

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: Convert, extend and alter stable block to create dwelling.

LOCATION: La Cache, Rue De La Cache, St. Pierre Du Bois.

APPLICANT: Mr & Mrs D Jeffery

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: 25/01/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 24/03/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: CCD 3673 SK- 01E & 02E.

Application Ref: FULL/2022/0500

Property Ref: F00476B000+F004760000

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 shall begin on site until a scheme for the treatment of the application site boundaries has been submitted to and agreed in writing by the Authority. No use or occupation of the building hereby permitted shall begin until the agreed scheme for boundary treatment has been fully completed.

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

5.No development, including site works, shall begin until a scheme showing the provision to be made for the parking of cycles, under cover and secure, has been submitted to and agreed in writing by the Authority, and no part of the building or development hereby permitted shall be used or occupied until the agreed scheme has been fully implemented. The provision for cycles shall not be used for any other purpose.

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

6.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) a section showing any change in levels required to create the parking area hereby approved;
- ii) the treatment proposed for all ground surfaces, including hard areas;
- iii) full details of tree and hedge planting, particularly around the perimeter of the parking area hereby approved;
- iv) planting schedules, noting the species, sizes, numbers and densities of plants; and
- 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.

7.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.

Expiry Date: This permission will cease to have effect on 24/01/2026 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

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. 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 Guernesiaise for advice or to arrange a survey. La Société can be contacted on 07781 166924 or email info@societe.org.gg

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/2022/0500
Property Ref: F00476B000+F004760000
Valid date: 24/03/2022
Location: La Cache Rue De La Cache St. Pierre Du Bois Guernsey GY7 9HQ
Proposal: Convert, extend and alter stable block to create dwelling.
Applicant: Mr & Mrs D Jeffery

RECOMMENDATION - Grant: Planning Permission with Conditions:

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

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

INFORMATIVES

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. 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 Guernesiaise for advice or to arrange a survey. La Société can be contacted on 07781 166924 or email info@societe.org.gg

OFFICER'S REPORT

Site Description:

The site is set into rising land to the east of Rue de la Cache, and is accessed from that road. The site is bounded by Rue de L'Ardaine to the east, with open fields to the north and former agricultural buildings to the south. There are residential properties across the road to the west.

The site comprises a traditional farmhouse, with ancillary outbuilding and detached garage/stable block. The garage/stable block includes a double garage, three loose boxes and a tack room. Works are underway to install a pool on the higher ground to the east of the outbuilding and stable block.

The site is located Outside of the Centres, within an Agriculture Priority Area, in the Island Development Plan.

Relevant History:

28/05/12 FULL/2012/0485 Permission to demolish existing and erect replacement garage/stable block to rear of property.

01/12/15 FULL/2015/2521 Permit to extend and alter barn

11/01/19 FULL/2018/2265 Permission for change of use of agricultural land to domestic garden – to include stables and associated land.

20/10/21 FULL/2021/1393 Permission for change of use of agricultural land to domestic garden (100sqm), install swimming pool and hard standing

Existing Use(s):

Residential Use Class 1

Brief Description of Development:

Permission was initially sought to convert the existing garage/stable building to the south of the site to a separate two bed dwelling. As initially proposed, the new dwelling was to retain the existing barn, the spa pool currently under construction and the remaining land to the south of the site. Hedging was to be planted to divide the site to the east of the buildings and to the west, adjacent to the driveway, it was proposed to construct a 1800mm granite wall.

Following deferral, the extent of works proposed to the building were reduced and the proposal amended to the creation of a one bed dwelling. The division of the site was revised to retain the detached barn and spa pool with the main house and proposing only the land to the west of the stables to be retained in association with the new dwelling. No boundary treatments were specified.

Following further deferral, the extent of extension has been further reduced and the proposed fenestration has been amended. A 1700mm wall is proposed between the new dwelling and the barn to be retained in association with the existing dwelling.

The existing and proposed dwellings would share the existing access point, with a new driveway formed within the site to serve the new dwelling.

