

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 and alter existing dwelling into 5 flats, convert and alter outbuilding to create dwelling and erect 4 dwellings with associated landscaping and parking (Protected Building).

LOCATION: Les Bas Courtils, Les Bas Courtils Road, St. Sampson.

APPLICANT: Infinity Group

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: 09/01/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 04/07/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: JG Architecture Ltd: 2061-1 02.01A, 02.02A, 02.03A, 02.04A, 02.05A, 02.06A, 02.07A, 02.08A, 02.09A, 02.10A, 02.11A, 02.12A, 02.13A, 02.14A, 02.15A, 02.16A, 02.17A, 02.18A, 02.19A, 02.20A, 02.21A, 02.22A, 02.23A, 02.24A

Application Ref: FULL/2022/1429

Property Ref: B000920000

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. Prior to the commencement of work, excluding demolition and site works, details of the provision of vehicle charge points, together with a written specification for the laying of the areas of permeable surfacing, shall be submitted to and agreed in writing by the Authority. Thereafter the development shall not be occupied until these elements and all other sustainable design features set out in the Design Statement have been installed/completed/made operational.

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

5. No development, including site works, shall begin on site until such time as full details of the way in which surface water is to be disposed of from the site (which shall be by way of a Sustainable Urban Drainage System) have been submitted to and agreed in writing by the Authority. The development shall thereafter be completed in accordance with the agreed details before the first occupation of any dwelling.

Reason - To make sure that the site can be drained in a satisfactory way, in the interests of sustainable development.

6. No development, including site clearance and demolition, shall take place until an updated version of the Site Waste Management Plan submitted as part of this application has been submitted to and approved in writing by the Authority. The updated Site Waste Management Plan shall take into account any further site surveys or changes to the construction programme, and shall identify an individual with

responsibility for regularly monitoring the Site Waste Management Plan. The development shall thereafter be carried out only in accordance with the Site Waste Management Plan so approved.

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.

7. No part of the development hereby permitted 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 and monitored fully in accordance with the Site Waste Management Plan approved under Condition 6 above. Where there has been any variation from the approved Site Waste Management Plan, 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.

8. No development, excluding demolition and site works, shall begin until a landscaping scheme, to include those details specified below, has been submitted to and agreed in writing by the Authority:

- i) the treatment proposed for all ground surfaces, including hard areas;
- ii) full details of tree and hedge planting;
- iii) planting schedules, noting the species, sizes, numbers and densities of plants;
- iv) finished levels or contours;
- v) any fences, screen walls or similar structures;
- vi) any other structures to be erected or constructed. For the avoidance of doubt, no consent is conferred for the erection of any structure within the amenity spaces proposed to be associated with Units 1, 2 or 10 until full details of any such structures have been approved in writing by the Authority; and
- vii) bird and bat boxes.

Reason - To make sure that a satisfactory landscaping scheme for the development is agreed, in order to help assimilate the development into its surroundings, to minimise adverse impacts on the setting of the protected buildings and to enhance the biodiversity value of the site.

9. 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 a satisfactory landscaping scheme for the development is agreed, in order to help assimilate the development into its surroundings, to minimise adverse impacts on the setting of the protected buildings and to enhance the biodiversity value of the site.

10. No dwelling shall be occupied until a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than domestic gardens, and communal areas/structures has been submitted to and agreed in writing by the Authority. The agreed landscape management plan shall then be fully implemented and thereafter adhered to.

Reason - To make sure that a satisfactory landscaping scheme for the development is agreed, in order to help assimilate the development into its surroundings, to minimise adverse impacts on the setting of the protected buildings and to enhance the biodiversity value of the site.

11. Prior to the installation of the communal bicycle shed, full details of that shed shall be submitted to and agreed in writing by the Authority, and no part of the development hereby permitted shall be used or occupied until the bicycle shed has been completed in accordance with the approved details. The provision for bicycles shall not be used for any other purpose.

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

12. Prior to the installation of any communal refuse collection stores, full details of those stores shall be submitted to and agreed in writing by the Authority, and no part of the development hereby permitted shall be used or occupied until the stores have been completed in accordance with the approved details.

Reason - To encourage the appropriate management of refuse on the site and to minimise any adverse impacts on the setting of the protected building.

13. No part of the development, hereby permitted, shall be occupied or used until details of any external lighting proposed for the site have been submitted to and agreed in writing by the Authority. Any lighting to be installed shall only be in accordance with the agreed details.

Reason - To make sure the level of lighting is not excessive in order to secure a sustainable form of development and one which does not unduly interfere with residential amenity or traffic and pedestrian safety.

