

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

NOTIFICATION OF GRANT OF PLANNING PERMISSION

PROPOSALS: Demolish outbuilding and erect residential dwelling and erect retaining gabion cage to north boundary.

LOCATION: The Outbuilding, La Pomare Farm, Rue De La Pomare, St. Pierre Du Bois.

APPLICANT: Mr & Mrs Taylor

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: 30/03/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 26/09/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Lovell Ozanne drawing no's: AA18-10288-S12-02A;
PT:02:22 01B.

Application Ref: FULL/2022/1721

Property Ref: F004640000&F004650000

Conditions and reasons:-

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

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

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

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

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

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

4. The dwelling hereby permitted shall not be occupied until full details of the photovoltaic tiles have been provided and those tiles, together with the vehicle and bicycle charge points shown on the submitted plans have been installed and made operational, and all other sustainable design features set out in the letter dated 12/03/2023 have been implemented.

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

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

- i) full details of tree and hedge planting; and
- ii) 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.

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

Reason - To make sure that the appearance of the completed development is satisfactory and to help assimilate the development into its surroundings.

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

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

Expiry Date: This permission will cease to have effect on 29/03/2026 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 building is located in an area where bats may be roosting 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 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/2022/1721
Property Ref: F004640000&F004650000
Valid date: 26/09/2022
Location: The Outbuilding La Pomare Farm Rue De La Pomare St. Pierre
Du Bois Guernsey GY7 9HH
Proposal: Demolish outbuilding and erect residential dwelling and erect
retaining gabion cage to north boundary.
Applicant: Mr & Mrs Taylor

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. The dwelling hereby permitted shall not be occupied until full details of the photovoltaic tiles have been provided and those tiles, together with the vehicle and bicycle charge points shown on the submitted plans have been installed and made

operational, and all other sustainable design features set out in the letter dated 12/03/2023 have been implemented.

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

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

- i) full details of tree and hedge planting; and
- ii) 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.

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

Reason - To make sure that the appearance of the completed development is satisfactory and to help assimilate the development into its surroundings.

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

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

INFORMATIVES

Your attention is drawn to The Animal Welfare (Guernsey) Ordinance, 2012 and the need to comply with its provisions. The building is located in an area where bats may

be roosting 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 info@societe.org.gg.

OFFICER'S REPORT

Site Description:

The site comprises a building group set to the north of Rue de la Pomare in St Pierre du Bois, known as La Pomare Farm. The group includes the main farmhouse, incorporating a self-catering unit at first floor level in the attached barn, a detached self-catering unit to the east and the detached outbuilding which forms the subject of this application, located to the west of the group.

The outbuilding comprises a single storey structure of granite construction with pantile roof and is located within the domestic curtilage of the farm. Consent was granted to extend that curtilage to include the former quarry and land immediately to the west of the outbuilding on 29/03/17. That consent has been implemented.

The field to the north-west of the outbuilding originally formed part of the same land ownership but now forms part of the land ownership of the property to the west, known as Westhaven, and a change of use has been granted to incorporate that land within the curtilage of the adjacent property.

The site is located Outside of the Centres in the Island Development Plan, within an Agriculture Priority Area.

Relevant History:

F004640000/F004650000 (La Pomare Farm)

29/03/17 FULL/2017/0239 Permit to extend domestic curtilage.

22/11/21 FULL/2021/2022 Permit to convert and extend outbuilding into residential dwelling.

F00465A000/F00466A000 (Westhaven and field)

22/01/16 FULL/2015/2878 Permit to remove section of hedge and retaining wall to create access to agricultural land, form ramped access to field and erect fencing. Remove hedging and plant replacement hedging.

20/11/18 FULL/2018/1886 Permit for change of use from agricultural field to domestic garden.

Existing Use(s):

Barn ancillary to adjacent farmhouse.

Brief Description of Development:

Permission is sought to demolish the existing barn, reduce ground levels, and to construct a one bed dwellinghouse, with external decking and covered external storage. A gabion cage retaining wall would be constructed to the north of the building and a vegetable patch with raised planters is shown to the north-west. Parking would be provided to the south-east of the building, accessed via the existing gateway.

Following deferral, the floor space and volume of the building has been amended, and additional information provided in relation to those considerations.

The submitted plans also indicate the construction of a store to the east of the existing parking area, on land to be retained in connection with the existing farmhouse. No details are however provided of that store, it is not mentioned on the application form and no fee has been paid in relation to it. The store is not therefore considered to form part of the current application.

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

OC1	Housing Outside of the Centres
GP8	Design
GP9	Sustainable Development
GP16(A)	Conversion of redundant buildings
GP16(B)	Conversion of redundant buildings – Demolition and Redevelopment
IP6	Transport Infrastructure and Support Facilities
IP7	Private and communal car parking
IP9	Highway Safety, Accessibility and Capacity

Representations:

La Societe Guernesiaise comments 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 building, in particular the roofspace, be inspected for current or recent use by bats by a suitably qualified person prior to any building works. This would reduce the risk of disturbing or destroying animals which are legally protected under the Animal Welfare Ordinance 2012.

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

‘Your attention is drawn to The Animal Welfare (Guernsey) Ordinance, 2012, the local Strategy for Nature and the need to comply with their legal provisions. The existing building may be used by bats or other wildlife for roosting and nesting. We strongly recommend that the site is inspected accordingly prior to any building works. Additional measures should also be taken (including consideration of the timing of the works and provision to support associated 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 by emailing info@societe.org.gg

We would also highlight the environmental impact of light pollution on many types of wildlife such as birds, bats and insects. Such pollution can be particularly problematic when introduced into a landscape such as this one, where existing sources of artificial light are relatively sparse. This part of the island has recently been shown to support a number of bat species.

