

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 outbuilding to create dwelling with associated landscaping and parking.

LOCATION: Orgeris Vinery, Pleinheume Road, Vale.

APPLICANT: Lilly Limited

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: 13/04/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 29/04/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Evans Architecture - 2116 03.01B, 03.02B & 03.03; Image of bicycle barn.

Application Ref: FULL/2022/0742

Property Ref: C02050A000

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.i) No works pursuant to this permission shall commence until there has been submitted to and approved in writing by the Authority: (A desktop study shall be the very minimum standard accepted. Pending the results of the desk top study, the applicant may have to satisfy the requirements of b and c below, however, this will all be confirmed in writing).

a) A desktop study documenting all the previous and existing land uses of the site and adjacent land in accordance with national guidance as set out in Contaminated land Research Report Nos. 2 and 3 and BS10175:2001 - Investigation of Potentially Contaminated Sites - Code of Practice; and, unless otherwise agreed in writing by the Authority,

b) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS10175; and, unless otherwise agreed in writing by Authority,

c) 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. Such scheme shall include nomination of a competent person to oversee the implementation of the works.

ii) The development hereby permitted shall not be occupied or brought into use until there has been submitted to the Authority verification by a competent person approved under the provisions of condition (i)c that any remediation scheme required and approved under the provisions of condition (i)c has been implemented fully in accordance with the approved details (unless varied with the written agreement of the Authority in advance of implementation). Unless otherwise agreed in writing by the Authority such verification shall comprise:

- a) as built drawings of the implemented scheme;
- b) photographs of the remediation works in progress;
- c) 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 (i)c. If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted to the Authority a method statement to identify, risk assess and address the unidentified contaminants, and obtained written agreement from the Authority for the works to continue. Any subsequent works shall be carried out only in accordance with the conclusions and recommendations contained in the agreed report.

Reason - To ensure any ground contamination is dealt with in a safe and appropriate manner.

5.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) full details of tree and hedge planting;
- ii) planting schedules, noting the species, sizes, numbers and densities of plants;
- iii) 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 and to provide biodiversity enhancements in accordance with the Strategy for Nature.

6.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 and to provide biodiversity enhancements in accordance with the Strategy for Nature.

7.Prior to the first occupation of the dwelling hereby approved, or completion of the development, whichever is sooner, the existing glasshouses shall be demolished and all ancillary materials, works and structures shall be removed from the site.

Reason - To make sure the development takes the form hereby permitted and to

satisfy Policy OC7 of the Island Development Plan.

8. Prior to the first occupation of the dwelling hereby approved, or completion of the development, whichever is sooner, the 2m high fencing hereby approved to the north and east boundaries shall be erected.

Reason - In the interests of neighbour amenity.

9. Prior to the first occupation of the dwelling hereby approved, or completion of the development, whichever is sooner, the approved cycle storage shall be installed. The provision for cycles shall be retained at all times.

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

10. The permeable hard surfacing shall not be constructed until full details of that surfacing, including a written specification for its laying, have been submitted to and agreed in writing by the Authority. Thereafter the development shall not be occupied until the permeable hard surfacing has been laid and the electric vehicle charge points have been installed in accordance with the approved details.

Reason - In the interests of sustainable development, these features having been proposed to address the requirements of Island Development Plan Policy GP9.

11. Notwithstanding the provisions of the Land Planning and Development (Exemptions) Ordinance, 2023 (or any other Ordinance replacing or re-enacting that Ordinance), no extension shall be made to the areas of hardsurfacing hereby approved and no fence, wall or other means of enclosure (other than any hereby expressly permitted) shall be erected, constructed or placed on any part of the site.

Reason - In view of the sensitive nature of the site, the erection of such structures or laying of additional hardsurfacing as 'exempt development' may have an adverse visual or ecological impact. This condition is imposed to make sure that any proposals can be properly considered.

Expiry Date: This permission will cease to have effect on 12/04/2026 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

In respect of Condition 3, it is advised that:

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 Land Contamination risk management available at <https://www.gov.uk/guidance/land-contamination-risk-management>

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/2022/0742
Property Ref: C02050A000
Valid date: 29/04/2022
Location: Orgeris Vinery Pleinheaume Road Vale Guernsey GY6 8NP
Proposal: Convert, extend and alter outbuilding to create dwelling with associated landscaping and parking.

Applicant: Lilly Limited

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).

