

THE LAND PLANNING AND DEVELOPMENT (GUERNSEY) LAW, 2005

AND SECTION 19 OF THE LAND PLANNING AND DEVELOPMENT (GENERAL PROVISIONS) ORDINANCE, 2007

NOTIFICATION OF REFUSAL OF PLANNING PERMISSION

PROPOSALS: Demolish existing outbuilding and erect dwelling with associated landscaping and parking.

LOCATION: Martina Lodge (Now Wyland), Les Rouvets Road, Vale.

APPLICANT: Mr & Mrs Tanguy

I refer to the application referred to below received as valid on 20/05/2022 regarding the above proposals as described more fully in the application and drawings referred to below.

Date of refusal of permission: 19/08/2022

Drawing Nos: Arctech - MT-21-1027-01A

Application Ref: FULL/2022/0784

Property Ref: C02039A000

The Development & Planning Authority has decided to refuse your application under the provisions of section 16 of the Land Planning and Development (Guernsey) Law, 2005 for the following reasons:-

1. By virtue of the proposed floorspace of the replacement dwelling proposed the scheme would not represent a development that is of broadly the same floorspace as the approved conversion scheme and is therefore contrary to Policy GP16(B) b. of the Island Development Plan.
2. The siting, design and orientation of the building and accommodation combined with the extensive hardstanding proposed would not demonstrate that the new building would be constructed so as to significantly enhance its sustainable design contrary to Policies GP16(B) d. and GP9 a. of the Island Development Plan.
3. The Biodiversity enhancement Landscaping Scheme shown in Appendix I of the application submission does not demonstrate meaningful environmental benefits in respect of biodiversity within the area of proposed domestic garden and the scheme therefore fails to address the requirements of the Strategy for Nature (2020) Supplementary Planning Guidance.

OTHER REMARKS:-**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, against a decision to refuse an application for planning permission or outline planning permission to the Planning Tribunal on the merits. 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.

Copy of representations made

In reaching this decision the Development & Planning 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 to the Authority under section 11 will be included with this decision in accordance with section 19 of the Ordinance.

A J ROWLES

Director of Planning
Planning Service

PLANNING APPLICATION REPORT

Application No: FULL/2022/0784
Property Ref: C02039A000
Valid date: 20/05/2022
Location: Martina Lodge (Now Wyland) Les Rouvets Road Vale Guernsey
GY6 8NH
Proposal: Demolish existing outbuilding and erect dwelling with
associated landscaping and parking.
Applicant: Mr & Mrs Tanguy

RECOMMENDATION - Refusal with Reasons:

REASONS FOR REFUSAL

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 2. The siting, design and orientation of the building and accommodation combined with the extensive hardstanding proposed would not demonstrate that the new building would be constructed so as to significantly enhance its sustainable design contrary to Policies GP16(B) d. and GP9 a. of the Island Development Plan.
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OFFICER'S REPORT**Site Description:**

Martina Lodge is a detached pitched roof dwelling situated to the rear of frontage residential development in Les Rouvets Road. Land to the north and east of the dwelling falls within the same ownership as Martina Lodge and is currently open and undeveloped land.

The site is located Outside of the Centres as designed in the Island Development Plan. An Area of Biodiversity Importance is situated to the east of the site and a number of Protected Buildings are situated to the northwest and southwest of the site. Part of the entrance driveway to the site falls within a Conservation Area. Two outbuildings exist on

the site, adjacent to the east site boundary. One to the southwest and the other to the northwest of the dwelling.

Relevant History:

Historically, glasshouses were situated adjacent to the south boundary, to the south of the dwelling, however these were substantially removed between 1979 and 1990. The last remains of the glasshouse to the south of the property were gone by 2009. To the north of the dwelling site, glasshouses existed across the site from sometime between 1898 and 1938 but only one remained by 1963 and this was substantially removed from the site by 1979.

