

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: Extend and convert former horticultural building to create residential dwelling and change of use of agricultural land to create domestic garden and parking area.

LOCATION: Land and Building at, La Claire Mare, Rue Des Mares, St. Pierre Du Bois.

APPLICANT: Mr & Mrs R K Vhadra

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: 01/04/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 05/11/2021 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Dwg. No's. 2024 - 02.01 & 02.02

Application Ref: FULL/2021/2258

Property Ref: F00294A000

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, excluding demolition and site works, shall begin until a landscaping scheme, to include those details specified below, has been submitted to and agreed in writing by the Authority:

- 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) finished levels or contours;
- v) all existing trees, hedges and other landscape features, indicating clearly those to be removed.

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

5.The landscaping scheme shall be fully completed, in accordance with the details agreed under the terms of the above condition, 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.

6.No development shall begin on site until details of how the asbestos within the roof will be contained/treated to ensure that no harm arises to the future occupiers of the building. The development shall be carried out only in accordance with the agreed details.

Reason - The information provided with the application does not include full details any treatment to the asbestos roof. This condition is imposed to make sure that the roof is made safe and any works required do not go beyond the scope of Policy GP16(A) of the Island Development Plan.

Expiry Date: This permission will cease to have effect on 31/03/2025 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

With regards to condition 6, no planning permission is granted as part of this permission for a replacement, or for any external alterations to the roof. Methods are available to treat the asbestos (which do not involve any external alterations) to ensure that no harm is caused to the future occupiers of the premises.

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/2021/2258
Property Ref: F00294A000
Valid date: 05/11/2021
Location: Land and Building at La Claire Mare Rue Des Mares St. Pierre
Du Bois Guernsey GY7 9PZ
Proposal: Extend and convert former horticultural building to create
residential dwelling and change of use of agricultural land to
create domestic garden and parking area.
Applicant: Mr & Mrs R K Vhadra

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, excluding demolition and site works, shall begin until a landscaping scheme, to include those details specified below, has been submitted to and agreed in writing by the Authority:

- 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) finished levels or contours;
- v) all existing trees, hedges and other landscape features, indicating clearly those to be removed.

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

5. The landscaping scheme shall be fully completed, in accordance with the details agreed under the terms of the above condition, 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.

6. No development shall begin on site until details of how the asbestos within the roof will be contained/treated to ensure that no harm arises to the future occupiers of the building. The development shall be carried out only in accordance with the agreed details.

Reason - The information provided with the application does not include full details any treatment to the asbestos roof. This condition is imposed to make sure that the roof is made safe and any works required do not go beyond the scope of Policy GP16(A) of the Island Development Plan.

INFORMATIVES

With regards to condition 6, no planning permission is granted as part of this permission for a replacement, or for any external alterations to the roof. Methods are available to treat the asbestos (which do not involve any external alterations) to ensure that no harm is caused to the future occupiers of the premises.

OFFICER'S REPORT

Site Description:

The application site comprises a single storey, rendered, block-built former horticultural building (assumed to be a packing shed, store or similar), positioned at the rear (north) of the site and accessed from Claire Mare Lane over an area of hardstanding.

The site is surrounded by residential properties to the north, east, south and west.

The site is located Outside of the Centres and is the subject of no other designation under the Island Development Plan.

Relevant History:

FULL/2020/0897 - Change of use of agricultural land to domestic garden and erect greenhouse.

Approved 04-08-2020

PREA/2018/0510 - Change of use of existing shed to residential dwelling.

Advice offered 08-03-2018

PREA/2009/4118 - To discuss the possibility of using the outbuilding to the south of the site for commercial storage of motorcycles and would like to know current use class of outbuilding

Advice offered 09-12-2009

PAPP/2003/3620 - Utilise outbuilding for storage/distribution

Refused 16-10-2003

Existing Use(s):

Agricultural Use Class 28

Brief Description of Development:

This application proposes the conversion of the existing building on the site to create a single-storey, 2-bedroom dwelling, together with a small extension to the side (east) elevation and the change of use of the associated land to create a domestic garden/parking area.

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

Island Development Plan

OC1 – Housing Outside of the Centres

GP8 – Design

GP9 – Sustainable Development

GP15 – Creation and Extension of Curtilage

GP16(A) – Conversion of Redundant Buildings

IP6 – Transport Infrastructure and Support Facilities

IP7 – Private and Communal Car Parking

IP9 – Highway Safety, Accessibility and Capacity

Representations:

4 representations received, concerns raised summarised as follows:

- Proposed boundary fence will not be sufficient to prevent noise and light pollution, request this be amended to a 2.5m tall rendered wall;
- High level windows in north elevation will result in light pollution, these should be omitted;
- Any increase in roof height or the installation of roof lights would impact on neighbouring amenity.

La Societe Guernesiaise

In respect of this application, we would like to highlight that buildings of this type can be used by roosting bats and other wildlife. This likelihood can increase when the property is located within a variable landscape with habitats such as large gardens, farmland or woodland nearby.

We would recommend that the building be inspected for current or recent use by bats or other wildlife by a suitably qualified person prior to any demolition or building works. This would reduce the risk of disturbing or destroying animals which are protected under the Animal Welfare Ordinance 2012. It would also be beneficial to include suitable measures to support roosting bats and nesting birds within the development proposal.

