

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 outbuildings to create 5 dwellings with associated gardens, parking and landscaping.

LOCATION: Bordeaux Vinery, Les Petils, Vale.

APPLICANT: Mr B Robinson

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: 14/02/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 11/08/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Jason Hobbs Architectural Services Ltd: 6297/A/ 1b, 2c, 3a & 6297/B/2

Application Ref: FULL/2022/1509

Property Ref: C004390000 + C00439B000

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 any other works at the site, including site works and demolition, the existing access in the west boundary shall be altered in accordance with the approved plans.

Reason - In order to secure safe access to the site during the course of works and for the completed development.

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

Reason - To secure the satisfactory appearance of the completed development and in the interests of neighbour amenity.

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

- i) the treatment proposed for all ground surfaces, including the removal of all areas of hardsurfacing located outside of the domestic curtilages hereby approved and not required for access to either those properties or the substation to the south of the site, and a written specification for the laying and finish of all new hard areas;
- ii) full details of tree and hedge planting; and
- iii) planting schedules, noting the species, sizes, numbers and densities of plants.

Reason - To make sure that a satisfactory landscaping scheme for the development is agreed, in order to help assimilate the development into its surroundings and to meet the requirements of the Strategy for Nature.

7.The landscaping scheme shall be fully completed, in accordance with the details agreed under the terms of the above condition, in the first planting season following the first occupation of any part of the development or completion of development whichever is the sooner, or in accordance with a programme previously agreed in writing by the Authority. Any trees or plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by trees or plants of a size and species similar to those originally required to be planted.

Reason - To make sure that the appearance of the completed development is satisfactory, to help assimilate the development into its surroundings and to meet the requirements of the Strategy for Nature.

8.No dwelling or building on the site 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, has been submitted to and agreed in writing by the Authority. The agreed landscape management plan shall then be fully implemented.

Reason - To make sure that the appearance of the completed development is satisfactory, to help assimilate the development into its surroundings and to meet the requirements of the Strategy for Nature.

9.No cladding shall be brought to the site until such time as details of the type, texture and colour of the cladding materials to be used have been submitted to and agreed in writing by the Authority. The work shall be completed in accordance with the agreed details.

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

10.No part of the buildings or development hereby permitted shall be used or occupied until the cycle storage detailed on the approved plans has been fully implemented. The provision for cycles shall be retained at all times.

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

11.Notwithstanding the provisions of the Land Planning and Development (Exemptions) Ordinance, 2007 (or any other Ordinance replacing or re-enacting that Ordinance), no fence or wall (other than any hereby expressly permitted) shall be erected or constructed within or along the boundaries of the domestic curtilages hereby approved.

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

Expiry Date: This permission will cease to have effect on 13/02/2026 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

Your attention is drawn to the Animal Welfare (Guernsey) Ordinance, 2012 and the 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

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/2022/1509
Property Ref: C004390000 + C00439B000
Valid date: 11/08/2022
Location: Bordeaux Vinery Les Petils Vale Guernsey
Proposal: Convert outbuildings to create 5 dwellings with associated gardens, parking and landscaping.

Applicant: Mr B Robinson

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 any other works at the site, including site works and demolition, the existing access in the west boundary shall be altered in accordance with the approved plans.

Reason - In order to secure safe access to the site during the course of works and for the completed development.

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

Reason - To secure the satisfactory appearance of the completed development and in the interests of neighbour amenity.

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

- i) the treatment proposed for all ground surfaces, including the removal of all areas of hardsurfacing located outside of the domestic curtilages hereby approved and not required for access to either those properties or the substation to the south of the site, and a written specification for the laying and finish of all new hard areas;
- ii) full details of tree and hedge planting; and
- iii) planting schedules, noting the species, sizes, numbers and densities of plants.

Reason - To make sure that a satisfactory landscaping scheme for the development is agreed, in order to help assimilate the development into its surroundings and to meet the requirements of the Strategy for Nature.

7. The landscaping scheme shall be fully completed, in accordance with the details agreed under the terms of the above condition, in the first planting season following the first occupation of any part of the development or completion of development whichever is the sooner, or in accordance with a programme previously agreed in writing by the Authority. Any trees or plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by trees or plants of a size and species similar to those originally required to be planted.

Reason - To make sure that the appearance of the completed development is satisfactory, to help assimilate the development into its surroundings and to meet the requirements of the Strategy for Nature.

