

THE LAND PLANNING AND DEVELOPMENT (GUERNSEY) LAW, 2005

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

NOTIFICATION OF REFUSAL OF PLANNING PERMISSION

PROPOSALS: Demolish existing building and erect dwelling with associated landscaping and parking and widen vehicle access.

LOCATION: Le Grand Fort, Les Salines Road, St. Sampson.

APPLICANT: Mr & Mrs Prevel

I refer to the application referred to below received as valid on 13/12/2022 regarding the above proposals as described more fully in the application and drawings referred to below.

Date of refusal of permission: 24/05/2023

Drawing Nos: JG Architecture - 2244 02.01A, 02.02A & 02.03

Application Ref: FULL/2022/2299

Property Ref: B016470000

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

1. The proposed development would not be of broadly the same volume as the approved conversion scheme and the proposal would therefore be contrary to Policy GP16(B)b) of the Island Development Plan.

As the development would not comply with Policy GP16(B), there would be no policy gateway under Policy OC1 (Housing Outside of the Centres).

OTHER REMARKS:-

Right of appeal against planning decisions

Your attention is drawn to the provisions of Section 68(1) of the Land Planning and Development (Guernsey) Law 2005, which provides a right of appeal, against a decision to refuse an application for planning permission or outline planning permission to the Planning Tribunal on the merits. An appeal to the Planning Tribunal

under section 68 of the Law against this decision must be made before the expiry of the period of six months beginning with the date on which the Authority made this decision.

Copy of representations made

In reaching this decision the Development & Planning Authority took into account any written consultations made under Section 11(1) of the Land Planning and Development (General Provisions) Ordinance, 2007 ('the Ordinance'). A copy of any consultation responses made to the Authority under section 11 will be included with this decision in accordance with section 19 of the Ordinance.

A J ROWLES

Director of Planning
Planning Service



PLANNING APPLICATION REPORT

Application No: FULL/2022/2299
Property Ref: B016470000
Valid date: 13/12/2022
Location: Le Grand Fort Les Salines Road St. Sampson Guernsey GY2 4FG
Proposal: Demolish existing building and erect dwelling with associated landscaping and parking and widen vehicle access.
Applicant: Mr & Mrs Prevel

RECOMMENDATION - Refusal with Reasons:

REASONS FOR REFUSAL

1. The proposed development would not be of broadly the same volume as the approved conversion scheme and the proposal would therefore be contrary to Policy GP16(B)b) of the Island Development Plan.

As the development would not comply with Policy GP16(B), there would be no policy gateway under Policy OC1 (Housing Outside of the Centres).

OFFICER'S REPORT

Site Description:

The application site encompasses a dwellinghouse known as Le Fort, an associated self-catering unit and glasshouses located within the recognised domestic curtilage to the east of the site. The curtilage extends approximately 60m back from the roadside, and omits a strip of land to the west, containing a former packing shed, which forms the subject of this application, and a span of glass along that boundary. The packing shed comprises a pitched roof structure clad in asbestos and includes first floor storage.

The site is located to the north of Les Salines Road and is bounded by a residential property to the west and agricultural land to the north, east and across the road to the south.

The whole of the dwelling known as Le Fort is protected, together with the outbuilding to the south-east and the roadside wall and railings immediately to the front of those buildings. The building and section of roadside wall which forms the subject of this application is not included in the listing.

The site is located Outside of the Centres in the Island Development Plan.

Relevant History:

FULL/2019/2258 Convert packing shed to dwelling, erect porch to east elevation.
Demolish section of glasshouse. Approved 23/12/2020

Existing Use(s):

Agricultural Use Class 28
Residential Use Class 1

Brief Description of Development:

Permission is sought under this application to demolish the existing packing shed and to erect a new one bed dwelling to the north-east of that shed. The existing access on to Ruelle du Frocq would be retained, and widened from 2.8m to 3.46m, with parking provided between the new dwelling and the road. Domestic curtilage for the new dwelling would be retained in the south-west corner of the site, encompassing part of the redundant glasshouse land and part of the domestic curtilage associated with Le Fort. Following deferral, all of the glasshouse along the west boundary is to be demolished.

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

OC1	Housing Outside of the Centres
OC5(B)	Agriculture Outside of the Centres – Outside of the Agriculture Priority Areas
OC7	Redundant Glasshouse Sites
GP1	Landscape Character and Open Land
GP5	Protected Buildings
GP8	Design
GP9	Sustainable Development
GP15	Creation and Extension of Curtilage
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:

None received.