14. No existing door within the protected buildings shall be upgraded to achieve fire resistance until details of the method of the fire upgrade have been submitted to and

agreed by the Authority. The works shall thereafter be carried out in accordance with the approved details.

Reason - To ensure the development minimises any harm to the overall special interest of the protected building, in accordance with IDP Policy GP5.

15. Notwithstanding the information on the application drawings, no consent is conferred for the removal of existing external doors and windows on the protected buildings. If external window(s) and/or door(s) are proposed to be removed a Window/Door Schedule relating to the existing window(s)/door(s) together with 1:20 elevations and 1:5 details of the proposed replacement windows/doors shall be submitted to and agreed by the Authority. The window(s)/door(s) shall only be replaced in accordance with the approved details.

Reason - To ensure the development minimises any harm to the overall special interest of the protected building, in accordance with IDP Policy GP5.

16. Notwithstanding the information on the application drawings, excepting where a wall is shown to be demolished, no consent is conferred for the removal of any timber shutters or internal joinery within the protected buildings. If these elements are proposed to be removed a condition statement together with details of proposed replacements shall be submitted to and agreed by the Authority. The shutters/joinery shall only be replaced in accordance with the approved details.

Reason - To ensure the development minimises any harm to the overall special interest of the protected building, in accordance with IDP Policy GP5.

17. The protected wall located to the west of the service access road is to be rebuilt in the same location, using the demolished material and the same method of laying as the former wall prior to the occupation of any new dwelling hereby approved. Within the Root Protection Area of the adjacent Protected Tree, the existing ground level shall be neither raised nor lowered, and no materials or temporary building or surplus soil of any kind shall be placed or stored thereon. If any trenches are required in the protected area, they shall be excavated and back-filled by hand and any tree roots encountered with a diameter of 5cm or more shall be left unsevered.

Reason - To ensure the reconstruction of a protected feature and to ensure the protection of the Protected Tree during the course of works.

Expiry Date: This permission will cease to have effect on 08/01/2026 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

In reference to Conditions 6 & 7 the way in which waste is dealt with on the site (reused, recycled or disposed of) should be recorded during the clearing of the site and the construction process. This information will be required in order to inform the final Site Waste Management Plan document that is required by Condition 7 to be submitted to the Authority at the end of the process. For further information on the Site Waste Management Process please refer to Advice Note for Site Waste Management Plans found under the Site Waste Management Plan link at https://gov.gg/planning_building_permissions.

In reference to Condition 15, the Window/Door schedule should set out the special interest of each window to be removed, its condition and any other reasons for its removal.

Your attention is drawn to The Animal Welfare (Guernsey) Ordinance, 2012 and the need to comply with its provisions. The development may affect various species within the site 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.

Should archaeological remains or material be uncovered during construction, it is requested that you contact the States Archaeologist, Culture & Heritage Service to gain advice or make arrangements for archaeological recording during any further earth moving on the site. The Archaeology team can be contacted on 01481 709738 , 01481 709739 or mobiles 07781 102219 or 07781 131061.

If, during construction works, contamination not previously identified is found to be present at the site then no further development should be carried out and the applicant should contact the Office for Environmental Health and Pollution Regulation to establish what remediation works may be required.

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/2022/1429
Property Ref: B000920000
Valid date: 04/07/2022
Location: Les Bas Courtils Les Bas Courtils Road St. Sampson Guernsey GY2 4BP
Proposal: Convert and alter existing dwelling into 5 flats, convert and alter outbuilding to create dwelling and erect 4 dwellings with associated landscaping and parking (Protected Building).
Applicant: Infinity Group

RECOMMENDATION - Grant: Planning Permission with Conditions:

1. All development authorised by this permission must be carried out and must be completed in every detail in accordance with the written application, plans and drawings referred to above. No variations to such development amounting to development may be made without the permission of the Authority under the Law.

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

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

Reason - This condition reflects section 18(1) of the Land Planning and Development (Guernsey) Law, 2005 which states that planning permission ceases to have effect unless development is commenced within 3 years of the date of grant (or such shorter period as may be specified in the permission).

3. The development hereby permitted and all the operations which constitute or are incidental to that development must be carried out in compliance with all such requirements of The Building (Guernsey) Regulations, 2012 as are applicable to them, and no operation to which such a requirement applies may be commenced or continued unless (i) plans relating to that operation have been approved by the Authority and (ii) it is commenced or, as the case may be, continued, in accordance with that requirement and any further requirements imposed by the Authority when approving those plans, for the purpose of securing that the building regulations are complied with.