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very minimum standard accepted. Pending the results of the desk top study, the applicant may have to satisfy the requirements of b and c below, however, this will all be confirmed in writing).

a) A desktop study documenting all the previous and existing land uses of the site and adjacent land in accordance with national guidance as set out in Contaminated land Research Report Nos. 2 and 3 and BS10175:2001 - Investigation of Potentially Contaminated Sites - Code of Practice; and, unless otherwise agreed in writing by the Authority,

b) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS10175; and, unless otherwise agreed in writing by Authority,

c) 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. Such scheme shall include nomination of a competent person to oversee the implementation of the works.

ii) The development hereby permitted shall not be occupied or brought into use until there has been submitted to the Authority verification by a competent person approved under the provisions of condition (i)c that any remediation scheme required and approved under the provisions of condition (i)c has been implemented fully in accordance with the approved details (unless varied with the written agreement of the Authority in advance of implementation). Unless otherwise agreed in writing by the Authority such verification shall comprise:

a) as built drawings of the implemented scheme;

b) photographs of the remediation works in progress;

c) 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 (i)c. If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted to the Authority a method statement to identify, risk assess and address the unidentified contaminants, and obtained written agreement from the Authority for the works to continue. Any subsequent works shall be carried out only in accordance with the conclusions and recommendations contained in the agreed report.

Reason - To ensure any ground contamination is dealt with in a safe and appropriate manner.

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- i) full details of tree and hedge planting;
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- iii) 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 and to provide biodiversity enhancements in accordance with the Strategy for Nature.

6. 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.

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7. Prior to the first occupation of the dwelling hereby approved, or completion of the development, whichever is sooner, the existing glasshouses shall be demolished and all ancillary materials, works and structures shall be removed from the site.

Reason - To make sure the development takes the form hereby permitted and to satisfy Policy OC7 of the Island Development Plan.

8. Prior to the first occupation of the dwelling hereby approved, or completion of the development, whichever is sooner, the 2m high fencing hereby approved to the north and east boundaries shall be erected.

Reason - In the interests of neighbour amenity.

9. Prior to the first occupation of the dwelling hereby approved, or completion of the development, whichever is sooner, the approved cycle storage shall be installed. The provision for cycles shall be retained at all times.

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

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Reason - In the interests of sustainable development, these features having been proposed to address the requirements of Island Development Plan Policy GP9.

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Reason - In view of the sensitive nature of the site, the erection of such structures or laying of additional hardsurfacing as 'exempt development' may have an adverse visual or ecological impact. This condition is imposed to make sure that any proposals can be properly considered.

INFORMATIVES

In respect of Condition 3, it is advised that:

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 Land Contamination risk management available at <https://www.gov.uk/guidance/land-contamination-risk-management>

OFFICER'S REPORT

Site Description:

The application site comprises a horticultural site measuring approximately 7750m². The majority of the site is under glass, with an ancillary packing shed located adjacent to the west boundary.

The site is situated to the rear (east) of neighbouring residential properties which front onto the highway, Les Rouvets Road, in that direction. The site is accessed via a gravelled track which runs between two of those properties, and alongside the gable of one of them.

The site is situated Outside of the Centres as defined in the Island Development Plan. The site is bounded by but, with the exception of the access track, situated outside

of a Conservation Area to the north and west and the two neighbouring properties bordering the access track to the west are protected buildings.

Relevant History:

PREA/2018/0401 Pre-application advice regarding conversion of packing shed to a dwelling.

FULL/2020/0084 Erect fencing and gates and install lighting and cameras around glasshouses. Approved 05/06/2020

FULL/2020/1283 Erect single storey outbuilding, erect fencing and widen vehicular access on land now forming south-west corner of the application site. Refused 02/10/2020

Existing Use(s):

Agricultural Use Class 28

Brief Description of Development:

Permission is sought to convert, alter and extend the packing shed to the west of the site to form a one bed dwellinghouse, retaining access over the shared track to the west.

As initially proposed, the application included an extension to the east of the building, involving the demolition of part of the external wall, and the replacement and redesign of the roof form, together with alterations to fenestration. A small patio and a parking area were proposed to the east of the building. Supporting information provided was limited.

Following deferral, the plans have been amended to retain the existing building envelope, with a 7m² extension to the south and limited alterations to the existing fenestration. The proposed curtilage of the building has been extended to provide a garden area to the east, and a patio and parking area to the south and all of the glasshouses at the site are proposed to be removed.

A supporting letter from Collas Crill has been provided as part of the revised submission, setting out the recent history of the property and position in respect of the horticultural use of the site.