Consultations:

None undertaken on the current application. In respect of the previous application, the following consultation responses were received and remain relevant in respect of the current application:

Environmental Health

I have reviewed the proposed plans for Le Grand Fort which were received by post on 29th November 2019 and there are a number of issues of concern that I must raise. I have reviewed the historic records and note that the glass house is not detailed as being heated. There is also evidence of a pond that has been infilled on the site at some point, although this area is not detailed as being part of the proposed development. Although this is the case I would be grateful if the following informative could be provided to the applicant:

Discovery Strategy (not to be applied as a condition but rather an informative to be applied to any applications that may raise concerns)

If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted to Planning Services a method statement to identify, risk assess and address the unidentified contaminants, and obtained written agreement from the Department for the works to continue. Any subsequent works shall be carried out only in accordance with the conclusions and recommendations contained in the agreed report.

Health and Safety Executive

The HSE does not currently advise against the proposal.

I recommend that the following conditions are put in the planning approval.

1. A full asbestos survey must be carried out by a competent person, in accordance with the Guidance set out in the '*Control of Asbestos Approved Code of Practice 2013 (rev 2017)*' (ACoP) prior to the commencement of any works.

N.B. This is **NOT** a structural survey, rather a specialist report regarding the integrity of the asbestos containing material in the context of health and safety requirements. It must be undertaken by a competent asbestos surveyor with specific attention given to the suitability of the encapsulation proposed.

2. Any actions identified by the competent person, in the survey, must be followed. For example, where it is advised that damaged asbestos containing material is removed, then it must be removed.
3. A management plan must also be drawn up and kept by the dutyholder, in this case JG Architecture, and the owner of the property.
4. I must make it unequivocally clear that it is important for JG Architecture, and the owner, to keep the management plan on file. It must be kept up to date, reviewed and must be passed on to any future owners as well as relevant contractors at any time work is undertaken. This must be carried out in accordance with guidance set out in the '*Control of Asbestos Approved Code of Practice 2013 (rev 2017)*' (ACoP).

5. For the avoidance of doubt this is because the duties set out in the Health and Safety at Work (General) (Guernsey) Ordinance 1987, remain firmly with the duty holder. In this case JG Architecture (see section 2(1)), and the property owner, where part of a business.
6. If the property owned does not form part of a business i.e. it is a domestic property in private ownership, the duties referred to in point 5 remain with JG Architecture.
7. If JG Architecture are unsure or do not agree with anything identified by the competent advisor, referred to in points above, they are at liberty to obtain a second opinion.

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).**

Redundant Glasshouse Site

The application site is located partially on a redundant glasshouse site, and the principle of development must therefore be considered against Policy OC7 (Redundant Glasshouse Sites). The criteria of that policy were considered under the previous application for conversion of the packing shed at this site, and were found to be met. The current proposal would not change this assessment in respect of criteria a)-h) of that policy.

Following deferral, the application continues to include the demolition of the existing glasshouse, in accordance with criterion iv). Were the application to be approved that matter could be controlled by condition, provided the application site boundary was amended to include the whole of the site.

The remaining criteria of Policy OC7 will be addressed as part of the assessment below.

The principle of residential development

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 23/12/2020, under reference FULL/2019/2258.

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 approved scheme was for a single unit with combined one bed/living accommodation. The current proposal remains for a single one bed unit, but providing independent bed and living accommodation.

The floor space of the approved scheme is stated to be 26.01m², which accords with the floor space cited in the report for the previous application (allowing for more accurate measuring with a computer system), and the volume is stated to be 102m³, which also matches the approved plans.

The floor space of the proposed scheme is stated to be 34.72m², representing a 23% increase on the floor space of the approved scheme. This increase, taking into account the small size of the existing building and therefore the relatively limited size of the additional floorspace in absolute terms, could be considered “broadly the same” for the purposes of this policy and would allow for provision of better quality accommodation as opposed to increasing the level of accommodation provided.

The volume of the proposed scheme is stated to be 172.7m³, representing a 69% increase in volume. The proposed increase in volume would comprise a material difference and would exceed what could reasonably be considered to be broadly the same as the approved conversion scheme. The proposal would therefore be contrary to the requirements of criterion b).

