

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

NOTIFICATION OF GRANT OF PLANNING PERMISSION

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

LOCATION: Land At, Rue Coutance, Vale.

APPLICANT: Messrs RW & JF Wilkes-Green

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: 26/09/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 05/05/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Tyrrell Dowinton Associates - 2152 03. 01, 02, 03A & 06.

Application Ref: FULL/2022/0793

Property Ref: C01162A000

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. The shed hereby approved shall not be brought onto site until elevations of that shed have been submitted to and agreed in writing by the Authority. The development shall be carried out only in accordance with the agreed details.

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

5. The permeable hard surfaces shall not be constructed and the solar panels shall not be installed until full details of those features, including a written specification for the laying of the hardsurfacing, have been submitted to and agreed in writing by the Authority. Thereafter the development shall not be occupied until the permeable hard surfacing and all other sustainable design features set out in the application letter dated 22/08/2022 have been installed/completed/made operational.

Reason - In the interests of sustainable development, these features having been proposed to address the requirements of Island Development Plan Policies GP16(B) and GP9.

6. No development shall begin on site until details of the bird and bat boxes set out in Appendix II of the letter dated 28/03/2022 have been submitted to and agreed in writing by the Authority. The development shall be carried out only in accordance with the agreed details.

Reason - The information provided with the application does not include full details of the proposed features. This condition is imposed to make sure that the proposal achieves a satisfactory standard in terms of biodiversity enhancements, in accordance with the Strategy for Nature.

7. The landscaping scheme shall be fully completed, in accordance with the details shown on the approved drawing entitled 'Proposed Landscaping Plan' (ref: 2152:03.06), 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.

8. Notwithstanding the provisions of the Land Planning and Development (Exemptions) Ordinance, 2007 (or any other Ordinance replacing or re-enacting that Ordinance), no gate, 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 - The carrying out of development of this type may cause harm in terms of the overall appearance and character of the area. This condition is imposed to make sure that any proposals can be properly considered.

9. Notwithstanding the provisions of the Land Planning and Development (Exemptions) Ordinance, 2007 (or any other Ordinance replacing or re-enacting that Ordinance), no extensions, sheds (other than the shed shown on the approved plans), greenhouses, outbuildings or other buildings or structures shall be erected or constructed within the curtilage of the dwelling to which this permission relates.

Reason - The carrying out of development of this type may cause harm in terms of the overall appearance and character of the area. This condition is imposed to make sure that any proposals can be properly considered.

10. Notwithstanding the provisions of the Land Planning and Development (Exemptions) Ordinance, 2007 (or any other Ordinance replacing or re-enacting that Ordinance), no areas of hardstanding (other than any hereby expressly permitted) shall be created or laid on any part of the site.

Reason - The carrying out of development of this type may cause harm in terms of the overall appearance and character of the area. This condition is imposed to make sure that any proposals can be properly considered.

11. The development hereby permitted shall be carried out in accordance with the Site Waste Management Plan submitted as part of this application, and no part of the development shall be occupied or brought into use until there has been submitted to the Authority a report providing verification that the development has been carried out fully in accordance with the agreed Site Waste Management Plan. Where there has been any variation from the Site Waste Management Plan as originally submitted, the report shall highlight and detail the reasons for this.

Reason: To ensure that the development is managed to minimise waste during the demolition of any existing buildings or structures or during construction, that existing materials are reused, recycled or disposed of either on or off site, and that residual waste will be dealt with appropriately, in accordance with the aims and objectives of Policy GP9.

Expiry Date: This permission will cease to have effect on 25/09/2025 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

Your attention is drawn to The Animal Welfare (Guernsey) Ordinance, 2012 and the need to comply with its provisions. The building is located in an area where bats or other wildlife may be roosting or nesting and measures may therefore need to be taken (including consideration of the timing of the works) to ensure that any protected species present are not impacted by the works. It is recommended that you contact La Société Guernesiaise for advice or to arrange a site visit. La Société can be contacted on 07781 166924 or email societe@cwgsy.net.