Reason - Any planning permission granted under the Law is subject to this condition as stated in section 17(2) of the Land Planning and Development (Guernsey) Law, 2005.

4. Prior to the commencement of work, excluding demolition and site works, details of the provision of vehicle charge points, together with a written specification for the

laying of the areas of permeable surfacing, shall be submitted to and agreed in writing by the Authority. Thereafter the development shall not be occupied until these elements and all other sustainable design features set out in the Design Statement have been installed/completed/made operational.

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

5. No development, including site works, shall begin on site until such time as full details of the way in which surface water is to be disposed of from the site (which shall be by way of a Sustainable Urban Drainage System) have been submitted to and agreed in writing by the Authority. The development shall thereafter be completed in accordance with the agreed details before the first occupation of any dwelling.

Reason - To make sure that the site can be drained in a satisfactory way, in the interests of sustainable development.

6. No development, including site clearance and demolition, shall take place until an updated version of the Site Waste Management Plan submitted as part of this application has been submitted to and approved in writing by the Authority. The updated Site Waste Management Plan shall take into account any further site surveys or changes to the construction programme, and shall identify an individual with responsibility for regularly monitoring the Site Waste Management Plan. The development shall thereafter be carried out only in accordance with the Site Waste Management Plan so approved.

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.

7. No part of the development hereby permitted 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 and monitored fully in accordance with the Site Waste Management Plan approved under Condition 6 above. Where there has been any variation from the approved Site Waste Management Plan, the report shall highlight and detail the reasons for this.

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8. No development, excluding demolition and site works, shall begin until a landscaping scheme, to include those details specified below, has been submitted to

and agreed in writing by the Authority:

- i) the treatment proposed for all ground surfaces, including hard areas;
- ii) full details of tree and hedge planting;
- iii) planting schedules, noting the species, sizes, numbers and densities of plants;
- iv) finished levels or contours;
- v) any fences, screen walls or similar structures;
- vi) any other structures to be erected or constructed. For the avoidance of doubt, no consent is conferred for the erection of any structure within the amenity spaces proposed to be associated with Units 1, 2 or 10 until full details of any such structures have been approved in writing by the Authority; and
- vii) bird and bat boxes.

Reason - To make sure that a satisfactory landscaping scheme for the development is agreed, in order to help assimilate the development into its surroundings, to minimise adverse impacts on the setting of the protected buildings and to enhance the biodiversity value of the site.

9. 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 a satisfactory landscaping scheme for the development is agreed, in order to help assimilate the development into its surroundings, to minimise adverse impacts on the setting of the protected buildings and to enhance the biodiversity value of the site.

10. No dwelling shall be occupied until a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than domestic gardens, and communal areas/structures has been submitted to and agreed in writing by the Authority. The agreed landscape management plan shall then be fully implemented and thereafter adhered to.

Reason - To make sure that a satisfactory landscaping scheme for the development is agreed, in order to help assimilate the development into its surroundings, to minimise adverse impacts on the setting of the protected buildings and to enhance the biodiversity value of the site.

11. Prior to the installation of the communal bicycle shed, full details of that shed shall be submitted to and agreed in writing by the Authority, and no part of the development hereby permitted shall be used or occupied until the bicycle shed has been completed in accordance with the approved details. The provision for bicycles shall not be used for any other purpose.

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

12. Prior to the installation of any communal refuse collection stores, full details of those stores shall be submitted to and agreed in writing by the Authority, and no part of the development hereby permitted shall be used or occupied until the stores have been completed in accordance with the approved details.

Reason - To encourage the appropriate management of refuse on the site and to minimise any adverse impacts on the setting of the protected building.

13. No part of the development, hereby permitted, shall be occupied or used until details of any external lighting proposed for the site have been submitted to and agreed in writing by the Authority. Any lighting to be installed shall only be in accordance with the agreed details.

Reason - To make sure the level of lighting is not excessive in order to secure a sustainable form of development and one which does not unduly interfere with residential amenity or traffic and pedestrian safety.

14. No existing door within the protected buildings shall be upgraded to achieve fire resistance until details of the method of the fire upgrade have been submitted to and agreed by the Authority. The works shall thereafter be carried out in accordance with the approved details.

Reason - To ensure the development minimises any harm to the overall special interest of the protected building, in accordance with IDP Policy GP5.

15. Notwithstanding the information on the application drawings, no consent is conferred for the removal of existing external doors and windows on the protected buildings. If external window(s) and/or door(s) are proposed to be removed a Window/Door Schedule relating to the existing window(s)/door(s) together with 1:20 elevations and 1:5 details of the proposed replacement windows/doors shall be submitted to and agreed by the Authority. The window(s)/door(s) shall only be replaced in accordance with the approved details.

