 2;
- v) all existing trees, hedges and other landscape features, indicating clearly those to be removed.

Reason - To make sure that a landscaping scheme for the development is agreed, in order to help assimilate the development into its surroundings.

6.The landscaping scheme shall be fully completed, in accordance with the details agreed under the terms of condition 5, in the first planting season following the first

occupation of either dwelling 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 help assimilate the development into its surroundings.

7. Prior to their installation, details of the gates forming the accesses to the agricultural land and the accesses to units 1 and 2, including their appearance, height and materials, shall be submitted to and agreed in writing by the Authority. The works shall thereafter be carried out in accordance with the agreed details.

Reason - The information provided with the application does not include full details of the proposed gates. This condition is imposed to make sure that the design and appearance of the gates does not have any adverse impact on the character of the area.

8. No dwelling hereby approved shall be occupied until details of the solar panels to be installed to the south roof slope have been submitted to and agreed in writing by the Authority. The solar panels shall thereafter be installed in accordance with the agreed details before the first occupation of either dwelling hereby permitted.

Reason - In the interests of sustainable development.

9. Within four weeks of the new access being brought into use, the ends of the new opening shall be finished off using materials and a method of construction which match the remainder of the existing wall.

Reason - To ensure that the completed development respects the character and appearance of the area.

10. The development hereby permitted shall be carried out in accordance with the Site Waste Management Plan submitted as part of this application, and no part of the development 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 fully in accordance with the agreed Site Waste Management Plan. Where there has been any variation from the Site Waste Management Plan as originally submitted, 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.

Expiry Date: This permission will cease to have effect on 06/04/2025 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

With regards to condition 5 and the species of the proposed planting, please see the comments of La Société Guernesiale which are set out in the planning application report. It is recommended that the proposed species are reviewed and amended in order to maximise the potential biodiversity.

If, during development, contamination not previously identified is found to be present at the site then it is recommended that no further development is carried out until the developer has submitted to The Office for Environmental Health and Pollution Regulation a method statement to identify, risk assess and address the unidentified contaminants, and obtained written agreement for the works to continue. Any subsequent works should then be carried out only in accordance with the conclusions and recommendations contained in the agreed report.

Effect of planning permission:

Section 18 of the Land Planning and Development (Guernsey) Law, 2005 ('the Law') defines the effect of the planning permission hereby granted, namely:

- (1) Planning permission ceases to have effect unless the development permitted by it is commenced within a period of three years immediately following the date on which it is granted (or such shorter period as may be specified in the permission).
- (2) Planning permission enures for the benefit of the land concerned and of every person for the time being having an interest in it.
- (3) Any conditions subject to which planning permission is issued are enforceable in accordance with the provisions of Part V of the Law.
- (4) Planning permission for the erection of a building is only permission to use it for the purpose specified in the permission or, subject to any restriction so specified, for any other purpose for which it is designed.
- (5) Planning permission is only permission to carry out the development specified in it (subject to any conditions so specified), and does not imply the giving of any other approval or consent required under this Law or any other enactment or under any rule of law.

Right of appeal against planning decisions:

Your attention is drawn to the provisions of Section 68(1) of the Land Planning and Development (Guernsey) Law 2005, which provides a right of appeal, on the merits against a decision to grant planning permission subject to conditions (except a building condition), to the Planning Tribunal, which is independent of the States of Guernsey. An appeal to the Planning Tribunal under section 68 of the Law against this decision must be made before the expiry of the period of six months beginning with the date on which the Authority made this decision. The official Appeal Notice Forms are available on the States of Guernsey website at www.gov.gg/planningpanel and must be completed with all enclosures in multiples as requested and received within the six months deadline.

Copy of representations made:

In reaching this decision the Authority took into account any written consultations made under Section 11(1) of the Land Planning and Development (General Provisions) Ordinance, 2007 ('the Ordinance'). A copy of any consultation responses made under section 11 will be included with this decision in accordance with section 19 of the Ordinance.