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/2022/0793
Property Ref: C01162A000
Valid date: 05/05/2022
Location: Land At Rue Coutance Vale Guernsey
Proposal: Demolish existing building and erect new dwelling with associated parking and landscaping.
Applicant: Messrs RW & JF Wilkes-Green

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.

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

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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.

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Reason - In the interests of sustainable development, these features having been proposed to address the requirements of Island Development Plan Policies GP16(B) and GP9.

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7. The landscaping scheme shall be fully completed, in accordance with the details shown on the approved drawing entitled 'Proposed Landscaping Plan' (ref: 2152:03.06), 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.

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Reason - The carrying out of development of this type may cause harm in terms of the overall appearance and character of the area. This condition is imposed to make sure that any proposals can be properly considered.

9. Notwithstanding the provisions of the Land Planning and Development (Exemptions) Ordinance, 2007 (or any other Ordinance replacing or re-enacting that Ordinance), no extensions, sheds (other than the shed shown on the approved plans), greenhouses, outbuildings or other buildings or structures shall be erected or constructed within the curtilage of the dwelling to which this permission relates.

Reason - The carrying out of development of this type may cause harm in terms of the overall appearance and character of the area. This condition is imposed to make sure that any proposals can be properly considered.

10. Notwithstanding the provisions of the Land Planning and Development (Exemptions) Ordinance, 2007 (or any other Ordinance replacing or re-enacting that Ordinance), no areas of hardstanding (other than any hereby expressly permitted) shall be created or laid on any part of the site.

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Reason: To ensure that the development is managed to minimise waste during the demolition of any existing buildings or structures or during construction, that existing materials are reused, recycled or disposed of either on or off site, and that residual waste will be dealt with appropriately, in accordance with the aims and objectives of Policy GP9.

INFORMATIVES

Your attention is drawn to The Animal Welfare (Guernsey) Ordinance, 2012 and the need to comply with its provisions. The building is located in an area where bats or other wildlife may be roosting or nesting and measures may therefore need to be taken (including consideration of the timing of the works) to ensure that any protected species present are not impacted by the works. It is recommended that you contact La Société Guernesiaise for advice or to arrange a site visit. La Société can be contacted on 07781 166924 or email societe@cwgsy.net.

OFFICER'S REPORT

Site Description:

The application site comprises a detached former horticultural building situated to the north of Rue Coutance. Surrounding the site the area comprises open fields with residential properties beyond the fields in all directions.

The site is situated Outside of the Centres as designated in the Island Development Plan.

Relevant History:

29/03/21 FULL/2020/1010 Permit to convert existing outbuilding to new dwelling with associated car parking and amenity area.

Existing Use(s):

Agricultural Use Class 28

Brief Description of Development:

This application proposes to demolish the existing building at the site and to construct a new 2 bed dwelling. The new dwelling would comprise a 1.5 storey structure, orientated at 90 degrees to the existing building and finished in Millboard cladding and natural slate.

The dwelling would utilise the existing site access, with a paved driveway to the east and a shed in the north-east corner. The curtilage would be enclosed by hedge and tree planting.

The application is accompanied by a covering letter, landscape selection statement, sustainability statement and Site Waste Management Plan.

Following deferral, additional information has been provided in respect of sustainable development and an amended landscape plan has been submitted.

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

Representations:

Two letters of representation have been received, raising the following points:

- The proposal will increase the number of bedrooms, ridge height and bulk of the building, which would go beyond the scope of GP16(B);
- The proposal will have an unacceptable impact on the open landscape character contrary to GP1 & GP8:
 - o The building will be at 90 degrees to the existing, dominating views from Rue Coutance and Rue de L'Essart;
 - o The ridge height is higher than the existing building;
 - o The use of dormers and cladding would be out of character, the building should look like a converted barn;
 - o Field boundaries have been cleared and the stone wall is in poor condition, is there any protection to this feature of the area?;
 - o The removal of field boundaries has reduced the screening of the building;
- It is not sustainable to demolish a building capable of conversion;
- What alternative provision is made for bats?