Reason - To ensure the development minimises any harm to the overall special interest of the protected building, in accordance with IDP Policy GP5.

16. Notwithstanding the information on the application drawings, excepting where a wall is shown to be demolished, no consent is conferred for the removal of any timber shutters or internal joinery within the protected buildings. If these elements are proposed to be removed a condition statement together with details of proposed replacements shall be submitted to and agreed by the Authority. The shutters/joinery shall only be replaced in accordance with the approved details.

Reason - To ensure the development minimises any harm to the overall special interest of the protected building, in accordance with IDP Policy GP5.

17. The protected wall located to the west of the service access road is to be rebuilt in the same location, using the demolished material and the same method of laying as the former wall prior to the occupation of any new dwelling hereby approved. Within the Root Protection Area of the adjacent Protected Tree, the existing ground level shall be neither raised nor lowered, and no materials or temporary building or surplus soil of any kind shall be placed or stored thereon. If any trenches are required in the protected area, they shall be excavated and back-filled by hand and any tree roots encountered with a diameter of 5cm or more shall be left unsevered.

Reason - To ensure the reconstruction of a protected feature and to ensure the protection of the Protected Tree during the course of works.

INFORMATIVES

In reference to Conditions 6 & 7 the way in which waste is dealt with on the site (reused, recycled or disposed of) should be recorded during the clearing of the site and the construction process. This information will be required in order to inform the final Site Waste Management Plan document that is required by Condition 7 to be submitted to the Authority at the end of the process. For further information on the Site Waste Management Process please refer to Advice Note for Site Waste Management Plans found under the Site Waste Management Plan link at https://gov.gg/planning_building_permissions.

In reference to Condition 15, the Window/Door schedule should set out the special interest of each window to be removed, its condition and any other reasons for its removal.

Your attention is drawn to The Animal Welfare (Guernsey) Ordinance, 2012 and the need to comply with its provisions. The development may affect various species within the site 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.

Should archaeological remains or material be uncovered during construction, it is requested that you contact the States Archaeologist, Culture & Heritage Service to gain advice or make arrangements for archaeological recording during any further earth moving on the site. The Archaeology team can be contacted on 01481 709738 , 01481 709739 or mobiles 07781 102219 or 07781 131061.

If, during construction works, contamination not previously identified is found to be present at the site then no further development should be carried out and the

applicant should contact the Office for Environmental Health and Pollution Regulation to establish what remediation works may be required.

OFFICER'S REPORT

Site Description:

The application site forms part of Les Bas Courtils Housing Allocation site, which is located on the north side of Les Bas Courtils Road, St Sampson. The Housing Allocation site extends to some 0.6 hectares (3.6 vergées) in area and formerly comprised an orchard and vinery, together with a substantial residential property, known as Les Bas Courtils, and two outbuildings. The whole of the house and outbuildings, together with the walls and railings enclosing the land adjacent to the road, form part of a Protected Building listing.

The current application relates to Les Bas Courtils house, the southern of the two barns (Barn A), and the land immediately to the rear of the house. The land to the east is currently under development for 13 dwellings and the northern of the two barns (Barn B) has been granted separate approval for conversion to a dwellinghouse.

The whole of the allocated site is located within the Bridge Main Centre Outer Area, and the eastern part of the site, outside of the application site, falls within the Delancey Conservation Area under the Island Development Plan (IDP). The application site abuts Delancey Park (which is designated as Important Open Land and also contains an Area of Biodiversity Importance) to the north-east and Delancey Battery, a protected monument, is located within the park grounds. The site is flanked by residential properties to the east and west.

Relevant History:

PREA/2021/0555 Pre-application advice given regarding development of the application site.

FULL/2022/0157 - Convert and extend barn (Barn B) to create dwelling, remove section of wall to alter vehicle access (Protected Building). Approved 10/11/2022

FULL/2021/0871 - Erect 13 dwellings, create vehicular and pedestrian access and associated parking and landscaping. Approved 13/01/2022

PREA/2020/1697 – Renovate existing dwelling and residential development
Advice offered

FULL/2016/2003 - Sub-divide main dwelling to provide 5 flats and convert barn into dwelling with associated landscaping and parking (protected building).
Approved 23/02/2017

Existing Use(s):

Residential Use Class 1

Brief Description of Development:

The application proposes the conversion of the house known as Les Bas Courtils to form five flats (2no 2bed, 2no 1 bed and a “studio apartment”) and, to the rear of the site, the conversion of the barn adjacent to the west boundary (Barn A) to form a 1 bed dwellinghouse and the construction of 4no 2 bed dwellings.