A Structural Report prepared by CBL Consulting has also been provided as part of the revised submission, making the following points:

- The ground floor is a concrete ground bearing slab with external walls constructed off shallow concrete strip footings;

- The exposed blockwork walls, whilst weathered in places, are free from significant cracking or displacement;
- The reinforced concrete ring beam at eaves level has suffered from spalling concrete, however the beam is sustaining the load applied. The beam will require structural repair and some packing will be required to the north elevation where slight displacement has occurred;
- Roof structure is sustaining the load applied, however would benefit from some enhancements during conversion;
- Roof covering appears to be corrugated asbestos and there is some damage in the south-east corner.

Drawing from the submitted structural report and the proposed plans, the following works would be required to support the conversion:

- Structural repair of the ring beam and packing of the displaced element to the north elevation;
- The Structural Report indicates strengthening of the roof structure may be required;
- Limited and localised repair to barge board/timbers at wall head, where rotted at south-east corner;
- Encapsulation of the roof covering, details of which are appended to the Structural Report;
- Construction of a 6.7m² extension;
- Alter window to door and install new windows in two existing apertures (east elevation);
- Alter door to window (north elevation).

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

OC1	Housing Outside of the Centres
OC7	Redundant Glasshouse Sites
GP1	Landscape character and open land
GP4	Conservation Areas
GP5	Protected Building
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

Supplementary Planning Guidance: Strategy for Nature

Representations:

Two letters of representation received from two authors relating to the proposal as initially submitted:

- The packing shed is not redundant, it provides a weather tight secure facility for storage or agricultural use;
- Given the close proximity to the Conservation Area, there are concerns the proposed use would not align with conservation principles and would change the character of the local environment;
- The proposal would represent an increase of almost 25% in footprint, excluding the patio and parking area;
- The proposed use would result in more noise and activity than the low key use of the packing shed;
- Windows are proposed in the west and north facing walls of the new dwelling, facing directly into the garden of the adjacent dwelling, including a patio area immediately adjacent to the proposed dwelling;
- The only access to the cess pit of the adjoining property is for the lorry to park in the garden of the proposed dwelling.

A further letter was received from the same authors in respect of the revised plans, reiterating the points raised above.

Consultations:

The Office for Environmental Health and Pollution Regulation comments as follows:

I have carried out an historic search on Cadastre, which shows the vinery located at the site is or was previously heated. I am therefore concerned for the potential of land contamination at this site and would recommend the following condition is attached to any planning consent:

Please note this is one condition with multiple sub-sections:

- (i) No works pursuant to this permission shall commence until there has been submitted to and approved in writing by Planning Services: (A desktop study shall be the very minimum standard accepted. Pending the results of the desktop study, the applicant may have to satisfy the requirements of b and c below, however, this will all be confirmed in writing).
 - a) A desktop study documenting all the previous and existing land uses of the site and adjacent land in accordance with national guidance as set out in Contaminated land Research Report Nos. 2 and 3 and BS10175:2001 - Investigation of Potentially Contaminated Sites - Code of Practice;
and unless otherwise agreed in writing by Planning Services,

- b) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS10175;
and, unless otherwise agreed in writing by Planning Services,
 - c) 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. Such scheme shall include nomination of a competent person to oversee the implementation of the works.
- (ii) The development hereby permitted shall not be occupied or brought into use until there has been submitted to Planning Services verification by a competent person approved under the provisions of condition (i)c that any remediation scheme required and approved under the provisions of condition (i)c has been implemented fully in accordance with the approved details (unless varied with the written agreement of Planning Services in advance of implementation). Unless otherwise agreed in writing by the local planning authority such verification shall comprise:
- a) as built drawings of the implemented scheme;
 - b) photographs of the remediation works in progress;
 - c) 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 (i)c.

Informatives/Advice Notes

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 Land Contamination risk management available at <https://www.gov.uk/guidance/land-contamination-risk-management>.

Discovery Strategy (not to be applied as a condition but rather an informative to be applied to any applications that may raise concerns)

If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted to Planning Services a method statement to identify, risk assess and address

the unidentified contaminants, and obtained written agreement from the Department for the works to continue. Any subsequent works shall be carried out only in accordance with the conclusions and recommendations contained in the agreed report.

Summary of Issues:

Principle of development;
Whether the building is capable of conversion without extensive alteration or rebuilding;
Impacts on protected buildings;
Impacts on the character of the area;
Impacts on landscape character and openness;
Provision of biodiversity enhancements and soft landscaping;
Impacts on neighbour amenity;
Sustainable design.