8. No dwelling or building on the site 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, has been submitted to and agreed in writing by the Authority. The agreed landscape

management plan shall then be fully implemented.

Reason - To make sure that the appearance of the completed development is satisfactory, to help assimilate the development into its surroundings and to meet the requirements of the Strategy for Nature.

9. No cladding shall be brought to the site until such time as details of the type, texture and colour of the cladding materials to be used have been submitted to and agreed in writing by the Authority. The work shall be completed in accordance with the agreed details.

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

10. No part of the buildings or development hereby permitted shall be used or occupied until the cycle storage detailed on the approved plans has been fully implemented. The provision for cycles shall be retained at all times.

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

11. Notwithstanding the provisions of the Land Planning and Development (Exemptions) Ordinance, 2007 (or any other Ordinance replacing or re-enacting that Ordinance), no fence or wall (other than any hereby expressly permitted) shall be erected or constructed within or along the boundaries of the domestic curtilages hereby approved.

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

INFORMATIVES

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

OFFICER'S REPORT

Site Description:

The application site is located to the east of Rue des Bordeaux, to the north of Les Petils and to the south of Cocagne, with residential properties located to the north-west and south-west and along the east boundary, as well as across the roads to the west and north.

The site comprises a former vinery site, previously including two blocks of glass to the north and one to the south of the site. All glass has now been removed from the site. The buildings which form the subject of this application are located in the centre of the site, adjacent to a large area of hardstanding. The site is served by four vehicular accesses, two in the north boundary and one in each of the west and south boundaries. There also appears to be vehicular access from the residential property in the north-west corner of the site, known as Note Plleche.

The buildings remaining on site are all single storey and located in the centre of the site. That to the east comprises an elongated double pitched roof structure of low profile with an outshoot to each gable of the southern element. This building is constructed in block with pitched roofs finished in manmade slates. The western building is a flat roof structure with attached lower store, with the lower walls constructed in block and the upper parts corrugated clad timber frame. Temporary storage containers, a chiller unit and a block outbuilding are also located around the main buildings.

The site is located Outside of the Centres in the Island Development Plan, to the south and west of a Conservation Area.

Relevant History:

Pre-application advice regarding residential development at the site.

Existing Use(s):

Agricultural Use Class 28

Brief Description of Development:

Permission is sought to convert the existing structures in the centre of the site to form 5 new one bed dwellings.

As initially submitted, the areas which were formerly under glass were to be used for biodiversity planting and a pond, with private amenity spaces defined by hedging and separated by walls. The three existing site accesses were to be retained as is, with new permeable brick driveways created to access the new dwellings. Parking

was to be provided for each unit adjacent to that unit. Small sheds were proposed to serve each of the four central units.

Following deferral the plans have been revised as follows:

- All access is to be provided from the western access point onto Rue des Bordeaux, with existing tracks across the open land removed;
- Garden sizes have been reduced, sheds and parking areas have been repositioned;
- The storage container adjacent to the east site boundary is to be removed, with the adjoining building being retained to serve Unit 3;
- The pond has been removed from the landscaping proposals.

The initial proposals included the provision of car parking adjacent to the west site boundary for use in association with the nearby church. The supporting information stated that this was a long standing informal arrangement, used on a Sunday. Following deferral, the car parking has however been removed from the application.

An area of land to the north-west of the site is identified on the plan for potential sale. Whilst the sale of that land would not fall within the Authority's remit, it should be noted that there is nothing within this application relating to a change of use of that land and it would remain classified under Agricultural Use Class 28 of the Land Planning and Development (Use Classes) Ordinance, 2017. This also applies to the land in the south-west corner of the site, which was initially shown to be located within the site boundaries but has been sold to the residential property to the south-west. The revised plans have been amended to show the correct site boundaries.

A Structural Engineer's Report prepared by T&G Structural Engineers January 2021 was initially submitted in support of the application. That report however related only to the main building and, in respect of that building, identified that the structure is a block built building with slate roof (damaged sarking felt) and concrete floor, all in reasonable condition.

Following deferral, a further Structural Engineer's Report was submitted in respect of the western building identifying that the lower parts of the walls are block built, with no evidence of a DPC, and that the upper parts comprise clad timber frame, all in reasonable condition. The roof is also stated to be in reasonable condition, although the roof finishes were initially stated to need total replacement. A concrete floor is stated to be present.