The development will be accessed via the newly constructed service road to the south of the house, serving the new development to the east, with an extension of that road formed along the west boundary from a junction forward of the existing building. Parking for the units at the rear of the site will be provided in that area, with parking for the flats provided to the front of the site, along the existing service road. Cycle storage will be provided to the rear of the site and refuse storage to the front, adjacent to the west boundary.

Each of the rear units will be provided with independent amenity space, together with a central communal area also accessible by the flats. The ground floor flats will each have an area of independent amenity space forward of the dwelling.

Following deferral, the wall running between the existing service road and the west site boundary is proposed to be reconstructed.

The application is supported by a Statement of Significance and a Heritage Impact Assessment.

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

MC2 – Housing in Main Centres and Main Centre Outer Areas

GP1 – Landscape Character and Open Land

GP5 – Protected Buildings

GP6 – Protected Monuments

GP7 – Archaeological Remains

GP8 – Design

GP9 – Sustainable Development

GP10 – Comprehensive Development

GP11 – Affordable Housing

GP18 – Public Realm and Public Art

IP6 – Transport Infrastructure and Support Facilities

IP7 – Private and Communal Car Parking

IP9 – Highway Safety, Accessibility and Capacity

Supplementary Planning Guidance

Strategy for Nature, 2020

Les Bas Courtils Development Framework, April 2018

Parking Standards and Traffic Impact Assessment, December 2016

Representations:

One letter of representation received requesting that a condition be considered limiting the construction hours to not before 9am on weekends and public holidays.

A further letter received in respect of an adjoining development (ref FULL/2022/00157) noted that the site notice has not been displayed in a publicly visible location.

La Société Guernesiaise comment as follows:

In respect of this application, we would like to highlight that buildings of this type can be used by roosting bats. 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 buildings be inspected for current or recent use by bats or other wildlife by a suitably qualified person prior to any demolition or building works. This would reduce the risk of disturbing or destroying animals which are protected under the Animal Welfare Ordinance 2012. We would further recommend that suitable measures to support roosting bats and nesting birds of appropriate species be included within the development proposal.

We would request that, if this application is approved, an informative note be added to the Information Sheet as follows -

'Your attention is drawn to the Animal Welfare (Guernsey) Ordinance, 2012 and the need to comply with its provisions. The existing buildings 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 provision 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 email info@societe.org.gg

Secondly, native plants generally support far more associated wildlife at all stages of their life cycles. We would therefore request that any soft landscaping incorporates a significant proportion of native species, where feasible.

Consultations:

Traffic & Highway Services note that the key concerns in respect of road safety and traffic management were addressed by the Development Framework and the

previous application at the site. No concerns are raised in respect of the current application.

No response has been received from the States Archaeologist in respect of this application, however that service has previously commented in respect of the Development Framework and approved development to the east.

Summary of Issues:

- Principle of development
- Impact on the special qualities of the protected buildings
- Impact of the development on the setting of the protected buildings and monument
- Quality of design and impact on the character of the wider area
- Access, highway safety and parking
- Neighbouring amenity
- Impact on protected trees

Assessment against:

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

Principle of development

This site forms part of one of several sites allocated for residential development under the IDP, and is the subject of an approved Development Framework. The site is located outside of the indicative developable area of the allocated site, as set out within the Framework, however this does not preclude development at the site. The principle of residential development at the site, through subdivision, conversion and new build, is supported by Policy MC2, and is permissible within the terms of the Framework.

The proposed mix and type of dwellings, comprising 4no. 2 bedroom and 1no. 1 bedroom houses and 2no 2 bed and 2no 1 bed flats, together with a “studio apartment”, is considered to meet the current identified need and to be acceptable in accordance with the requirements of Policy MC2.

The number of units proposed under this application would not in itself exceed the threshold for affordable housing provision set out within Policy GP11, however, taken together with the 13 new build dwellings currently under construction on the eastern part of the allocated housing site and the approved barn conversion on the northern part of that site, the total number of new units on the allocated housing site would be 23, exceeding the threshold for affordable housing provision. This

policy was not engaged under the previous application for development to the east of the site, as it was not envisaged at that time that development would come forward on the land behind the house (as demonstrated by the site falling outside of the indicative developable area identified within the Development Framework). Furthermore the Framework identified a likely yield for the site of 6-12 units which, even with the subdivision of the main house and conversion of the barns, would have fallen below the threshold for affordable housing.