La Société Guernesiaise

By email in relation to the previous application dated 14th July 2020 stated the following:

"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 farmland or woodland nearby.

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

We would request that an informative note be added to the Information Sheet as follows -

'Your attention is drawn to The Animal Welfare (Guernsey) Ordinance, 2012 and the need to comply with its provisions. The existing building may be used by bats or other wildlife for roosting and nesting. Measures may therefore need to be taken (including consideration of the timing of the works and provisions to support wildlife in the long term) 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 site visit. La Société can be contacted on 07781 166924 or [by] email”

Consultations:

None

Summary of Issues:

Whether the proposal complies with planning 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).**

New dwelling

Policy OC1 (Housing Outside of the Centres) indicates that new dwellings will only be supported where the proposal is achieved through the subdivision of an existing dwelling or the conversion of a redundant building, in accordance with Policies GP16(A) and GP16(B) (Conversion of Redundant Buildings).

In this case, permission has been granted for the conversion of the building under Policy GP16(A), and permission is now sought for the demolition of that building and the construction of a new dwelling under Policy GP16(B).

Policy GP16(B) states that the demolition and redevelopment of a building that is able to accord 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, provided that:

a. the conversion scheme has first been granted planning permission;

Permission was granted 29/03/21.

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 proposal remains for a single dwellinghouse. Whilst the proposal represents an increase in the number of bedrooms proposed, from one to two, this is not precluded under the policy requirements, provided that the scheme is of broadly the same floor space and volume as the approved conversion scheme.

The submitted information details the floor area of the approved scheme at 82.9m², and that of the proposed new dwelling at 97m², comprising an increase of 17%. The volume of the approved and proposed schemes is not provided, however the increase in volume measuring from the approved and proposed plans appears to be approximately 8%. For the purposes of this policy, an increase of less than 20% is not considered to amount to a significant alteration and would be considered broadly similar to the approved scheme.

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 of particular character. The building is a former horticultural structure of utilitarian form and design.

The structure is however prominently located at the front of the site, and, given the flat open nature of the surrounding land and clearance of the site boundaries, is visible for much of the length of Rue Coutance, from part of Rue De L'Essart to the east and in long views from Sohier Road to the north-west. Policy GP8 goes beyond the requirements of Policy GP16(A), requiring that a development achieve a good standard of design which respects the character of the local built environment.

The building proposed under this application maintains a traditional pitched roof form of comparable bulk and massing to the existing building. Whilst the building is reorientated on the site, it remains partially over the footprint of the existing structure and would not result in significantly greater impacts in terms of visual amenity or projection on to open land. The proposed dormers would be dominant on the roof slopes, however are of a more simple agrarian than domestic design and would be acceptable in this case. Whilst the building will unquestionably be an obvious feature within the open landscape, the impact will be no greater than that of the existing or approved buildings and the impacts arising would not therefore be justifiable reasons for refusal. Whilst not natural timber, the proposed cladding would replicate the appearance of timber and is only available in a limited range of muted colours. On balance, the design is considered to be of a sufficient standard to meet the terms of Policy GP8.

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

The statements relating to sustainable design set out within the application do not make a particularly strong case. The proposed layout and design of the building, with generally limited window sizes to the living areas and a spine wall along the length of the building, appear to negate the stated advantages of reorientation set out in the application. It is however noted that the existing building is a metal clad horticultural building and the reconstruction as proposed would present an opportunity to construct a building to meet and exceed requirements in terms of

thermal capacity, air tightness, etc. and in that respect the proposed would comprise an enhancement in terms of the sustainable credentials of the build.

Following deferral, solar panels have been proposed to both roof slopes and it has been identified that the parking spaces would have the infrastructure to provide electric charge points, and the hardsurfacing is to be permeable to allow for surface water management.

On balance therefore it is accepted that the proposed new build would represent an enhancement in terms of its sustainable design. It would however be reasonable to impose conditions to ensure that the sustainable features of the proposed design are delivered in the final construction.