We would request that, if this application is approved, 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 building may be used by bats or other wildlife for roosting and nesting. 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 Guernesiaise for advice or to

arrange a survey. La Société can be contacted on 07781 166924 or email jamie.hooper@cwgsy.net

Consultations:

None.

Summary of Issues:

- Principle of development
- Assessment against Policy GP16(A)
- Design and residential amenity

Assessment against:

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

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

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

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

- (b) the character and quality of the natural and built environment which is likely to be created by the development,*
- (c) the appropriateness of the development in relation to its surroundings in terms of its design, layout, scale, siting and the materials to be used,*
- (d) the likely effect of the development on the character and amenity of the locality in question,*
- (i) the likely effect of the development on the reasonable enjoyment of neighbouring properties.*

Principle of development

The Spatial Policy of the IDP, expressed through Policy S1, is to, "concentrate the majority of new development in the Main Centres and the Main Centre Outer Areas

to maintain the vitality of these areas, and to make provision for limited development in the Local Centres to support and enhance them as sustainable settlements and community focal points and to allow for development Outside of the Centres in identified specific circumstances, in accordance with the Strategic Land Use Plan.”

Policy S4 goes on to state that, *“Policies exist that seek to protect and manage the built and natural environment while facilitating a viable rural economy and enabling small business development and infrastructure, where appropriate...Outside of the Centres, support will be given for development that meets the requirements of the relevant specific policies of the Island Development Plan.”*

Policy OC1 provides for new residential development Outside of the Centres only, *“where this is achieved through the subdivision of an existing dwelling or the conversion of an existing redundant building.”* The policy text goes on to clarify that proposals for the conversion of redundant buildings to dwellings will be considered under policies GP16(A) and GP16(B).

As this application proposes the creation of a new dwelling through the conversion of an existing building, then it is acceptable in principle provided that the proposal complies with Policy GP16(A) and other relevant policies.

Assessment against Policy GP16(A)

Proposals for development under Policy GP16(A) must satisfy all of the policy criteria in order to be considered acceptable.

The existing building is a former horticultural building, the associated glasshouses to which were demolished in the period 1996-2001. Although applications and enquiries in relation to alternative commercial uses have been submitted in the past, no such use has ever been permitted, and notwithstanding that the building is currently being used on an unauthorised to store a number of cars, for the purposes of Policy GP16(A) it is accepted that the building is redundant for its original, authorised and last known purpose in accordance with the requirements of criterion a) to that policy.

Furthermore, given that this application proposes residential conversion, that the existing building is of sound and substantial construction (as evidenced by the submitted structural report and observations made during the Planning Officer’s site visit), that the proposals would have no adverse impacts on protected buildings or unacceptable impacts on the contribution a building of character makes to the area, that there would be no unacceptable adverse impacts on the character and openness of the landscape, that only modest extension of the existing building is proposed, and that there would be no unacceptable impacts on the amenities and enjoyment of neighbouring properties and the surrounding area (addressed in more detail below), there is considered to be no conflict with criteria b) – h) of Policy GP16(A).

Design and residential amenity

The appearance of the building would remain largely unchanged, such that there would be no material impact on the character of the locality resulting from its conversion.

Existing door and window openings are to be used, those on the rear (north) elevation shown to be fully or partially blocked to prevent overlooking of the neighbouring domestic garden.

The proposed accommodation would be flexible and adaptable, would exceed minimum and best practice requirements in terms of floor area, and would provide a good quality of living environment and amenity for future occupants.

The proposed south facing garden is shown to be enclosed by hedging, and would be set back from Claire Mare Lane such that it would provide an acceptable level of privacy and amenity. Precise details of proposed landscaping can be controlled by condition.

The orientation of the existing building and its relationship to neighbouring and nearby residential properties are such that there would be no unacceptable impact on neighbouring residential amenity. There are considered to be no reasonable grounds for the Authority to insist on an alternative boundary treatment or the omission of high level windows in the north elevation.

The application is therefore considered to comply with the aims and objectives of Policy GP8.

Other matters

The agricultural land forming part of the application site is not located within or adjacent to an Agriculture Priority Area, and given the small size of the land parcel in question, its degree of enclosure and well defined boundary features, surrounding residential properties, and the fact that it should not result in any unduly adverse impact on neighbouring amenity, its change of use to create domestic garden and parking area is considered to be acceptable under the provisions of Policy GP15.

Provision for cycle storage, parking and access arrangements are all considered to be acceptable in accordance with the requirements of policies IP6, IP7 and IP9.

Information has been submitted that demonstrates that sustainable development principles have been taken into account in accordance with the aims and objectives of Policy GP9.

The proposed approach to retain and encapsulate the asbestos-containing roof covering is one that has been accepted elsewhere on the Island, and can be controlled by way of condition.

Comments from La Societe Guernesiaise with regards to potential impacts on protected species and the provisions of separate legislation can be drawn to the applicant's attention by way of an informative attached to the decision notice.

Conclusion

In light of all of the above, it is recommended that planning permission be granted.

Date: 23-03-2022