Following deferral, supporting information has been submitted with the application to demonstrate the evolution of development across the allocated housing site and setting out the split ownership of the site, which has resulted in varying phases and approaches to development. The letter details an initial intention to retain the existing house as a single unit, which would have kept the overall number of new units below the threshold for affordable housing, however, upon review of the extent of work required to that building, it was determined that subdivision was required to viably restore the building.

In light of the above, and taking into account the partially developed nature of the site, it has to be accepted that provision of affordable housing is not feasible under the current circumstances and it would be impractical and unreasonable to apply GP11 in retrospect to a development already approved and under construction and likewise to this proposal.

Taking account of all of the above, assessment of this proposal is focused primarily on matters of detail in terms of statutory duties under the Law, IDP policies and Supplementary Planning Guidance.

Subdivision of the existing house and conversion of Barn A: Impact on the special qualities of the protected buildings

The Development Framework requires the protected buildings on the site to be retained and restored, and the works proposed under this application are intended to enable that requirement to be met.

Subdivision of the existing house was previously approved on 23/02/17 under ref FULL/2016/2003, under the current legal and policy framework. The current submission is for the same number of units, however with variations in the detail of the proposals.

The alterations initially proposed to the house under the current application went beyond those previously approved and were considered to, cumulatively, have an adverse effect on the special interest of the protected building. The application was deferred to seek amendments in respect of:

- The design of the dormer windows;
- Materials and finishing colours to the exterior of the building;
- Division of the building to respect the traditional plan form;

- Reconstruction of the listed wall to the front of the site, which has been demolished during the course of works and forms an important part of the setting of the protected building;
- Clarification of notes on the drawings.

A structural report was also requested to justify replacement of the floors in the Coach House and vinery store.

The proposed alterations to Barn A were however generally considered to maintain the special interest of that building, although no justification was provided to support the replacement of the roof structure, and a structural report was also requested in respect of that work.

The revised plans address the majority of the points raised above, to an extent where the impact on the special interest of the building will be outweighed by the benefits of the development. Whilst a Structural Report has not been provided in respect of the replacement of floors within the wings of the main building or the roof of the barn, exceptionally in this case, on the basis of the information available and a site visit, it is considered that the works could be allowed without the provision of a structural report. A condition should however be applied to the decision to ensure the wall at the front of the site is rebuilt to match the previous structure and in a timely manner.

A number of notes on the plans remain which lack specificity, and will require further consideration once additional evidence is available and it is recommended that the following are controlled by condition:

- Item 2.16 and 3.14 “where possible repair and restore existing external door and windows”. This could result in the wholesale replacement of the windows. Further evidence would be required to demonstrate that the existing windows cannot be retained, and details of the proposed replacements, should replacement be found to be required;
- Item 3.1 – Whilst the historic doors can be re-used, they will need to be upgraded to achieve fire resistance. Details of how the doors will be upgraded is not shown on the application drawings;
- Item 5.4 – Repair and restore timber shutters and other original internal joinery. This could result in the wholesale replacement of the shutters and internal joinery. As with the windows, if replacement is found to be necessary this will need to be demonstrated and details of replacement provided.

Subject to the above conditions, it is considered that amended works to the house and barn would comply with Policy GP5 and the requirements of the Development Framework, and would meet the statutory duties in respect of protected buildings.

Impact of the development on the setting of the protected buildings and monument

The relationship of the site to the Delancey Battery, taking into account the distance from that monument, the change in levels and the height of the proposed development, would prevent interference with sightlines from the Battery and would therefore be acceptable under Policy GP6 (Protected Monuments) and in compliance with the requirements of the Framework.

The development would however affect the setting of the protected buildings at the site and a particularly high standard of design is required by Policy GP8.

The Development Framework describes the setting of the protected buildings as follows: *Les Bas Courtils sits within a relatively undisturbed green setting, at a distance from the public highway behind a formal garden wall and railings, lawned areas and a formal roadside wall and gate. The two protected Sycamore trees contribute to the formal setting of the house. Delancey Park and Guernsey College of Further Education Delancey Campus (the former St Sampson's Secondary School) form a back drop to the house and are also contributors to the setting.*

Public views of the protected building are available from Les Bas Courtils Road, where the protected building is seen as set back from the road with a front garden. There are also public views from Delancey Park, where the protected building and its grounds are seen in the foreground of a panoramic view. The front gardens are therefore considered to be of very high value to the setting of the protected building and the rear gardens are of medium value. Cumulatively, taking into account all elements of the proposal and, in particular, the introduction of built form within the rear gardens of the house, the proposed development would have a moderate impact on the setting of the protected building.