In support of the application the following points were initially made:

- The stables were to house horses belonging to the daughter of the property owners. The daughter no longer lives on Island and the horses have been sold.
- The stables were built approximately 10 years ago, and are in good condition.

Following deferral the following additional points are made:

- A car and other domestic items were stored in the building at the time of the site visit, however these have now been cleared;
- Horses have not been kept by the owners for a number of years and have no intention of doing so again. The stables are redundant;
- The barn would be retained by the main house to provide storage, and there is an unenclosed area to the east of the stables which could form storage for the new dwelling.

Finally the following points are made:

- There is sufficient parking for the main house within the grounds;
- The barn is built to house a car, if required;
- The workshop has been relocated to the barn;

- The barn otherwise held miscellaneous storage from the main house, much having been relocated during works to the house.

Following deferral, a structural appraisal has been provided from Dorey Lyle & Ashman, making the following points:

- Provided the roof material is not upgraded to a heavier finish, the existing roof structure is adequate to take the additional loadings of insulation and ceiling board;
- Structural openings in internal partition walls and external walls would need strengthening;
- The opening between the proposed dining room and living room should be reduced (c1800mm) so that the remaining partition still supports the roof truss and to buttress the rear wall panel;
- Collar tie required in roof over garage;
- External posts ends to be cut back and seated on DPC with masonry plinth;
- Concrete base slabs appear adequate.

The submitted documents indicate the following works to the building, additional to those identified by the structural appraisal:

- Enclose part of covered area to provide kitchen and entrance lobby (7.7sqm);
- Alter internal partitions to form internal links, including removal of east gable;
- North elevation – infill garage doors & install windows;
- South elevation – Enlarge existing aperture & install new window;
- West elevation – Enlarge 3no existing apertures & install new windows;
- East elevation (on to courtyard) – Infill 2no window apertures; Install new window and door in existing apertures;
- North elevation on to courtyard – Alter 2no apertures to form new windows;
- Install flue;
- Where DPC is not present, install in sections to building perimeter;
- Add DPC, insulation and screed to existing floor slab;
- Remove ply lining and replace with rigid insulation to walls and roof.

A Sustainability Statement has been received in respect of Policy GP9.

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

OC1	Housing Outside of the Centres
GP5	Protected Buildings
GP8	Design
GP9	Sustainable Development
GP16(A)	Conversion of redundant buildings
IP6	Transport Infrastructure and Support Facilities
IP7	Private and Communal Car Parking

Representations:

One letter of representation raising the following queries:

- A sizable piece of land would be ceded to the development, including a spa pool, would the owners of the house then apply for an extension of curtilage to replace the loss of garden and pool;
- Is the land already curtilage or APA land;
- Should permission be granted provision should be made for nesting birds which are declining.

One letter received from La Societe Guernesiaise making the following comments:

In respect of this application, we would like to highlight that buildings of this type can be used by roosting bats and nesting birds. 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 buildings be fully 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. We would also recommend that measures to support roosting bats and nesting birds be included within the development proposals.

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. 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 Guernesiaise for advice or to arrange a survey. La Société can be contacted on 07781 166924 or email info@societe.org.gg

Consultations:

None undertaken.

Summary of Issues:

Whether the proposal complies with policy.

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 residential development

The Spatial Policy of the Island Development Plan, expressed through Policy S1 (Spatial Policy), 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 allow for development Outside of the Centres in identified specific circumstances, in accordance with the Strategic Land Use Plan.”*

This approach is reinforced through Policy S4 (Outside of the Centres) and the introduction to Part 3 of the Plan *Policies for Outside of the Centres* which, whilst acknowledging that the Plan makes provision for certain types of development Outside of the Centres, states that proposals for new housing will not generally be supported Outside of the Centres.

Policy OC1 (Housing Outside of the Centres) sets out potential exceptions to this direction, stating that the creation of new dwellings Outside of the Centres will only be supported where it is achieved through the subdivision of an existing dwelling or the conversion of an existing redundant building, and directs proposals for conversion of redundant buildings to be considered principally under Policy GP16(A) (Conversion of Redundant Buildings).