Drawing from the Structural Survey Report and the proposal drawings, the following works are proposed to support the conversion of the structure to contain Units 1-4:

- Demolition of adjoining structures (scaffolding clad in corrugated sheeting to north-west, storage container to south-east, open sided lean-to to north-east);

- Relaying of roof covering to enable replacement of sarking felt (unclear whether this would require new roof finish);
- Replacement of all existing windows, including re-opening of existing apertures to north and south elevations;
- Replacement of doors within existing apertures with new access doors and glazing (east and west elevations);
- Installation of 2 new windows (south and west elevations);
- Addition of external insulation, with render and cladding finish;
- Addition of DPM and insulation over existing floor slab and between roof trusses;
- Creation of internal dividing wall, and internal partitions.

Drawing from the Structural Survey Report and the proposal drawings, the following works are proposed to support the conversion of the structure to contain Unit 5:

- Removal of cooling unit to south of structure;
- Repairs with Helifix Bars to crack in south-east wall;
- Removal of cladding to re-open window apertures and installation of new windows (north elevation)
- Replacement of all existing windows and doors (east and west elevations);
- Existing areas of cladding (upper levels of all elevations) to be removed, existing frame to be strengthened, membrane and insulation installed and new cladding affixed – amended following deferral to retain and encapsulate cladding;
- Addition of internal insulation to all areas of block, with rendered external finish;
- Addition of DPM and insulation over existing floor slab and between roof trusses;
- Existing roof structure retained and additional rafters added and strengthening to support beam, new roof finish – amended following deferral to retain and encapsulate roof finish;
- Strengthening of central pillar to north elevation, achieved through installation of new internal partition;
- Installation of internal partitions.

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

S1	Spatial Policy
S4	Outside of the Centres
OC1	Housing Outside of the Centres
OC7	Redundant Glasshouse Sites
GP1	Landscape character and open land
GP8	Design
GP9	Sustainable Development
GP15	Creation and extension of curtilage
GP16(A)	Conversion of redundant buildings

IP6	Transport Infrastructure and Support Facilities
IP7	Private and Communal Car Parking
IP9	Highway Safety, Accessibility and Capacity

Representations:

17 letters of representation were received in respect of the initial application from 30 persons raising the following points:

- Land hatched red as “possible land sale” is already under separate ownership;
- The east boundary is not correct;
- Impact of development on historical character and natural beauty of this area, located adjacent to a Conservation Area, Bordeaux Harbour and a nature reserve;
- Building up a rural area;
- Extent of gardens is disproportionate to size of units, and gardens and driveways encroach into open agricultural land;
- Disagree with the structural report that the buildings are suitable for conversion, and an independent report should be commissioned;
- Impact on biodiversity:
 - o Extent of brick paving;
 - o No indication of the ongoing ownership or management of biodiversity areas;
 - o This should be strongly conditioned to ensure implementation;
- Road safety, resulting from increased vehicular traffic through multiple access points:
 - o Rue du Cocagne access: Narrow Ruelle Tranquille used by walkers, cyclists and horse riders;
 - o Les Petils access: Quiet lane used to access the coast for various activities and by various users;
 - o Rue des Bordeaux access: Busy and congested road, poor visibility splays, heavily used pavement;
- Church parking – query whether this is authorised and if it will be conditioned to be used only by the church;
- Areas currently used for parking were formerly used for horticulture until stripped of top soil and covered in road plainings.
- Potential for future expansion of the permission, either in the footprint of each unit as those proposed are small, or overall number of units.

A further 4 letters of representation have been received from 5 persons raising the following additional points in respect of the revised plans:

- The plans now correctly delineate the property ownership;

- The covering letter to the application still refers to a desire to use all of the accesses, and this would remain objectionable, the other accesses should be permanently closed;
- It is alleged that the structural report is not independent, and an independent report should be commissioned, the integrity of these buildings is questionable;
- The horticultural land should revert back to agriculture and not be used as domestic gardens;
- The proposed planting of small bare-root trees will not survive, due to weather conditions and consumption by rabbits, the decision should be conditional on securing planting ahead of construction works being commenced.

La Societe Guerneslaise commented on the plans as initially submitted 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 Guerneslaise 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. Further species-rich habitats require specific management regimes in order to maintain the associated biodiversity over the long term.