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 principle of development (OC7)

The building which forms the subject of this application comprises a packing shed associated with a large area of glass located to the north-east. As initially proposed the application retained all of the glass and no justification had been provided to demonstrate that the packing shed was not required in association with the ongoing use of the glass. Following deferral additional information has however been provided stating that the glasshouses at the site are no longer productive and, despite active marketing, there is no realistic prospect of the site making a material contribution to the horticultural industry in the future. The application site therefore comprises a redundant glasshouse site for the purposes of the Island Development Plan and Policy OC7 would apply.

In respect of that policy, the site is not located within or adjacent to an Agriculture Priority Area. If cleared, the site would contribute to a wider area of open land, however the building which forms the subject of this application is located to the west of the site, well related to the built development along the east side of Les Rouvets Road, and clearance of that structure would not, in itself, make a significant contribution to the wider area of open land. The demolition of all glasshouses and other ancillary structures at the site would achieve the contribution to openness sought under this policy, and enable the retention of the building proposed for conversion, and this can be controlled by condition.

Where a proposal is for the conversion of a redundant ancillary structure, Policy OC7 requires that a proposal meet the terms of Policy GP16(A). The requirements of that policy, together with the remaining criteria i-vi of Policy OC7, are addressed below.

Conversion of the existing building (GP16(A))

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

It has been accepted above that the site comprises a redundant glasshouse site, and the glasshouses at the site are to be demolished as part of the current application. The packing shed which forms the subject of this application would therefore be no longer required for its current purpose.

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;

The Structural Report provided confirms that the existing building is generally robust in its construction and identifies that the individual elements of the structure are capable of sustaining current loadings.

As initially proposed, there were concerns regarding the extent of alteration proposed to facilitate the conversion. The alterations proposed as part of the amended application are outlined under the Brief Description of Development above and, cumulatively, are not considered to comprise extensive alteration or rebuilding.

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 two residential buildings located to the west of the site are both protected. The protection of both is however limited to the main dwellinghouse on each site, together with the roadside wall. The building which forms the subject of this application is set to the rear of the properties and does not make a significant contribution to their setting. The proposed alterations to the existing building would be limited in scope and the overall effect on the protected buildings would be negligible. The proposal would therefore accord with the requirements of this

criterion, those of Policy GP5 and the statutory duty with 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 not of particular character, being of utilitarian appearance, and further consideration against this criterion would not be required.

The requirements of Policy GP8 (Design) however go further than this criterion, and require a development to achieve a good standard of design which makes an efficient and effective use of land and respects the character of the local built environment, whilst providing soft and hard landscaping where this reinforces local character and mitigates the impacts of the development. The principle of reuse of a redundant building is to make an efficient use of land. The proposed development would retain the building substantially as existing, with the addition of a subservient extension to the south elevation. The design of the proposed alterations would respect the existing built form.

Whilst the building does abut a designated Conservation Area, Policy GP4 and the statutory duties of the Law only place additional requirements on development located within and not adjacent to a Conservation Area. Those additional requirements would not therefore be applicable in this case.

In any case, the building is set back from the adjacent highway, behind the roadside development, and is of limited visibility from public vantage points.

Additional hedge planting is proposed to the perimeter of the curtilage, and further soft and hard landscaping provision are addressed further below. The erection of any fencing or walls around the perimeter of the curtilage, other than as shown on the proposed plans, could however have an adverse impact on character and openness and it is recommended that exemptions rights for such structures are removed by condition.

The proposed scheme would therefore achieve a good level of design, which would not have any adverse impacts on the character of the area, in accordance with Policy GP8 (Design), and would meet parts iii) & v) of Policy OC7.

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 creation of curtilage associated with the conversion would also fall to be considered under Policy GP15 (Creation and extension of curtilage). In addition, Policy GP1 is relevant in relation to the impact on open and undeveloped land, and the Strategy for Nature in respect of contributions to biodiversity.

Policy GP15 states that a proposal to create or extend curtilage will be supported subject to a number of criteria.

The proposed development is restricted to a limited land area, located to the south-west of the site and, as outlined above, well related to the surrounding built development and of limited visibility from public vantage points. The proposed change of use would not therefore have any significant impact on landscape character or openness.

The property is not located within an Agriculture Priority Area or an Area of Biodiversity Importance, and no established boundary features are to be removed as part of the application.