The proposed increase was initially stated to be necessary due to the upgraded thermal envelope required under the Building Regulations. The increased volume however appears to be predominantly through the inclusion of a large roof, and there is nothing within the submitted sustainability statement which indicates a requirement for such a roof.

The application was deferred to seek a reduction in the proposed volume of the building. The building has however been retained as initially proposed, and the agent

states that, in considering the increased volume, the following points should be taken into account:

- The volume has been designed to sit well in the streetscene (building lines are referenced, however this does not appear to be relevant to volume);
- The site is in close proximity to a Local Centre and, if falling within that Centre, a dwelling could be constructed without constraint on size and volume. It is requested that this be considered as a minor departure to Plan policy and considered in respect of the Local Centre policies;
- The building has been designed to allow future conversion of the attic space to allow expansion to accommodate future needs and allow for flexible living, whilst making an effective and efficient use of land.

The design of the building and contribution to the character of the area are assessed further below, however, whilst it may be that the proposed building would be acceptable both in terms of the character of the area and the setting of the protected building, it is not to say that a smaller building could not be equally successful and no evidence has been provided to demonstrate this could not be the case.

In respect of the position relative to a Local Centre, those Centres are clearly defined and the boundaries were informed through the consideration of a number of criteria at the time of the preparation of the Island Development Plan. Policies which apply within the Local Centres do not and cannot form a material consideration for development which falls Outside of those Centres, nor can those boundaries be reviewed through the application process. Any change to boundaries defined within the Island Development Plan could only be considered as part of a comprehensive review of that Plan. The designation of Centres and requirements of policies relating to development outside of those Centres are specifically designed in relation to a number of identified criteria and issues, and in accordance with strategic policy. To consider the current proposal against the Local Centre policies would not therefore comprise a minor departure to Plan policy.

The broad planning policy context of seeking to make the most efficient use of land, and to encourage the provision of adaptable and flexible accommodation, is acknowledged, however that context does not override the need to comply with specific policy requirements and does not allow for unconstrained development where policy sets specific constraints. The provision of adaptable accommodation is not therefore considered to outweigh the requirement for development to be of broadly the same volume as the approved conversion scheme.

The proposed building cannot be considered to be of broadly the same volume as the approved conversion scheme, and the additional information provided following deferral is not considered to justify the extent of increase proposed, nor to demonstrate that the proposal would comprise a minor departure to Plan policy under Section 12(2) of the Land Planning and Development (General Provisions) Ordinance, 2007.

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;

As identified in the assessment of the previous application, the building could not be considered a building of character. The building is a former horticultural structure of utilitarian form and design. Further consideration against this criterion would not therefore 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 building forms part of the setting of a protected building and Policy GP5 (Protected Buildings) would also apply. Subsequent to the previous approval, the Strategy for Nature has also been adopted as Supplementary Planning Guidance and must be given consideration.

The area is located to the south-west of the L'Islet Local Centre. The land to the east and north of the site, located between the site and the Local Centre, comprises undeveloped open land. Whilst the land immediately across the road to the south of the site comprises agricultural land, the southern side of that road is otherwise characterised by relatively high density 1950s ribbon development, and this form of development extends along Roncefer Road to the west, interspersed with pre-1900 buildings, including that immediately to the west of the site. With the exception of the building which forms the subject of this application and the self-catering unit located at the same site, built form in this area is generally set back from, and orientated to face towards, the highway.

The current application would reposition the building, moving it away from both the west and roadside boundaries, and re-orientating the structure to the road. Whilst this would reduce the variation along the road, the repositioned dwelling would be set back behind the building line of the more substantial dwellings to either side, limiting views of the structure to the section of road immediately in front of the site and from along the pedestrian footway known as Le Fort to the south. The positioning, scale, form and materials proposed would limit the visual impacts of the building from outside of the site and would represent a good standard of design which respects the character of the local built environment.

In respect of the setting of the protected building at the site, whilst the form and positioning proposed would not be characteristic of an ancillary structure to that building, given the distance to that building and proposed design, it would be read as a separate element and would not have any adverse impact on the setting of the protected building.

The existing mature hedging is to be retained along the roadside and additional planting is shown to be undertaken along the north and east boundaries of the proposed curtilage. A detailed landscaping scheme has not been provided. Whilst criterion v) of Policy OC7 does require provision of an appropriate landscaping scheme as part of an application, the submitted information is sufficient to demonstrate an appropriate extent of planting and the details could be controlled by condition, provided the application site boundary were amended to include the areas of planting.