Consultations:

Traffic and Highway Services comment as follows:

The current access is bounded by the granite walls which is 1.4m high on both sides of the access. In particular, the oncoming sightline for the majority of vehicles (from La Rochelle) is limited to what a driver when egressing can see in his direct line of sight (e.g. drivers cannot see most vehicles over the wall).

As a result, although the 1.1m footpath outside of the access allows a driver to cross the footpath before entering the carriageway and opens up the visibility splay, the sightline when measured at a datum of 2m from the carriageway edge is still significantly below the minimum recommended standard. The oncoming sightline is 8m, and the approaching sightline (vehicles from Bordeaux Harbour) is 17m. The oncoming sightline is the particular concern, as coupled with the carriageway only being 5m wide at the access, the 86th percentile speed of oncoming vehicles is in the order of 30-35mph at that point in the road.

Given the above, my strong recommendation would be that the developer seeks to widen the access to 5.5m and either form the access as a bell mouth so that the access is in the order of 6.5-7m wide where it meets the footpath (internal 5.5m), or lowers the wall to $\approx 900\text{mm}$ for approximately 24m to enable a visibility splay over the wall which provides a driver egressing with a sightline that meets the recommended standard of 33m.

Summary of Issues:

Whether the proposal complies with policy.

Assessment against:

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

Principle of residential development

The Spatial Strategy as identified within the Strategic Land Use Plan, approved 30th November 2011 (SLUP), is for development to be concentrated within and around the edges of the urban centres of St Peter Port and St Sampson/Vale, with some limited development within and around the edges of the other main parish or local centres to enable community growth and reinforcement of sustainable centres.

The Spatial Policy of the Island Development Plan, expressed through Policy S1 (Spatial Policy), reflects this approach, seeking to, *“concentrate the majority of new development in the Main Centres and the Main Centre Outer Areas to maintain the vitality of these areas...and to allow for development Outside of the Centres in identified specific circumstances, in accordance with the Strategic Land Use Plan.”*

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

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

Although previously a glasshouse site, the glass has been completely cleared and the site would not fall within the definition of a Redundant Glasshouse Site. Policy OC7 (Redundant Glasshouse Sites) would not therefore be relevant in this instance.

Conversion of the existing buildings

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

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

The buildings were constructed and utilised in association with the horticultural use of the site and are stated to have last been used as packing sheds in approximately 2012. The glasshouses on the site have now all been demolished.

At the Rue Coutance appeal hearing (Ref: PAP/008/2019 for the refusal of application ref: FULL/2018/0826) in relation to the redundancy of a former packing shed, the Appeals Tribunal stated; *“It is a matter of fact that the horticultural use of the site ceased during the 1980s and that the appeal building, then used as a packing shed, became redundant as a consequence”*. In light of these findings, it can only be found that the buildings in this case are also redundant, and conversion would comply with part a) of GP16(A).

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

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

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

An Observation Report has been provided for each building, prepared by T&G Structural Engineers. Concerns have been raised in the letters of representation regarding the independence of that company, and therefore the reliability of the reports. In response the agent has confirmed that T&G Guernsey are a chartered engineering company. As such the company has a responsibility to provide a professional and independent service.

Drawing from the above referenced appeal decision, this criterion will be assessed in two parts - there will be an assessment of whether the building is of sound and substantial construction (in relation to the use originally intended), followed by an assessment as to whether the building is capable of conversion without extensive alteration or rebuilding.

In respect of both the main building (proposed to house Units 1-4) and, following deferral, the building proposed to house Unit 5, the Structural Engineer has confirmed that the buildings are of sound and substantial construction for their authorised purpose.

In terms of the extent of alterations required to support the proposed conversion, in deciding the appeal the Tribunal considered it appropriate to distinguish between three distinct categories of building work that have different underlying purposes; structural repair, upgrading and renewal; upgrades to meet the Building Regulations; and works to facilitate the proposed use. The works proposed as part of the current application are summarised under the Brief Description of Development above.

In respect of Units 1-4, the submitted Survey states that the building is capable of conversion into a habitable building without the requirement for structural improvement.