Conversion of the existing building

The proposal is addressed against the criteria of Policy GP16(A) below.

a. it is demonstrated that the building is no longer required or capable of being used for its current or last known purpose;

The building forms garaging, storage and stabling ancillary to the dwellinghouse at the site. At the time of the site visit, the stables were largely disused with only a small amount of equine paraphernalia remaining. The garages however still retained a car and associated equipment. Following deferral it has been advised that the car and all equipment has been removed from the garage, with the equipment relocated to the adjacent barn.

Taking into account the comments made in support of the application, together with evidence on site, it is accepted that, whilst capable of ongoing use, the stables are no longer required for that purpose.

Storage for the existing dwelling is currently provided for within the detached barn and, following deferral, that building is to be retained within the curtilage of the existing building. The limited storage provided within the stables building would not therefore be required in association with the existing dwelling. Limited storage for the new dwelling is stated to be provided for under the overhang adjacent to the east gable of that dwelling.

There is generous parking associated with the existing dwelling and, on that basis, the applicant contends that garaging is not required in association with the existing dwelling. Provision of covered garaging is noted to be a different proposition to uncovered and unsecured parking, however, as noted by the applicant, the existing barn would be of sufficient size to accommodate garaging, should such provision be found desirable.

On balance, taking into account the various factors outlined above and, in particular, the retention of the existing barn within the curtilage of the existing dwelling, it is considered that the stables building is no longer required.

b. the conversion will result in the establishment of either residential, social and community, industrial, storage and distribution, convenience retail in coastal locations in accordance with Policy OC4, visitor accommodation or office use or provide facilities for outdoor formal recreation or informal leisure and recreation uses;

The proposal would result in the establishment of a residential use.

c. the existing building is of sound and substantial construction and is capable of conversion without extensive alteration or rebuilding;

In light of a recent appeal decision (Ref: PAP/008/2019 for the refusal of application ref: FULL/2018/0826) this criterion will be assessed in two parts - there will be an assessment of whether the building is of sound and substantial construction (in relation to the use originally intended), followed by an assessment as to whether the building is capable of conversion without extensive alteration or rebuilding.

A structural appraisal has been provided which confirms that the building is of sound and substantial construction for its current purpose.

In terms of the extent of alterations required to support the proposed conversion, in deciding the recent appeal (referred to above) the Tribunal considered it appropriate to distinguish between three distinct categories of building work that have different underlying purposes; structural repair, upgrading and renewal; upgrades to meet the Building Regulations; and works to facilitate the proposed use.

The submitted Survey states that the building is capable of conversion into a habitable building with limited structural improvement, including strengthening of timbers where new apertures are formed, installation of a collar tie, works to the supporting

posts to install a DPC and, although not specifically itemised, presumably support of the roof structure resulting from the removal of the east gable.

The works to upgrade the building to meet Building Regulations appear to be limited to the installation of DPM and insulation to the roof, walls and floors. In determining the previously cited appeal, the Tribunal concluded that these forms of work, necessary to bring the building fabric up to current Building Regulation standards in terms of freedom from damp and thermal and sound insulation, are known to be a common feature of schemes involving the conversion of buildings and therefore such works were considered to be neutral in terms of their impact on the objectives of Policy GP16(A).

In respect of the other works proposed to facilitate the conversion, these include the infill of the existing garage and stable doors, the alteration of some existing apertures to form new windows and the partial enclosure of the open area to the north-east of the building. With regard to the internal fittings, the creation of new room arrangements and the provision of new services, these works are representative of the types of alterations that are generally required for the conversion of buildings into alternative uses and are therefore considered to be neutral for the purpose of GP16(A).