Other Remarks:

Please note that any work which abuts or affects the public highway requires prior approval by Traffic and Highway Services. Please contact Traffic & Highway Services (highways@gov.gg) for further advice. You must also ensure that any access/es to the development are constructed to meet the existing road/footway levels in accordance with their requirements.

This document is not a Building Licence and confers no approval under the Building Regulations.

A separate Building Control Licence may be required and it is the responsibility of the developer to ensure that ALL necessary consents are obtained and that any pre-commencement conditions are discharged prior to development being commenced.

A J ROWLES

Director of Planning
Planning Service



PLANNING APPLICATION REPORT

Application No: FULL/2021/2225
Property Ref: C000490000
Valid date: 20/10/2021
Location: La Lande No.2 La Route De St Magloire Vale Guernsey
Proposal: Demolish existing, erect two dwellings, create vehicular access and change of use of agricultural land to domestic garden (429 sqm).

Applicant: Mr & Mrs P Le Lievre

RECOMMENDATION - Grant: Planning Permission with Conditions:

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

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

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

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

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

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

4. No development, including demolition and site works, shall begin until a Method Statement for the demolition and clearance of the glasshouses, any ancillary structures and areas of hard surfacing, and the restoration of the land so that it is capable of being used for agriculture has been submitted to and agreed in writing by the Authority. The works shall thereafter be carried out in accordance with the agreed details before the first occupation of either dwelling hereby permitted.

Reason - To ensure that the glasshouses and all ancillary structures/surfaces are cleared and the land is restored to a state where it is capable of productive agricultural use, in accordance with the requirements of Island Development Plan Policy OC7.

5. No dwelling hereby approved shall be occupied until a landscaping scheme, to include those details specified below, has been submitted to and agreed in writing by the Authority (see note below):

- i) the treatment proposed for all ground surfaces, including hard areas;
- ii) full details of tree and hedge planting;
- iii) planting schedules, noting the species, sizes, numbers and densities of plants;
- iv) details of the earth bank along the north boundary of the access track and the domestic land of unit 2;
- v) all existing trees, hedges and other landscape features, indicating clearly those to be removed.

Reason - To make sure that a landscaping scheme for the development is agreed, in order to help assimilate the development into its surroundings.

6. The landscaping scheme shall be fully completed, in accordance with the details agreed under the terms of condition 5, in the first planting season following the first occupation of either dwelling 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 help assimilate the development into its surroundings.

7. Prior to their installation, details of the gates forming the accesses to the agricultural land and the accesses to units 1 and 2, including their appearance, height and materials, shall be submitted to and agreed in writing by the Authority. The works shall thereafter be carried out in accordance with the agreed details.

Reason - The information provided with the application does not include full details of the proposed gates. This condition is imposed to make sure that the design and appearance of the gates does not have any adverse impact on the character of the area.

8. No dwelling hereby approved shall be occupied until details of the solar panels to be installed to the south roof slope have been submitted to and agreed in writing by the Authority. The solar panels shall thereafter be installed in accordance with the agreed details before the first occupation of either dwelling hereby permitted.

Reason - In the interests of sustainable development.

9. Within four weeks of the new access being brought into use, the ends of the new opening shall be finished off using materials and a method of construction which match the remainder of the existing wall.

Reason - To ensure that the completed development respects the character and appearance of the area.

10. The development hereby permitted shall be carried out in accordance with the Site Waste Management Plan submitted as part of this application, and no part of the development 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 fully in accordance with the agreed Site Waste Management Plan. Where there has been any variation from the Site Waste Management Plan as originally submitted, 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.

INFORMATIVES

With regards to condition 5 and the species of the proposed planting, please see the comments of La Société Guernesiate which are set out in the planning application report. It is recommended that the proposed species are reviewed and amended in order to maximise the potential biodiversity.