The works to upgrade the building to meet Building Regulations appear to be limited to the installation of breathable membrane to the roof and installation of insulation to the roof and floor, and the installation of external insulation to the walls. In determining the previously cited appeal, the Tribunal concluded that, provided that the external insulation was proposed simply to upgrade the thermal capacity of the building and not for structural reasons, these forms of work, necessary to bring the building fabric up to current Building Regulation standards in terms of freedom from damp and thermal and sound insulation, are known to be a common feature of schemes involving the conversion of buildings and therefore such works were considered to be neutral in terms of their impact on the objectives of Policy GP16(A).

In respect of the other works proposed to facilitate the conversion, these include the application of external cladding to all elevations of the building, excepting the outshoots which will be rendered, the probable replacement of the roof covering, the replacement of all existing windows and doors and the creation of two new windows.

In respect of Unit 5, the Survey initially submitted stated that strengthening work would be required to the timber frame forming the upper parts of the wall and roof, and all existing cladding and roof finish would require replacement. In addition, the internal partitioning to form the lounge/bedroom would be required to strengthen the pillar between the windows in the external wall and limited crack repair will be required. Following deferral, the proposals have been revised to retain the existing upper wall and roof cladding, encapsulating the sheets. The Engineer has confirmed that the ceiling in this unit is largely in place and where it is not it would be sited on to blockwork. The installation of a ceiling would not therefore place additional loadings onto the existing timber frame. The stiffening of the frame is therefore limited to the installation of 50x100mm timbers, one between each of the existing timbers. The Engineer also confirms that the installation of a membrane will not require removal or replacement of the cladding in this case. Structural works to upgrade the building would therefore be limited to the strengthening of the upper frame and the upright in the north elevation.

The works to upgrade the building to meet Building Regulations appear to be limited to the potential installation of breathable membrane to the roof and installation of internal insulation to the ceiling, walls and floor. As set out above, these works would be considered neutral in terms of their impact on the objectives of Policy GP16(A).

In respect of the other works proposed to facilitate the conversion, these are limited to the replacement of all existing windows and doors.

In both cases, with regard to the internal fittings, the creation of new room arrangements and the provision of new services, these works are representative of the types of alterations that are generally required for the conversion of buildings into alternative uses and are therefore considered to be neutral for the purpose of GP16(A).

It is also noted that the proposed conversions would occur within the existing building envelopes and no further work is proposed in the form of extension to the buildings.

Taking into account the above, on balance, it is considered that the works proposed would not amount to extensive alteration and the proposal would therefore comply with this criterion.

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

There are no protected buildings at the application site or adjoining the site boundaries. There is one protected building across the road to the north of the site, and a group across the road to the south-west, on the far side of the residential property adjoining the site to the south-west. The proposed development would be set away from those properties and would not have any impact on their setting.

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

The existing buildings are not of particular character, being of simple utilitarian form, design and materials, and further consideration against this criterion would not be required.

The requirements of Policy GP8 however go further than this criterion and require a development to achieve a good standard of design which makes an efficient and effective use of land and respects the character of the local built environment, whilst providing soft and hard landscaping where this reinforces local character and mitigates the impacts of the development. In this case, the proposal would result in the reuse of existing buildings, which comprises an efficient use of land, and the proposed works would not alter the scale, bulk or form of the existing buildings, and would not therefore significantly alter the overall appearance or the impact of those structures on the character of the area. The external finishes proposed would however unify and enhance the structures, although details of the proposed cladding are not provided this can be controlled by condition. The impact on landscape character and provision of landscaping is addressed below.

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

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

Policy GP15 states that a proposal to create or extend curtilage will be supported where:

- a.** it would not have an unacceptable detrimental impact on the landscape character; and,
- b.** it would not have an unacceptable impact on the biodiversity interest of an Area of Biodiversity Importance or, where negative impacts are unavoidable, they can be acceptably mitigated in accordance with a scheme to be agreed

with the Authority in accordance with Policy GP3: Areas of Biodiversity Importance; and,

- c. it is demonstrated that the land cannot positively contribute to the commercial agricultural use of an Agriculture Priority Area or cannot practicably be used for commercial agriculture within an Agriculture Priority Area without unacceptable adverse environmental impacts; and,
- d. it is demonstrated that it would not involve an unacceptable loss of established boundary features that contribute positively to the character of an area, unless the new or replacement boundary treatment makes an equal or enhanced positive contribution to the character of the area; and,
- e. it would not adversely affect the reasonable amenities of neighbouring residents.