We would ask that the Planning Service consider this aspect in relation to the application. We would further request that, if this application is approved, an informative note be added to the Information Sheet as follows -

‘Your attention is brought to the issue of avoidable light pollution and its effects on the natural environment and associated wildlife, in particular bats. The existing landscape is not currently subject to extensive artificial lighting and it is therefore requested that external lighting be avoided or kept to a minimum as much as possible’.

Consultations:

None.

Summary of Issues:

Whether the proposal complies with policy: specifically whether the proposed development is of broadly the same floor space and volume as the approved conversion scheme.

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).**

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

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

Policy GP16(B) states that the demolition and redevelopment of a building that is able to accord with the requirements of the conversion of redundant buildings policy may be acceptable without the need to implement the permission for conversion by physically carrying out the development, provided that:

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

The conversion of this building was approved 22/11/21, under reference FULL/2021/2022.

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

The proposal remains for a single one bed dwellinghouse.

The stated floor space of the approved scheme is 30.2m² and the volume of that scheme is stated to be 128.87m³.

As initially submitted, the floor space of the proposed new building was to be 55m², representing a 72% increase in floor space. The volume of the proposed new building was stated to be 140m³, representing a 35% increase in volume, although in house calculations indicated this was likely to be approximately 182m³, representing a 78% increase. Neither the floor space nor the volume of the scheme as initially submitted could therefore be considered broadly the same as the approved scheme and the application was deferred for amendments.

The amended scheme is stated to have a floor space of 36.3m², representing a 20% increase in floor space. This increase, particularly when taking into account the thick walls and associated floor space:footprint ratio of the approved scheme, would be considered broadly the same for the purposes of this policy.

The volume of the amended scheme is stated to be 187m³, representing a 45% increase in volume, which would normally be beyond what could reasonably be considered broadly the same for the purposes of this policy.

In support of the application, the applicant notes that the use of two storey buildings over single storey is encouraged within the Plan, as making a more effective and efficient use of land. It is also acknowledged that the approved scheme related to a small building and that whilst, proportionately, the increase in volume exceeds that normally permissible, in absolute terms the increase is only 58m³ and the scale of the building would not alter significantly. As set out within the application, the proposed increase would enhance the standard of the accommodation provided which, as approved, barely met the Guernsey Technical Standards for single person occupancy. Furthermore, as set out below, the application proposes several enhancements to the sustainability of the design, some of which are facilitated through the selected form, and consequently drive the volume of the build. On balance, and considering the above, it is concluded that the increase in volume proposed under this application is acceptable in this case.

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

The building is not of notable historical significance; however it is a vernacular building which forms part of the building group at La Pomare Farm and is prominent in views from Rue de la Pomare. The building appears on the 1898 map and, although the structure has been subject to alterations over time, it remains of simple agrarian form and makes a positive contribution to the character of this area. This contribution is not however considered to achieve the “particular” positive contribution referenced in this criterion, and further consideration against this criterion would not be required.

The requirements of Policy GP8 (Design) however go further than this criterion, and require a development to achieve a good standard of design which makes an efficient and effective use of land and respects the character of the local built environment, whilst providing soft and hard landscaping where this reinforces local character and mitigates the impacts of the development. In this case, the proposed replacement building would be of appropriate form, design and materials in its context, and would remain subservient to the farmhouse at the site. Additional planting is proposed to the south of the building to ameliorate any visual impacts. Whilst no details are provided of the proposed planting, this could be controlled by condition. The proposed scheme would therefore achieve a good level of design, which would not have any adverse impacts on the character of the area, in accordance with Policy GP8 (Design).

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

This criterion reflects the requirements of Policy GP9(a) (Sustainable Development).

The proposal is to re-use the existing building material and excavated matter wherever possible, crushed as hardcore, within the wall construction or as part of

the landscaping of the site. The submitted letter states that the proposed materials have been selected due to their low embodied energy, and the capacity for the building to achieve high levels of thermal efficiency.

The building is stated to be designed to allow for managed solar gain and, following deferral, photovoltaic roof tiles are also proposed; although the proportion of those tiles is not confirmed in the application material this can be controlled by condition.

A rainwater harvesting system forms part of the design of the building and electric vehicle and bicycle charge points are proposed.

There will be a reduction in the amount of hardsurfacing, with that to the rear of the building reduced and the proposed parking located on an existing area of tarmac.

Overall, it is considered that the improvements in sustainable construction outlined within the application would be sufficient to meet the terms of this criterion.

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

The existing building is positioned against rising land, and is viewed amongst the dwellings on the north-east side of Rue de la Pomare. The new dwelling would be located in a similar position and on a similar footprint to the existing building and, although of greater height, would not have a significantly greater impact on landscape character or openness.

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

This criterion is reflected in Policies GP8(d) and GP9(b).

The orientation of the building, positioning of fenestration and relationship with both the neighbouring property and the existing dwelling at the application site, would prevent any adverse impacts on the amenity of those properties.

Access, parking and amenity

Access would be retained through the existing access point to the site. Parking and amenity provision is appropriate for the size of dwelling, and matches that previously approved as part of the conversion scheme. Covered cycle storage is provided. The proposals would therefore accord with Policies GP8(d), IP6 (Transport Infrastructure and Support Facilities), IP7 (Private and communal car parking) and IP9 (Highway Safety, Accessibility and Capacity).

Accessibility, adaptability and waste management

Whilst the mezzanine floor cannot be fully accessible, the ground floor is open plan, being accessible for all users and allowing potential for remodelling to suit any future changes in occupier needs, in accordance with Policy GP8 (f)&(g).

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

Conclusion

On balance, the proposal is considered to accord with the purpose of the Law, material considerations and relevant planning policies and approval is recommended.

Date: 29/03/2023