FULL/2019/1988 - Conversion of outbuilding to create a dwelling – Granted 26/11/2020.

Existing Use(s):

Residential Dwelling (Use Class 1)
Agricultural (Use Class 28)

Brief Description of Development:

This application proposes to demolish the existing outbuilding at the site (that has permission to be converted into a dwelling) and to construct a new two bedroom single storey dwelling comprises a part flat and part pitched roof design, with storage space in the pitched roof element of the building. The new dwelling will be clad in timber effect composite cladding with a natural slate roof and white or grey PVCu windows.

Parking is proposed to be created in the area immediately to the south of the dwelling, surfaced with a tegular brick paving SUD system and landscaping is proposed along the eastern boundary to separate the site from the remaining land situated in this direction.

A Site Waste Management Plan has been provided along with a landscaping plan that seeks to address biodiversity enhancements on the site having regard to the 2020 Strategy for Nature.

The application was deferred to seek clarification regarding site ownership and the site boundary shown in the submission. In response to this query the matter has been addressed by way of details of site ownership having been provided and confirming that all the land within the application belongs to them.

The application was also deferred due to concerns relating to the floorspace and volume of the proposed dwelling in relation to Policy GP16(A) because the submission did not include any reference to approved or proposed volume and the increase in floorspace (including attic floorspace would exceed 20% which would not then represent a scheme of broadly the same floorspace and volume. In response, the planning agent set out that “the increase in floor area is from 5.85m x 12.45m at 72.84m² to 10m x 8.7m at 87m². The 14.2m² increase is a 19.5% increase and below the suggested 20% applied as a

general rule to other planning cases. The increase in volume is from 265.8m cubic to 322.5m cubic which is a 21% increase and only marginally above the said 20%.”

The comments received in response to the concerns relating to a development that is broadly the same floorspace and volume as an approved conversion scheme were noted but concerns remained. The calculations provided by the agent in this case did not include the first floor storage space, shown in section plans only. Furthermore, the sustainability measures shown as part of the original submission were limited and more detailed/amended information was invited in relation to this.

Further amendments were invited to the scheme, to address Policy GP16(B) b. (floorspace and volume) and d. (significant enhancements to sustainable design) however, this information had not been received at the point of determining the application. Nor had matters relating to meaningful biodiversity improvements been satisfactorily addressed despite an invitation by the Planning Service to ensure that the submission paid due regard to the adopted Strategy for Nature.

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

Island Development Plan Policies:

OC1	Housing Outside of the Centres
GP1	Landscape Character and Open Land
GP8	Design
GP9	Sustainable Development
GP15	Creation and Extension of Curtilage
GP16(A)	Conversion of Redundant Buildings
GP16(B)	Conversion of Redundant Building: Demolition and Redevelopment
IP7	Private and Communal Car Parking
IP9	Highway Safety, Accessibility and Capacity

Strategy for Nature SPG

Parking Standards and Traffic Impact Assessment SPG

Representations:

One letter of representation has been submitted and raises the following points:

- The boundary shown in the plans is not in accordance with that recorded at the Cadastre and the parking appears to extend onto land outside the ownership/control of the applicant
- The patio seems excessive given the size of the development and the other land is currently a field
- The order of the development is not clear – it is requested that the demolition and removal of the existing outbuilding foundations occurs before construction is initiated on the new dwelling
- If the roof of the existing building is asbestos then appropriate measures should be put in place to ensure that no dust from the removal of the roof is permitted to contaminate land and that the clearance is monitored

- The developers should be required to exercise care when removing the foundations of the outbuilding to minimise damage to the mature Alder trees near the boundary.

States Archaeologist

By letter dated 6th June 2022 stated the following:

"I would be grateful if you could place an informative notice on this application to the effect that the developers are encouraged to contact the States' Archaeologist, should anything of archaeological interest be uncovered during the works. The site is near the medieval rabbit warren at La Garenne and Les Annevilles Manor, and thus there is some possibility of medieval remains in this area."