The buildings which form the subject of this application, and therefore the curtilage proposed to be associated with the new dwellings, would be located centrally on what is now a reasonably large area of open land, open to views from the public highways to the north, west and south. Whilst the site is located adjacent to the coast to the south and regenerated open land to the east, it is situated amongst relatively high density development running along either side of Rue des Bordeaux.

The site is located partially within the Northern Shores and partially within the Lowland Hills landscape types however, given the topography of the site, it is more characteristic of the former, and, as stated above, sits within the densely developed hinterland to the coastline described in Annex V of the IDP. Taking into account the density of development in the immediate area, the retention and conversion of the existing buildings could, in principle, be considered consistent with the landscape character of this area, providing the detailed design ensured the proposal limited any impact on openness and included biodiversity enhancements in accordance with the Strategy for Nature and landscaping in accordance with Policy GP8.

As initially proposed the curtilages to be associated with the new dwellings, and the proposed access driveways to those dwellings, would have encroached significantly onto the open land. Following deferral, the curtilages have been reduced and the location of ancillary structures and parking reconsidered to improve the relationship with the existing built form. Furthermore, the proposed access arrangements have been amended, with all access being from the west and all tracks and hardsurfacing being removed from the land to the north, west and south of the building group.

The amended curtilages would comprise a relatively modest area of land, proportionate to the size of dwellings created and well related to the existing building group, limiting the projection onto the open land to the north and south. Furthermore, the curtilages to the west and south of the buildings would be located on an existing area of hardstanding, facilitating the removal of that surfacing.

In light of the above, whilst the proposed curtilages would be located on open land and visible from the surrounding highways, the proposal would be consistent with the landscape character type, would not result in the loss of distinctive features and

would improve the visual, landscape and biodiversity value of the larger part of the site. No details have however been provided in respect of the landscaping/biodiversity scheme for the site and it is recommended that a robust scheme is provided prior to the commencement of works at this site, together with a management plan to ensure the ongoing contribution of this site to the biodiversity of the area.

The application site is not located within or adjacent to an Area of Biodiversity Importance, or an Agriculture Priority Area, and no alterations are proposed to existing boundary treatments, although supplementary boundary planting is proposed.

Boundaries around the perimeter of the proposed curtilages, and between Unit 5 and the adjoining units to the east, are indicated as hedge planting. The boundaries between Units 1&4 and 2&3 are noted to be a 2m high wall, whilst those between the driveways serving Units 1&2 and 3&4 aren't specified. Whilst the boundary walls specified above are unlikely to have any significant visual impacts, the introduction of hard and high boundary treatments to the other boundaries may have adverse visual impacts. On this basis it is recommended that the decision be conditioned to require details of all proposed boundary treatments, and that exemption rights for walls and fences be removed.

On balance therefore, subject to the impact on neighbouring property which is addressed below and conditions relating to boundary treatments and landscaping, the proposed creation of curtilage would meet the requirements of Policies GP1 and GP15 and part f) of GP16(A).

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

No extension is proposed to the buildings as part of the conversion.

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

The proposed dwellings and associated curtilages would be set away from the property boundaries to the north, west and south and would not therefore have any impacts on residential properties in those directions. The amenity spaces for Units 2 & 3 would extend to the east boundary with adjoining residential properties, however those properties are largely set at a higher level and the intervening boundary treatment is generally such that there would be no adverse impact on those properties. Where the boundary treatment is lacking, hedge planting is proposed under this application. Subject to the installation/planting of appropriate boundary treatment along the east boundaries of the curtilages associated with Units 2 & 3, the proposed change of use from a former vinery site to residential use would not have any adverse impacts on neighbour amenity.

In terms of vehicular movements, the revised plans limit all traffic associated with the proposed conversions to the western access, on to Rue des Bordeaux. The accesses at the site could previously be used without restriction by the horticultural operations at the site and the traffic created by the proposed residential units would be low level and would not result in any notable disturbance for surrounding properties.

Other matters

Residential amenity and parking provision

The converted buildings would provide an appropriate level of accommodation, exceeding the National Described Space Standards and generally well fenestrated. The size and quality of the outdoor space would be acceptable and, notwithstanding the provision of parking outside bedroom windows, there would be an attractive outlook from the dwellings. Overall, the proposed dwellings could provide an adequate living environment, in accordance with Policy GP8(d) and Annex I: Amenities.