Following deferral, the application includes the clearance of the glasshouses to form a wildflower meadow, enclosure of the curtilage with hedging and additional tree planting immediately to the south of the curtilage and on the land adjacent to the west site boundary. The supporting information however notes that the land may also be used for agriculture, which would negate any biodiversity provision in terms of the wildflower meadow. As initially proposed, a high proportion of the curtilage was also to be hardsurfaced, however this has been reduced following deferral to retain a larger area of soft landscaping. Taking into account the limited extent of curtilage proposed, the perimeter hedging and additional tree planting would however be sufficient in this instance to provide the biodiversity enhancements required. The species proposed are appropriate, however the decision should be conditioned to require specific details of the planting and the implementation of that planting, and to omit exemption rights for the extension of the hardsurfacing within curtilage.

The impact on the amenity of the neighbouring property is addressed below.

The new dwelling would be accessed over an existing track, which would also provide access to the agricultural land to the east. The existing track comprises hardcore/gravel and is suitable to serve both uses.

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

The existing building, with a stated internal floor area of 32.5m², would fall c2.5m² short of the internal floor area requirements for a 2 person, 1 bed dwelling under the Guernsey Technical Standards. A small extension would therefore be required to facilitate the conversion. Whilst the proposed extension, at 6.7m², is larger than required and comprises a 20% increase on the existing floor area, on balance, it is considered just acceptable as a modest extension for the purpose of this policy.

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

The building which forms the subject of this application is located immediately against the rear boundary of the roadside property known as Orgeris Villa. As initially proposed, the application included alterations to the scale of the existing building and windows in the elevations facing that property. The revised scheme however retains the building as existing, with the proposed extension set away from the boundary with the neighbouring property. All fenestration has been omitted from the elevations facing the neighbouring property, with the exception of a single window in the north elevation. That window is however set off the property boundary and a 2m high fence is proposed along the intervening boundary. Subject to the installation of the fence, the proposal would not therefore have any significant impact on the adjoining property in terms of overshadowing, overbearing or overlooking.

Other residential properties are set away from the proposed conversion and would not be impacted upon by the proposed works.

The proposal would therefore meet the terms of this criterion, together with part i) of Policy OC7.

Concerns have been raised in the letters of representation regarding the potential for increased disturbance as a result of the change of use. It is however noted that the roadside properties are bounded by residential uses to either side and the introduction of a single bed dwellinghouse to the rear, with the external amenity space separated from the neighbouring property by the existing building, would not result in significant additional disturbance. Furthermore, the revised proposal includes the demolition of the glasshouses and any traffic associated with that use would therefore cease.

Concerns have also been raised in representation regarding access to the cess pit on the adjacent property. No evidence has however been provided that this is a legal right of way, and the agent for the applicant states that there is no formal arrangement. The grant of planning permission would not override any legal third party rights or privileges, however where no such rights exist this cannot form a material consideration of the planning application.

Other matters

Residential amenity, road safety and parking provision

The converted building would provide 39.2m² of internal floor space which, whilst falling short of the best practice guidance set out in the nationally described space standards, would exceed the requirements of the Guernsey Technical Standards. The size and quality of the outdoor space would be acceptable for a dwelling of the size proposed and there would be an attractive outlook from the dwelling. Overall the proposed dwelling could provide an adequate living environment, in accordance with Policy GP8(d) and Annex I: Amenities.

As noted above, the proposal would result in the cessation of the horticultural use of the site and the creation of one small unit of residential accommodation. The proposal would not therefore result in significant additional vehicle movements through the existing access and would not give rise to any road safety concerns, in accordance with Policy IP9 (Road Safety, Accessibility and Capacity) and part ii) of OC7.

As initially proposed there were concerns regarding the extent of hardsurfacing proposed to serve the dwelling. Following deferral, the extent of hardsurfacing has however been reduced and the proposed parking provision is appropriate for the size and type of dwelling proposed, in accordance with the requirements of Policy IP7. Cycle storage is provided, stated in the covering letter dated 02/03/2023 to be 2000mm x 1000mm x 1335mm(high), and installation can be controlled by condition.

Sustainability, accessibility and adaptability

In terms of accessibility to and within the building and the provision of flexible accommodation, the submitted information details level access and good circulation and the accommodation is provided over a single level, in accordance with the requirements of Policy GP8.

In respect of sustainable design approaches, limited information has been provided. It is however noted that the constraints involved in a conversion scheme do limit the options for incorporating such features and, in this case, confirmation that the proposed development has been designed to take into account matters of energy efficiency and current Building Regulations, the inclusion of permeable paving and an electric vehicle charge point would be sufficient to address the requirements of GP9. Installation of these features can be controlled by condition.

Conclusion

Overall it is considered that the revised proposal would accord with the purposes of the Law, material considerations and relevant planning policies.

Consequently it is recommended that the application be approved, subject to the conditions set out above.

Date: 05/04/2023