Consultations:

None.

Summary of Issues:

The key issues in this case relate to the principle of the proposed development, its design, appearance and potential impact on the character and appearance of the locality and on the amenities of surrounding residential neighbours.

Assessment against:

1 - Purposes of the law.

The objectives set out in Section 1(2) of The Land Planning and Development (Guernsey) Law, 2005, 'the Law', have been considered and this report forms part of the assessment, with policy issues set out in Section 2 below.

2 - Relevant policies of any Plan, Subject Plan or Local Planning Brief.

Planning permission has previously been granted for the conversion of a redundant building on the site at Martina Lodge (now Wyland). Policies OC1, OC5(B) and GP16(A) have thus been satisfied and the scheme must now be considered with regard to Policy GP16(B) and other relevant policies of the Island Development Plan.

Policy GP16(B) sets out that the demolition and redevelopment of a building that accords with the requirements of the conversion of redundant buildings policy may be acceptable without the need to implement the permission for conversion by physically carrying out the development. There are specific criteria that must be addressed:

a) the conversion scheme has first been granted planning permission

Planning permission was granted for the conversion of the existing single-storey packing shed under planning reference FULL/2019/1988 therefore Policy GP16(B) criterion a) has been addressed in this case.

b) the redeveloped scheme is of broadly the same floor space and volume as the approved conversion scheme and, in the case of development for residential purposes, the number of units approved in the conversion scheme is not exceeded

The 2019 planning application related to the formation of a single unit of residential accommodation (one bedroom, bathroom, open plan living, kitchen, dining area and a storage cupboard) and the current scheme proposes a single dwelling (two bedrooms and a study) in accordance with criterion b) regarding the number of residential units approved.

As outlined above, the agent states that the floor area would increase by 19.5% and the volume by 21%. The Planning Service has calculated the proposed ground floor as being 76.14 sqm and the attic floorspace as being 22.56 sqm (taking account the pitched roof) giving a total floor area of 98.7 sqm and an increase in floor area of 35%. The volume of the existing building has been calculated as 234.32 cubic metres which is less than that stated in this submission. The volume of the proposed building has then been calculated as 234.36 cubic metres resulting in almost no change in the volume of the replacement building.

Notwithstanding the volume calculations as the floor area is significantly larger than the approved scheme the proposal does not meet the aim of criterion b) of Policy GP16(B) of the Plan.

c) where the existing building makes a particular positive contribution to the character of an area the replacement building would make an equal or enhanced contribution to the character of that area

The existing building is not highly visible from outside the site and does not make a particular positive contribution to the character of the area and in this respect Policy GP16(B) criterion c) is satisfied.

d) it can be demonstrated that the new building can be constructed in such a way as to significantly enhance its sustainable design

The application has been supported by information relating to Policy GP9 setting out that the proposed materials are recyclable should the building ever be demolished, the insulation, light, ventilation, glazing, drainage and access will meet/exceed the Building (Guernsey) Regulations, 2012 and draws attention to the fact the scheme has sought to address the Strategy for Nature, 2020 with SUDS proposed for hard landscaping as part of water course management. The scheme also proposes the limited use of photovoltaic technologies, a pressure tested electrical system and offers provision for an electric charging point. Water systems are identified to be non-drip for water efficiency and with Ecoflush WCs. Accesses to the building are proposed to have level thresholds with the building being fully disabled compliant.

Paragraph 19.17.14 of the Island Development Plan states that consideration can be given to *“the potential to relocate a structure on the site or to the use of sustainable*

building and construction techniques to achieve enhancements not possible through the conversion alone. ... in order to support such proposals the Authority will need to be satisfied that there is a significant enhancement in terms of sustainable design and construction of the new building and that there are no increased impacts on ... the character or openness of an area."