A single parking space is indicated for each dwelling, although it is noted that the driveways would be capable of providing two tandem spaces. The proposed parking provision is not however unreasonable for the size and type of dwelling proposed, in accordance with the requirements of Policy IP7. Secure cycle storage is provided within sheds for each unit, in accordance with Policy IP6.

Highway Safety

Following deferral, all vehicles accessing the site would use the western access on to Rue des Bordeaux, a Local Circulation Route, and would therefore avoid the neighbourhood roads to the north and south. Further to that deferral a detailed plan for the site access has been provided, demonstrating alterations to the access point to ensure that appropriate sightlines would be achieved. Implementation of the proposed alterations can be controlled by condition.

The proposal does not include blocking up of the existing accesses to the north and south of the site, however no tracks are proposed to those accesses, and planning permission would be required to install any such track. As access may be required for maintenance of the land or, as noted on the plans, for the substation to the south of the site, there is no planning reason to require closure of those accesses. All existing tracks across the open land, other than that shown to be retained along the south boundary to access the substation, should be removed as part of the landscaping scheme.

Sustainability, accessibility and adaptability

In terms of accessibility to and within the building and the provision of flexible accommodation, the submitted information details level access and good circulation

and the accommodation is provided over a single level, in accordance with the requirements of Policy GP8.

Confirmation has also been received that the proposed development has been designed to take into account matters of energy efficiency and current Building Regulations in accordance with Policy GP9. New driveways are to be formed in permeable paving, and details of the laying, together with a requirement for the installation of the driveway as approved, should be required by condition.

The southern part of the site is located within a 1:10 year flood zone, however the area of proposed development is located outside of the identified flood risk area.

Use of land for parking by nearby church

As initially submitted, the application proposed the retention of an area of hardsurfacing along the west boundary for parking associated with a nearby Church. It was stated that this parking was undertaken as part of a long-standing informal agreement with the land owner. No planning consent can however be found for this arrangement and, on the basis of the information provided, it appears likely that the use would amount to a change requiring planning permission. Having given initial consideration to the use, a policy gateway could not be found, and it would not therefore be possible to grant consent for the parking. At the request of the Service, the agent has therefore agreed to the omission of the parking from the application. Should it be possible to demonstrate that the use has been continuously ongoing for a period of more than 10 years, the applicant could consider submission of an application for a Certificate of Lawful Use to attempt to regularise the use.

In light of the above, the revised plans omit the proposed parking area and show this area reverting to part of the open landscape.

Land for sale

An area of land to the north-west of the site is identified on the plan for potential sale. Whilst the sale of that land would not fall within the Authority's remit, it should be noted that there is nothing within this application relating to a change of use of that land and it would remain classified under Agricultural Use Class 28 of the Land Planning and Development (Use Classes) Ordinance, 2017.

Potential for future expansion

It is acknowledged that, on approval of this application, policy could allow for demolition of the existing buildings and construction of new dwellings, provided, inter alia, that the number of units remains the same and the floor space and volume is broadly the same as the approved scheme. If the conversion were implemented, it is also the case that extension and alteration to the converted dwellings could then be sought under Policy GP13 (Householder Development). The current application must however be considered on its merits and cannot take into consideration future

potential applications. Any such application would be considered under the relevant policy framework at the time of application.

Submitted plans

The north and south elevations of Units 1-4 have been transposed on the submitted plans, however this does not affect the consideration of the application and can be corrected on the approved documents.

Conclusion

On balance, taking into account the above assessment, the application is considered to meet with the purpose of the Law, material considerations and relevant planning policies and approval is recommended, subject to the following conditions:

- Completion of the alterations to the access in the west site boundary prior to any other works commencing on site;
- Details of the proposed landscaping to be provided, including removal of all areas of hardsurfacing not required for access to the approved dwellings or retained substation, and specification of new areas of hardsurfacing to demonstrate permeability;
- Implementation of landscaping within an appropriate timeframe;
- Details of ongoing management of landscaped areas;
- Details of treatment to all property boundaries, including both along the site boundaries and within the domestic curtilages of the new dwellings, and implementation of all property boundary treatment, particularly to east boundaries of Units 2 & 3, prior to occupation of the new dwellings;
- Details of the proposed cladding to be provided;
- Provision of cycle storage prior to occupation of the new dwellings;
- Removal of exemption rights for fences and walls within the new domestic curtilages.

Date: 06/02/23