The extent of hard landscaping is addressed below.

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 existing building is finished in corrugated sheeting and it is acknowledged that the thermal properties of the building are likely to be poor.

The submitted information demonstrates that the proposed building will achieve a significantly higher thermal performance, not only through construction methods and materials which meet the requirements of the Guernsey Technical Standards, but also through the re-orientation of the building, positioning of fenestration and an internal layout which maximises opportunities for solar and daylight gain.

The proposals also details the reuse of demolition material where possible and the use of permeable hardsurfacing.

On balance it is considered that the improvements in sustainable construction outlined within the application would be sufficient to meet the terms of this criterion, and implementation of these features can be controlled by condition.

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;

Taking into account the existing built form on and adjacent to the site, boundary features and landscaping, the site does not make a significant contribution to landscape character or openness and the repositioning of the building as proposed would not have any significant impacts in respect of this criterion.

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 current application would set the proposed dwelling further from the boundary with the adjacent property to the west when considered against the approved scheme, and would not have any adverse impacts on the amenity of that property.

The repositioning of the dwelling would move the structure towards the existing dwelling at the site, however the separation distance to that dwelling, the restriction in the number and height of windows in the facing elevation and the provision of robust boundary planting would prevent any adverse impacts on the amenity of that property.

The amenity space associated with the existing dwelling is generous and the proposed development would retain ample amenity space to serve that dwelling.

Creation of curtilage

The creation of domestic curtilage was assessed against the relevant policies under the previous application for conversion and found to be acceptable. The current application would include the change of use of the same section of land (that to the east already comprising domestic curtilage) and there has been no change in policy or circumstance which would alter the previous assessment. Additional landscaping is to be provided as outlined above.

Access, parking and amenity

Access would be retained through the existing access point to the site, widened to 3.46m. The proposed width would be reasonable to serve a domestic property and any impacts on the character of the area would be mitigated by the proposed reinstatement of the existing gate pillar, which can be controlled by condition. Whilst sightlines from the access would be impeded by the roadside boundary treatment, taking into account the existing situation, level of traffic likely to be associated with the proposed development and that the adjacent road is a Neighbourhood Road, road safety concerns are not significant. The provision of access would therefore accord with Policies GP8 (Design) and IP9 (Highway Safety, Accessibility and Capacity).

As part of the deferral of the application concerns were raised regarding the extent of hardsurfacing proposed for the driveway and parking area, particularly taking into account that the size of the proposed accommodation was only appropriate for single person occupancy (as set out within the Guernsey Technical Standards). Whilst the extent of hardsurfacing has been reduced slightly, the provision remains disproportionate to the size of dwelling proposed. The provision is not however dissimilar to that previously approved. Considering the above, together with the permeable nature of the surfacing and the screening provided by the roadside hedging, it is considered, on balance, that the extent of surfacing proposed would be acceptable. Further extension of the surfacing could be controlled through limitation of exemption rights by condition.

Details of covered cycle storage was also requested as part of the deferral, in accordance with the requirements of Policy IP6 (Transport Infrastructure and Support Facilities) and the Parking Standards and Traffic Impact Assessment Supplementary Planning Guidance. The revised plans indicate provision of a "Planning Exempt" storage shed. Planning exemptions would not come in to force until such time as the dwelling has been constructed, however details and implementation of the storage can be controlled by condition.

Amenity space provision is appropriate in terms of size and quality for the proposed dwelling.

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

The accommodation is arranged over a single floor and is accessible for all users, whilst the building design is adaptable 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.

Other matters

Policy GP16(B) only provides a gateway for the proposed development where the proposal is for the demolition and redevelopment of an existing building. In this case, as the proposed replacement building is not located within the footprint of the existing building, it would be necessary to ensure that the existing building is demolished within a reasonable timeframe of the construction of the new building through the application of a condition to the decision.

Conclusion

From the assessment set out above it can be concluded that the proposed development would accord with the requirements of the cited planning policies, with the exception of Policy GP16(B)(b). The proposed redeveloped scheme would comprise a 69% increase on the volume of the approved conversion scheme and could not therefore be considered to be of broadly the same volume as that scheme.

The proposed development would therefore be contrary to Policy GP16(B) and there would be no policy gateway for the development under Policy OC1. Consequently it is recommended that the application be refused.

Date: 24/05/2023