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 new dwelling would be located in a similar position on the site as the existing building. The width of the building, if including the single storey lean-to on the approved scheme, would be comparable, whilst the new building would be approximately 2m longer and 0.5m higher than the approved. The proposed new building would be reorientated on the site, with the gable facing the adjacent highway, however it would be partially located over the footprint of the existing building. On balance, as set out above, given the comparable scale of the building and position on site relative to the existing situation and approved scheme, the proposed new building would not have sufficiently greater impact on landscape character or openness to warrant refusal of the application.

In respect of the provision of domestic curtilage, the previous decision stated:

“Although not a reason for refusal in the Development and Planning Authorities decision at this site, the Planning Tribunal in concluding the recent appeal considered that “the appeal site and the parcel of land of which it forms a part are perceived as a large, flat, open area of agricultural land that is partially enclosed by trees and planting to the west, north and north-east. Neighbouring buildings are situated at some distance and have little visual presence. We consider that the ancillary development and paraphernalia associated with a converted dwelling, such as parking area, garden equipment, and the boundary hedges around the domestic curtilage would result in the suburbanisation of this otherwise undeveloped rural environment, resulting in unacceptable harm to the character and openness of the landscape.”

To address this issue as part of this revised scheme, the extent of residential curtilage associated with the converted building has been reduced to a level proportionate with the size of the building that will also enable sufficient private amenity space for the future occupiers of the scheme.

Following deferral of the application, revised plans have been submitted which show a reduced area of hardstanding serving the patio and car parking areas. The proposed shed has been relocated away from the eastern boundary and closer to the main building. A hard and soft landscaping scheme has also been submitted indicating the proposed planting to be used. It is recommended however that should planning permission be granted a condition is included on any permission to ensure that the landscaping scheme is implemented in a timely manner.”

The domestic curtilage proposed under the current application would fundamentally remain as previously approved, with only a slight increase across the site west-east, and would be appropriately enclosed. The proposal however incorporates a slight extension to the hardsurfacing and the previously approved cycle shed is to be repositioned to the north-east corner of the site. Given the small scale of this building, on balance, it is considered that this re-positioning would not give rise to significant impacts.

Whilst the information initially submitted in support of the application stated an intention for biodiversity planting within the wider site area, and for the installation of bird and bat boxes, this information was not supported by a landscape plan. Following deferral, a landscape plan has been provided, detailing a landscaping scheme in accordance with that previously approved and the decision should be conditioned to ensure implementation, in accordance with the Strategy for Nature. The submitted plan does not include details of bird and bat boxes, as suggested within the letter of application, and, given that it has been identified that this site may support roosting bats or nesting birds, it would be reasonable to attach a condition requiring details of the implementation of these features. It is noted that vegetation clearance has been undertaken on the wider site, however this work would not have required planning permission.

In light of the above it is considered that any additional impacts on openness would not be of a scale to warrant refusal of the application, and the scheme would maintain the contribution to landscape character accepted under the previous application. Conditions applied to the previous decision in relation to the removal of exemption rights should however be reiterated in respect of this application.

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.

The building is surrounded by fields with residential properties in all directions. The nearest residential property is situated circa 60m to the south of the site beyond the fields in this direction. At this distance it is considered that any detrimental effect that the proposal has on the amenity of surrounding residential uses would not be so substantial to warrant the refusal of planning permission.

Access and parking

The access and parking would remain as previously approved and cycle storage would be retained.

Accessibility, adaptability and waste management

The proposal provides level access, with appropriate external paths and parking to suit all users. The ground floor accommodation is open plan, with WC, and there is sufficient space for the installation of a lift if required. The building would therefore be accessible for all users and could be adapted to respond to people's needs over time.

A Waste Management Plan has been submitted in support of the proposal, the implementation of which could be monitored by way of condition.

Conclusion

Overall, the proposal accords with the purposes of the Law, material considerations and relevant planning policies and approval is recommended, subject to conditions.

Date: 26/09/2022