The scheme as submitted makes limited use of the roofslope for solar panels, proposes large areas of parking and hardstanding which would not contribute to sustainable development, north facing open plan living area and patio and largely blank east and west elevations which do not take account solar gain. Furthermore, no cycle storage nor vehicle charging points have been shown to be provided. The level of information provided is not considered sufficient to demonstrate that the dwelling now proposed would significantly enhance sustainable design contrary to Policy GP16(B) criterion d).

Consideration to the impact of the development on the character or openness of the area is assessed below in relation to criterion e).

e) *it can be demonstrated that the new building can be constructed in such a way as to not have any unacceptable adverse impacts on the landscape character or openness of an area*

The conversion scheme considered under Policy GP16(A) included the same extent of curtilage as is now proposed. There is no change as part of this redevelopment scheme. The impact of the development on the landscape character is assessed elsewhere in this report and is therefore also satisfied in relation to Policy GP15. Policy GP1 is also relevant in relation to the impact on open and undeveloped land.

Whilst there is open land surrounding the site, the building itself would be located adjacent to the west site boundary, well related to the established dwellings fronting Rouvets Road. Furthermore, the site is well screened in public views and the proposal would not impact on openness in those views. The proposed hedging along the north boundary of the curtilage would effectively delineate the extent of domestic garden, preventing further encroachment into the open land and providing landscape enhancement.

The Island Development Plan sets out that a development should have "no increased impact" on the character or openness of an area. The siting of the replacement dwelling, adjacent to the west boundary but largely screened from public view will maintain the openness of the area. The location of the dwelling also ensures that the dwelling does not appear entirely isolated from existing built development in the vicinity.

The proposed development would not have an unacceptable adverse impact on the openness of the area and complies with Policy GP16(B) criterion e).

A landscaping condition to address site boundaries may also address matters relating to biodiversity because, although the site is not situated in an Area of Biodiversity Importance (GP15 criterion b.) in line with the States' Strategy for Nature, 2020, which

has been adopted as Supplementary Planning Guidance, an application involving the change of use of agricultural land to domestic garden must demonstrate environmental benefits in respect of biodiversity that will be incorporated should planning permission be granted. The Biodiversity enhancement Landscaping Scheme provided information regarding the planting of evergreen Oak trees, holly hedge plants, buckthorn hedging and hawthorn hedging along with bat, bird and hedgehog boxes. The limited planting, along the site boundary only, and nest/roost boxes does not satisfactorily address the Strategy for Nature.

- f) *it can be demonstrated that the new building can be constructed in such a way as to not have any increased impacts on the amenities or reasonable enjoyment of occupiers of neighbouring properties and the surrounding area*

This matter is considered in more detail below with regard to Policy GP8 of the Island Development Plan. Policy GP8 supports development that achieves good design that respects the local character but demonstrates an effective and efficient use of land and uses soft and hard landscape where appropriate to help mitigate and/or assimilate a scheme within its setting. The policy recognises the importance of development of a residential nature to allow for flexibility and adaption to suit needs whilst also assuring that proposals have addressed the health and well-being of the future occupiers and neighbours.

As outlined above, the siting of the building will not result in harm to the openness and character of the area. The proposed dwelling does represent a good standard of architectural design that respects the local built environment as set out in more detail above. The scheme accords with Policy GP8 criteria a) and c) of the Island Development Plan.

The erection of a single-storey dwelling on the site does not represent multi-storey development that represents the most efficient and effective use of land however, the existing building is single-storey and the submitted scheme does, in all other respects, meet the aims of Policy GP8. Furthermore, creating a multi-storey building in this case could have a negative impact on the design of the development (in order to meet the floorspace and volume requirements of Policy GP16(B)).

The siting and layout of the dwelling is such that it will not result in overshadowing, loss of sunlight/daylight or overlooking of any adjoining dwelling and therefore satisfactorily considers the health and well-being of neighbours of the development.