Using the matrix in BS7913:2013 (page 16) the high value of the gardens and the moderate impact would result in a moderate effect on the setting of the protected building.

Policies GP8 and GP5 require any negative effect on the setting of protected buildings to be balanced against the reasonable aspirations of the property owner as well as the contribution the development will make towards the social and economic objectives of the States of Guernsey. The application is not supported by any evidence to support the above.

The proposed development will however offer houses for sale on the private market, which will contribute to both the social and economic objectives of the States. The reasonable aspiration usually applies to owners who want to alter their protected building, for example to improve its comfort. Therefore, whilst developing four houses and converting a barn might be an aspiration of the property owner, whether it is reasonable is dependent on its effect on the setting. Given the above, and the commentary set out within the Development Framework, it is considered that the effect of the development on the setting of the protected building is outweighed by the reasonable aspirations of the property owner and the contribution the

development will make towards the social and economic objectives of the States of Guernsey.

In light of the above the application is considered to comply with the aims and objectives of Policy GP5 and the statutory duties under the Law in respect of the setting of the protected buildings.

Quality of design and impact on the character of the wider area

The application site is located outside of the Delancey Conservation Area and Policy GP4 (Conservation Areas) would not therefore be applicable. Policy GP8 however requires, where a development is located within the setting of a protected building, that a particularly high standard of design is achieved.

The proposed layout responds to the specific site, its strengths, weaknesses and constraints, and assimilates into its context. The proposed houses have a coherent architectural composition. The details of the buildings/external space/outbuildings (e.g. services, balconies, junction of materials, bicycle store, bin store) have been considered and form a coherent architectural design. The site plan however includes a green rectangular symbol within the amenity spaces for Units 1, 2 & 10, and it is not clear what this is meant to represent. If any sheds are proposed, details of these would be required for further consideration.

In terms of the impact on the character of the wider area, the new build elements are discreetly located to the rear of the existing house and would have a negligible impact in views from the coast road to the south. Views from Delancey Park are restricted and the development would be read as part of the lower level development in those views. The works to the protected building itself, following reduction in the scale of the roof fenestration, would generally enhance the appearance of that structure. Overall therefore the proposals would respect the character of the local built environment.

In respect of the quality of the accommodation provided, the proposed new dwellings and barn conversion would exceed the recommended standards for room sizes set out within the DCLG Technical Housing Standards and the flats proposed within the existing house, whilst falling slightly short of those standards, would exceed the requirements of the Building Regulations. The site layout has been designed to prevent interface between the proposed units, although there would be some overlooking of allocated amenity spaces. The layouts of the new dwellings have been designed to achieve daylight to and outlook from the primary rooms, although in some instances, for example the living areas of Block A, this is at the cost of privacy to those rooms. Given the location to the rear of the site, the paths adjacent to the windows serving those rooms are however unlikely to be heavily used and, on balance, the impacts on privacy are not sufficient to raise objections to the application. Whilst external space provision is limited and, where allocated to a particular unit, often overlooked, given the good access to open space in the surrounding area, the provision is considered adequate in this case.

The application submission sets out how consideration has been given to ensuring that the proposed dwellings provide accessible, flexible and adaptable accommodation that will be able to meet the changing needs of future occupants, and as such the application is considered to comply with the requirements of the Development Framework and the aims and objectives of Policy GP8.

Although the application is not accompanied by detailed landscaping proposals, contrary to the requirements of the Development Framework, the indicative details that have been submitted are considered acceptable in and of themselves, and subject to a condition requiring further information on this point it is not considered that this omission would justify the refusal of planning permission.

The application is also supported by information that demonstrates how sustainable development principles have been applied from the outset of the design process, with specific provision being made for high levels of insulation and permeable hard surfacing to ensure that surface water is dealt with within the site. The application does not however address water management in detail, and does not propose electric vehicle charging points, as required in the Development Framework. These points can however be controlled by way of condition, and the application is considered capable of compliance with the requirements of the Development Framework and the aims and objectives of Policy GP9.

Access, highway safety and parking

The main site access has been formed in accordance with the permission issued under ref FULL/2021/0871. Road safety issues were considered as part of the assessment of that application and the proposal was found to accord with the general requirements of the Development Framework and the aims and objectives of Policy IP9. The access is capable of serving the additional units proposed under this application.