If, during development, contamination not previously identified is found to be present at the site then it is recommended that no further development is carried out until the developer has submitted to The Office for Environmental Health and Pollution Regulation a method statement to identify, risk assess and address the unidentified contaminants, and obtained written agreement for the works to continue. Any subsequent works should then be carried out only in accordance with the conclusions and recommendations contained in the agreed report.

OFFICER'S REPORT

Site Description:

The site contains a large metal framed glasshouse of approximately 8000sqm and a timber and metal clad packing shed along the south boundary in the south-west corner. The site is located close to Beaucette Marina and is Outside of the Centres.

The area is predominantly rural in character, comprising a network of small lanes, open fields and horticultural sites in various states of repair, interspersed with small groups of residential properties.

Relevant History:

Sept 2021 – PREA/2021/1651 – Pre-application advice regarding demolish existing building, erect two dwellings and extend domestic curtilage.

16/12/2020 – FULL/2019/1772 – Permission granted for the sub-division and conversion of vinery building to create 2 dwellings and create additional vehicular access (revised).

Existing Use(s):

Agricultural use class 28 – horticultural site

Brief Description of Development:

Planning permission was granted to sub-divide and convert the vinery building to create 2, two bedroom dwellings and to create an additional vehicular access in December 2020 (FULL/2019/1772). Permission is now sought to demolish the vinery building and to erect 2 dwellings (1, two bed and 1, three bed), to create a vehicular access and to change the use of a section of agricultural land measuring 429sqm to domestic land.

The application is supported by a Design Statement, a Sustainability Report and a Waste Management Plan.

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

Policy OC1: Housing Outside of the Centres

Policy OC5(B): Agriculture Outside of the Centres – outside the Agriculture Priority Areas

Policy OC7: Redundant Glasshouse Sites Outside of the Centres

Policy GP1: Landscape Character and Open Land

Policy GP8: Design

Policy GP9: Sustainable Development

Policy GP15: Creation and Extension of Curtilage

Policy GP16(B): Conversion of Redundant Buildings – Demolition and Redevelopment
Policy IP6: Transport infrastructure and support facilities
Policy IP7: Private and Communal Car Parking
Policy IP9: Highway Safety, Accessibility and Capacity

Representations:

One letter of representation was received on behalf of La Société Guernesiaise, main points as follows:

- We broadly support the proposed biodiversity measures.
- The tree planting of predominantly native species is largely appropriate to the site. It is recommended that evergreen oak be omitted from the proposal as it is non-native and supports very little associated wildlife. Beech is likely to struggle in that location and would be best substituted for additional English Oak or the other listed species. It is also recommended that the willow be local grey willow rather than other species.
- The hedge plants are mostly suitable but it is requested that fuchsia be removed from the scheme as it is a non-native amenity species which can be quite invasive and is not particularly good for wildlife.
- In all instances it is recommended that wherever possible, the native flora be given an opportunity to establish naturally prior to any imported seed mixes being sown. If the use of an imported wildflower seed mix is ultimately deemed necessary, it is recommended that local native species only are used as this site is in effect a horticultural one being returned to its former agricultural land classification.

Consultations:

None

Summary of Issues:

The main issues in deciding this application are:

1. Whether the principle of demolition and rebuild is acceptable.
2. Design and impact of the development on the character and openness of the landscape.
3. The impact of the development on the amenity of people living in the area.

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).**

Planning permission was granted to sub-divide and convert the vinery building to create 2 dwellings and to create an additional vehicular access in December 2020 (FULL/2019/1772). As a result of this previous permission, Policy GP16(B) makes provision for the demolition and redevelopment of the previously approved dwellings to be considered.

Planning permission has been granted to convert the vinery building into 2 dwellings (FULL/2019/1772) and the number of units approved in the conversion scheme is not exceeded. The proposed dwellings would include an increase in the floor area and volume compared to the previously approved scheme. During the course of consideration the application was deferred due to concerns about the increase in the floor space and volume of the redeveloped dwellings. Revised plans have been received which omit pitched roof additions to either end of the building. The agent sets out that the floor area has increased from 203sqm to 244sqm, or by 20%, and the volume has increased by 23%. The redeveloped dwellings are similar in form, siting and scale as the existing building and would have a similar impact on the visual amenity as the existing structure. In this instance, the proposed increase to the size and volume is considered to be broadly the same as the approved conversion scheme for the purpose of Policy GP16(B).