The external space provided to serve the dwelling would be generous and offer an attractive outlook from the dwelling. Overall, the proposed dwelling would provide an adequate living environment, in accordance with Policy GP8(d) and Annex I: Amenities having regard to the health and well-being of occupiers of the development with regard to sunlight/daylight and amenity space. Notwithstanding this however, as outlined elsewhere, the scheme doesn't satisfactorily address matters relating to sustainable design (GP16(B) and GP9).

The single-storey nature of the development is such that the accommodation is on a single level without stepped access and has open plan living and accessible bedrooms and bathrooms. The accommodation could be used in a different way to that shown on the application drawings and the property could also be extended. Overall, the scheme therefore demonstrates accessibility to and within the building for people of all ages and abilities, offering flexible and adaptable accommodation that can respond to people's needs over time.

Policies IP7 and IP9 relate to private car parking and highway safety, accessibility and capacity respectively. The scheme proposes adequate off-road parking to serve the development along with on-site turning to enable vehicles to turn and exit the site in a forward gear. The proposed dwelling, having regard to the conversion scheme, will not result in an intensification in the use of the access nor an unacceptable increase in traffic on the local roads. The access onto the local road network is satisfactory with regard to road safety and the scheme therefore accords with the requirements of Policies IP7 and IP9 of the Island Development Plan.

Policy GP9, paragraph 19.17.14 states:

This will enable consideration to be given to the potential to relocate a structure on the site or to the use of sustainable building and construction techniques to achieve enhancements not possible through the conversion alone. In this respect, when the demolition and redevelopment of the redundant building is proposed, in order to support such proposals the Authority will need to be satisfied that there is a significant enhancement in terms of the sustainable design and construction of the new building and that there are no increased impacts on neighbouring properties or the character or openness of an area.

The application information sets out that the building will be designed to meet current Building Regulations, has been carefully considered with regard to sustainable design and construction. The impact on residential amenity has been fully considered above as part of the assessment of Policy GP8 of the Island Development Plan.

The application has been accompanied by a Waste Management Plan setting out information relating to the recycling and disposal of waste arising from demolition on the site. It is concluded that further information in connection with a Site Waste Management Plan can be controlled by planning condition and therefore Policy GP9 has been satisfied in this respect.

The proposal includes adequate parking provision, in accordance with Policy IP7. No bicycle storage is provided when considering Policy IP6. The dwelling is to be served by a garden and where exemption rights have not been removed a shed or other shelter could be provided within the exemption rights for cycles and other domestic storage, to meet the aims of Policy IP6 however, this would need to be managed by condition or could require the submission of a separate planning application.

Turning to the change of use of agricultural land to domestic garden, the area of land proposed for garden has not altered from the approved conversion scheme and was

considered to meet the aims of Policy GP15. There has been no change in the submission nor the policies against which the proposal must be considered and therefore the conclusion regarding the use of land remains unchanged,

Ultimately, matters relating to land ownership are beyond the control of the Planning Authority. The application has been accompanied by a signed declaration within the application form and by a further letter, with supporting information, confirming the application site falls within the applicant's ownership and control. Private matters relating to land ownership cannot prevent the grant of planning permission and any grant of planning permission would be without prejudice to and cannot override the normal legal rights and privileges of other parties.

Conclusion

The scheme does not address all the requirements of Policy GP16(B) nor the adopted Strategy for Nature SPG and it is therefore recommended that planning permission is refused.

3 - General material considerations set out in the General Provisions Ordinance.

In addition to the consideration of policy issues, Section 13 of the Land Planning and Development (General Provisions) Ordinance, 2007 identifies other material planning considerations which could be relevant. These include; the appropriateness of the development in relation to its surroundings in terms of design, layout, scale, siting and materials; the likely effect on the character and amenity of the locality; any possible fall-back position by way of extant planning permissions or exempt development; the likely effect on the reasonable enjoyment of neighbouring properties. These issues where relevant are considered above.

4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).

The proposal would have no adverse impact on protected trees, buildings or sites.

Date: 19 August 2022