The current application provides adequate parking to serve the proposed development. That indicated to the front of the site, to either side of the access road, is unfortunate in visual amenity terms, however is proposed to be screened from the south by planting and would not raise any road safety concerns. Taking into account the retention of the open space and protected trees to the front (south) of the site, the proposed screen planting, and retention of the enclosed gardens immediately forward of the protected building, the parking would not have a significant impact on the setting of the protected building or the wider character of the area and would be acceptable under the terms of the Development Framework, and relevant plan policies.

Covered and secure cycle storage is indicated to the rear of the protected building, in accordance with Policy IP6 and the requirements of the Framework. Full details and implementation should however be required by condition.

The Development Framework identifies the potential for creation of a pedestrian/cycle link to Delancey Park to the north of the Housing Allocation site. The separate approval for conversion of Barn B as a distinct and independent site precludes the creation of such a link, and that issue was considered as part of the assessment of that application.

Neighbouring amenity

The proposed development has been designed to take account of surrounding residential properties. The site layout and the orientation, scale, form and fenestration of the proposed units are such that there would not be any unacceptably adverse overlooking, overshadowing or overbearing impacts on the amenity of neighbouring properties. The application is therefore considered to comply with the requirements of the Development Framework and the aims and objectives of Policies GP8 and GP9 (as relating to neighbouring amenity).

Impact on protected trees

The protected trees at this site are located to the front of the site, adjacent to Les Bas Courtils road. Under this application works within the root protection areas of those trees are limited to the reconstruction of the wall between those trees and the west site boundary, which has been demolished during construction works on site. Subject to a condition controlling the method of construction of that wall, it is not considered that the proposed development would result in unacceptable adverse impact on the health of the protected trees. The application is therefore considered to comply with the requirements of the Development Framework, the aims and objectives of Policy GP1, and statutory duties under the Law.

Other matters

The States' Strategy for Nature, 2020 was adopted as Supplementary Planning Guidance, which can be taken into account when decisions on individual planning applications are being reached insofar as is lawful and proportionate under the Law and the relevant provisions of the IDP. The Strategy for Nature can be seen as a high-level document, setting out a framework of shared goals and objectives for the States of Guernsey, private sector and community to strengthen Guernsey's response to the changes facing nature from climate change and other human made pressures. Insofar as it is relevant to this application, it can be seen to provide general encouragement for design approaches that consider opportunities to protect or enhance biodiversity.

The application makes provision for bat and bird boxes and indicates that site landscaping will comprise native trees, shrubs and planting, but absent fuller information regarding the landscaping proposals it is not possible to conclude that the development would deliver biodiversity net gain as encouraged by the Strategy for Nature. However, considering that approval of the Development Framework occurred before the adoption of the Strategy for Nature as Supplementary Planning

Guidance, that the priority on Housing Allocation sites is that they deliver the majority of the Island's new housing, and that the detailed landscaping scheme can be controlled by way of condition, it is accepted that to do more than already indicated would likely require further and potentially more fundamental revisions that could delay or jeopardise delivery of the site for housing. As such, this deficiency is not considered to be so substantial that refusal could be justified on this ground.

The application is accompanied by a Site Waste Management Plan, the implementation and outcomes of which can appropriately be controlled and monitored by way of conditions in accordance with the aims and objectives of Policy GP9. Given the relatively small scale of development, a Construction Environmental Management Plan is not considered necessary in this instance. A refuse collection area has been proposed and, following deferral, relocated to ensure appropriate access. Full details should however be required by condition.

Initial archaeological investigations have been carried out in accordance with the Development Framework, which have exposed nothing of interest. However, the applicant would be encouraged to report anything that might be exposed during the course of works, in accordance with Policy GP7.

In addition to the quality of public realm created within the site, provision is also made for the installation of public art through the previous permission for development on the eastern part of the allocated housing site. It would be unnecessary and overly onerous to require duplication of this requirement, or additional provision, under this application.

Notwithstanding the comments made in representation in respect of the barn in the north-west corner of the site (ref FULL/2022/0157), the agent has confirmed that the site notice for this development was displayed at the site access, on to Les Bas Courtils road. This display would be in accordance with the requirements of the Law.

Site construction hours are controlled under separate legislation by the Office for Environmental Health and Pollution Regulation.

Conclusion

The application site falls outside of the indicative developable area as identified within the Development Framework, and is highly constrained by the site size and location of the protected buildings. The principle of development is however acceptable under Plan policy and it has been demonstrated that, whilst the development is of a high density which results in some compromise to the setting of the protected buildings and the quality of the accommodation provided, on balance, the development meets the requirements of the Development Framework and complies with Plan policy.

Subject to the imposition of conditions as laid out above, it is therefore recommended that planning permission be granted.

Date: 06/01/2023