The existing building is of no particular architectural merit and it does not make a positive contribution to the character of the area. The agent advises that the dwellings will be designed to achieve a high level of thermal performance and air tightness, which exceeds the current Technical Standards, and the south facing roof pitch will be used to generate renewable energy from photovoltaic panels. The application is accompanied by a Waste Management Plan. The information submitted is sufficient to demonstrate that the new dwellings would be constructed to significantly enhance their sustainable design.

The redeveloped dwellings include single storey flat roof additions at either end of the building. Whilst, these elements do not achieve a high standard of design, they abut and are set below the height of the south boundary wall which would minimise their visual impact on the character and appearance of the area. As a whole the redeveloped dwellings are similar in form, siting and scale as the existing building, they achieve a satisfactory standard of design and the proposal would have no significant additional adverse effects on the landscape character or openness of the area. By virtue of their similar form, siting and scale to the existing building, the redeveloped dwellings would have no additional adverse effects on the amenities of neighbouring residents. The proposal accords with Policy GP16(B).

The proposal includes an extension to the domestic land associated with the dwellings. The Island Development Plan recognises there is a balance between protecting open and agricultural land and other legitimate uses Outside of the Centres. Although the proposal will result in the loss of agricultural land, in this instance, the land is outside of the Agriculture Priority Areas and it is not within an Area of Biodiversity Importance. Furthermore, the residential curtilages would be sufficient to meet the needs of the future occupiers of the proposed dwellings, they

would not be excessive in size, they are confined to the south-west corner of the site and the clearance of the existing glasshouse and the return of the remainder of the site to open agricultural/undeveloped land would have a positive impact on the landscape character and openness of the area. In addition, an indicative landscaping scheme has been submitted for the remaining agricultural/undeveloped land. La Société Guernesiaise broadly support the proposed biodiversity measures although advice is provided about substituting some of the proposed species to further enhance biodiversity. This can be dealt with by condition.

The plans indicate an earth bank to demarcate the residential curtilages from the remaining agricultural land and provided that the construction of the earth bank is appropriate (which could be controlled by condition) this would be acceptable. The proposal accords with Policies GP15, GP16(B) and GP1.

The proposed dwellings include adequate parking and amenity space. The internal accommodation is reasonable and the proposal would provide a satisfactory living environment for the occupiers of the dwellings. The size and layout of the ground floor provides flexible and adaptable accommodation and the proposal accords with Policy GP8

The siting and design of the additional access is similar to the access previously approved with the main changes being that the width of the access has increased from 4.3m to 4.5m and it would serve unit 2 as well as the agricultural field. The increased width of the access is reasonable in the context of the nature and width of the highway and the limited number of access points along the west boundary of the site. Details of the design and appearance of the gates would be required, this can be dealt with by condition. The inclusion of high pillars either side of the access to match the existing would restrict sightlines which raises some road safety concerns. Whilst the reduction in the height of the pillars or the omission of the pillars to improve road safety would be encouraged, the highway is classified as a neighbourhood road and due to the likely low traffic flows along the highway and the limited use of the access, the proposal is unlikely to have any significant adverse effects on road safety.

The Office of Environmental Health and Pollution Regulation commented on a previously refused scheme. No objections were raised to the proposal however it was recommended that further details are submitted if contamination not previously identified is found to be present at the site.

All material considerations as set out in the Land Planning and Development (Guernsey) Law, 2005 and the Land and Planning (General Provisions) Ordinance 2007 have been taken into account in the assessment of this application.

It is recommended that the application is approved.

Date: 07/04/2022

