

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 dwelling, erect 3 dwellings with associated landscaping and parking.

LOCATION: La Grande Lande Vinery, La Grande Lande, St. Saviour.

APPLICANT: Mr & Mrs J De Garis

I refer to the application referred to below received as valid on 05/01/2023 regarding the above proposals as described more fully in the application and drawings referred to below.

Date of refusal of permission: 22/03/2023

Drawing Nos: 2203 / 4, 5, 6, 7, 8. Sustainable Construction Appraisal and Biodiversity Net Gain Landscaping Proposals.

Application Ref: FULL/2023/0102

Property Ref: E00619B000

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, if permitted, would result in the undesirable spread of built development (unit 1) substantially beyond the existing footprint of the existing dwelling without adequate justification. As a result, the development would result in the unnecessary loss of open and undeveloped land and would have an unacceptable impact on the open landscape character of the area contrary to Policy GP1 of the Island Development Plan.

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/2023/0102
Property Ref: E00619B000
Valid date: 05/01/2023
Location: La Grande Lande Vinery La Grande Lande St. Saviour Guernsey
GY7 9YY
Proposal: Demolish dwelling, erect 3 dwellings with associated
landscaping and parking.
Applicant: Mr & Mrs J De Garis

RECOMMENDATION - Refusal with Reasons:

CONDITIONS/REASONS FOR REFUSAL

1. The proposed development, if permitted, would result in the undesirable spread of built development (unit 1) substantially beyond the existing footprint of the existing dwelling without adequate justification. As a result, the development would result in the unnecessary loss of open and undeveloped land and would have an unacceptable impact on the open landscape character of the area contrary to Policy GP1 of the Island Development Plan.

OFFICER'S REPORT

Site Description:

The dwelling at La Grande Lande Vinery is situated to the east of La Grande Lande. It is a detached bungalow set back from the road. The roadside boundary is marked by an earthbank. The front and side garden (north) are lawned with various trees to the north of the dwelling. There are ancillary domestic outbuildings within the site.

Vehicular access is to the south of the dwelling and is shared with the former vinery site. Access is via the south boundary and hardstanding and turning exist within the site. The south boundary with the vinery access is marked by a fence.

The site is located Outside of the Centres and within the Agriculture Priority Area as designated in the Island Development Plan.

Relevant History:

FULL/2021/2139 - Sub-divide dwelling to create 3 dwellings and associated parking and landscaping – granted

FULL/2022/1717 - Variation to previously approved plans to sub-divide dwelling to create 3 dwellings and associated parking and landscaping - erect single storey extensions and solar panels and alter boundary fencing to east (rear) of property of all 3 units – granted

The extent of domestic garden associated with the existing dwelling was defined in 2018. It incorporates the land to the north of the dwelling and the land between the walled garden of the dwelling and access driveway to the east.

Existing Use(s):

01 dwellinghouse
28 agriculture

Brief Description of Development:

The application relates to the demolition of the existing dwelling and the construction of one pair of semi-detached two-storey dwellings and one detached single-storey dwelling on the site. The existing garden room and sheds are shown to be retained and, where appropriate, relocated.

Unit 1 and 2 – lounge/diner, WC, plant room and lounge on the ground floor and three bedrooms and a bathroom on the first floor

Unit 3 – open plan kitchen, dining, lounge, WC/plant room, bathroom and two bedrooms

Parking for units 1 and 2 is shown to be provided via the existing access road along the south site boundary which serves the agricultural land beyond. Units 1 and 2 will be served by two spaces each, to the rear of the dwellings. Parking for unit 3 is shown to be at the front of the site, via the existing access. Parking for multiple vehicles is shown to be provided in association with Unit 3. Each property is shown to be provided with an electric vehicle charging point. Cycle storage is identified as being available in the retained outbuildings on site.

The scheme also shows the provision of air source heat pumps but does not include any details of the proposed equipment for these to be considered in more detail.

The application has been accompanied by a Sustainable Construction Appraisal, two Waste Management Plan documents and a Biodiversity enhancement Landscaping proposal.

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

OC1: Housing Outside of the Centres
GP8: Design
GP9: Sustainable Development
IP6: Transport infrastructure and support facilities
IP7: Private and Communal Car Parking

Representations:

La Societe Guerneslaise - In respect of this application, we would question whether it meets the various requirements of Policy OC1; Housing Outside of the Centres. We would highlight that as the existing building is to be demolished and relocated, the subdivision would not be of an existing building.

In considering the biodiversity and landscaping elements, we would point out that the information provided is near-identical to proposals we have seen produced for other applications; it contains the same references to species which are not applicable to Guernsey including various moths, butterflies and dormice.