In light of the above it is considered that the revised plans and additional supporting information demonstrate that the building is capable of conversion without extensive alteration or rebuilding and the proposal would meet the requirements of criterion (c) of Policy GP16(A).

d. the proposals would have no adverse impacts on the special interest of a protected building and that such interest is appropriately and proportionately preserved and, where possible, enhanced;

The stables itself is not a protected building, however it is located within the curtilage of a protected building. The protection in respect of La Cache is however limited to the main house itself, and does not include the outbuildings. The building which forms the subject of this application is set at a distance from the main house, and is separated from that building by the ancillary barn. The proposed alterations would not significantly alter the overall scale, form or mass of the stable building, in respect of its relationship with the protected building, and the proposed division of the site would be undertaken in a sensitive manner. Overall therefore the proposals would not have a significant impact on the setting of the protected building and the proposal would be compliant with this criteria, the requirements of Policy GP5 (Protected Buildings), and meet the statutory duty in respect of protected buildings.

e. the proposals would have no unacceptable impacts on the contribution a building of character makes to the character and appearance of the area;

The existing building is a single storey structure of utilitarian nature and could not be considered a building of character for the purposes of this policy. The building is

set back from and elevated above the roadside and is of limited visibility within the wider area. The proposed alterations would not alter the scale, bulk or massing of the existing building in public views and there would be no additional impact on the character of the area as a result of the proposals.

f. the conversion and any ancillary development associated with it can be implemented without having any unacceptable adverse impacts on the character and openness of the landscape;

The land on which the stables are located, and the adjacent land proposed to be retained with the new dwelling, is already recognised as domestic curtilage associated with the existing dwelling. The existing dwelling would retain domestic curtilage to the north and west, adequate to serve that dwelling.

The proposed division of the site includes the erection of a wall, within the building group, and between the proposed new dwelling and the existing barn. In that location, the works would have a negligible impact on landscape character or openness. The extent of the wall is not however entirely clear on the submitted plans and it is recommended that further clarity on boundary treatments is sought by condition.

Any visual impacts arising from the provision of parking between the stables and the road could be mitigated through supplementary planting in that area.

g. the conversion would not require more than modest extension to the existing building for it to be achieved;

The application initially proposed to enclose an existing canopied area and to infill the courtyard to the east of the building. This would not however have comprised modest extension for the purposes of this policy and in the context of the existing building. Following deferral, the courtyard is no longer proposed to be infilled and only part of the canopied area is proposed to be enclosed, creating new floor area. The reduced extension is stated to be 7.7sqm, comprising a 10% increase over the floor area of the existing building, and would not comprise a significant part of the new unit. The revised extension would therefore comply with part g).

h. the proposal would have no unacceptable adverse impacts on the amenities and enjoyment of neighbouring properties and the surrounding area.

The building which is the subject of this application is set away from nearby residential properties and would not have any impact on the amenities of those properties.

The distance from and orientation to the main house at the application site would ensure an appropriate relationship with that house and the introduction of a boundary wall as proposed would prevent any interface with the barn.

Residential amenity and facilities

The new dwelling would share the existing access with the existing dwelling, but be provided with separate driveway and parking area, independent to those serving the existing dwelling at the site. Whilst not specifically identified, there would be scope to provide cycle storage within this area and, to meet the requirements of IP6, it is recommended that this be controlled by condition.

The converted building would provide a good level of accommodation for a single storey one bed dwelling, exceeding the requirements of both the Building Regulations and the guidance set out within the Department for Communities and Local Government's Technical Housing Standards - nationally described space standard. The size and quality of the outdoor space would be good. Overall the proposed dwelling could provide a good living environment, in accordance with Policy GP8(d) and Annex I: Amenities.

Sustainability, accessibility and adaptability.

In terms of accessibility to and within the building and the provision of flexible accommodation, it is noted that the accommodation provided is on a single level, albeit with stepped access from the parking area. There is however opportunity to amend this access to improve accessibility.

Confirmation has also been received that the proposed development has been designed to take into account matters of energy efficiency and current Building Regulations in accordance with Policy GP9.

Conclusion

Overall, the revised proposals accord with the purpose of the Law, material considerations and planning policy and approval is recommended.

Date: 17/01/2022