La Societe remains concerned that biodiversity proposals are being drawn together using outside sources of information (such as the internet). Without appropriate local expertise regarding suitable or relevant species and management of the area, the biodiversity gains are likely to be compromised, possibly to a significant degree.

We accept that some aspects of the proposals might be broadly suitable, but it is not possible to determine this without considering the existing habitats of the site and how the property might be maintained over the long term.

We wish to advise that La Societe would be able to assist with such measures, for example to arrange surveys of the existing site and to provide suitable recommendations on how the land could be enhanced in terms of its ecological value by appropriate native planting and ongoing maintenance.

Consultations:

None

Summary of Issues:

The key issue in this case relates to the principle of redeveloping the site with three dwellings in the layout and form currently proposed.

Assessment against:

1 - Purposes of the law.

The objectives set out in Section 1(2) of The Land Planning and Development (Guernsey) Law, 2005, 'the Law', have been considered and this report forms part of the assessment, with policy issues set out in Section 2 below.

2 - Relevant policies of any Plan, Subject Plan or Local Planning Brief.

Planning permission was granted under application reference FULL/2021/2139 for the subdivision of the existing dwelling into three residential units. The application to

construct three new dwellings, following the grant of permission for the subdivision of an existing building to three dwellings, therefore accords with OC1 i.

The site falls within the Plateau landscape as identified in Annex V of the IDP where the hedge/tree lined lanes which enclose small pastures are interspersed by small, scattered settlements and where in some places pastures have been replaced by glasshouses and residential development. The Plateau landscape is subdivided into a number of subzones and this site is within the Western Plateau subzone, where the landscape is a series of broad erosion platforms stepping down to the west and which is dissected by deeply cut valleys.

The erection of replacement dwellings through Policy OC1 provides an opportunity to revisit the siting of dwellings (for sustainability and character/openness benefits) and should not be constrained by the existing site layout. Paragraph 16.1.10 outlines that there is potential to relocate a structure on the site or to use sustainable techniques to achieve enhancements that would not be possible through subdivision alone.

The scheme proposes the retention of frontage development to La Grande Lande but does not contain the proposed development within the substantial footprint of the existing dwelling. Whilst units 2 and 3 sit within the footprint of the existing, unit 1 falls substantially outside the northern extent of the existing footprint. The scheme does not demonstrate substantial enhancements to sustainable design that would offset the spread of built development northward on the site.

At present the existing dwelling is single-storey in height and the proposed development would, in part, be two-storeys. The spread of the existing dwelling on the site however is such that the rear part of the site is not highly visible from the road frontage. The split of development, a pair of semi-detached houses and a detached bungalow would, in some respects, enhance visual access across the site due to the breakdown of built development into two buildings, with a gap in the centre of the site however, this would not outweigh the effect of the spread of two-storey development to the north of the site and the projection of the development to the northern part of the site would result in the unnecessary loss of open land having a harmful impact on the open landscape character of the area contrary to Policy GP1 of the IDP.

In this instance a request has been made for a minor departure from Policy OC1 ii. of the Island Development Plan. A minor departure can only be accepted where it relates to a very small element of the overall scheme and in all other respects the proposals must accord with the relevant planning policies. Where, as in this case, a proposal fundamentally conflicts with a policy in the Plan it cannot be considered a minor departure. It is therefore recommended that planning permission is refused.

For the reasons set out above, the proposal conflicts with IDP Policy GP1 and the principle of the proposed development is unacceptable. Other more detailed matters such as floorspace and volume; details of design; sustainable development; residential amenity; car/other parking that would ordinarily be relevant to the determination of this application have consequently not been the subject of full and detailed assessment. It should be noted that although no detailed assessment of these issues has been

carried out as part of this application and as such they do not form the basis for any additional reasons for refusal, this does not mean that this application is acceptable in those respects.

3 - General material considerations set out in the General Provisions Ordinance.

In addition to the consideration of policy issues, Section 13 of the Land Planning and Development (General Provisions) Ordinance, 2007 identifies other material planning considerations which could be relevant. These include; the appropriateness of the development in relation to its surroundings in terms of design, layout, scale, siting and materials; the likely effect on the character and amenity of the locality; any possible fall-back position by way of extant planning permissions or exempt development; the likely effect on the reasonable enjoyment of neighbouring properties. Where relevant these issues have been taken into account in the consideration of this application.

4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).

The proposal would have no adverse impact on protected trees, buildings or sites.

Date: 20 March 2023