

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: Replace and raise the roof and alterations to fenestration in connection with approval to convert building into dwelling (FULL/2021/0445) with associated change of use of agricultural land to domestic garden.

LOCATION: Stanmore Vinery, Rue Des Petite Hougues, Vale.

APPLICANT: Mr L Turian

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: 08/06/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 02/02/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Arctech - JT-20-02B, Landscaping scheme ref: RDPH-LT-092022 (Rev B) (Date stamped received 23/05/2023)

Application Ref: FULL/2023/0272

Property Ref: C00506B000

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 landscaping scheme hereby approved (ref: RDPH-LT-092022(RevB) date stamped received 23/05/2023) shall be fully completed in accordance with approved details contained within, in the first planting season following completion of the development, or first occupation (whichever is the sooner). 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 in the interests of visual amenity and biodiversity.

5.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 07/06/2026 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

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/2023/0272
Property Ref: C00506B000
Valid date: 02/02/2023
Location: Stanmore Vinery Rue Des Petite Hougues Vale Guernsey GY3 5NE
Proposal: Replace and raise the roof and alterations to fenestration in connection with approval to convert building into dwelling (FULL/2021/0445) with associated change of use of agricultural land to domestic garden.
Applicant: Mr L Turian

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 landscaping scheme hereby approved (ref: RDPH-LT-092022(RevB) date stamped received 23/05/2023) shall be fully completed in accordance with approved details contained within, in the first planting season following completion of the development, or first occupation (whichever is the sooner). 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 in the interests of visual amenity and biodiversity.

5. 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.

OFFICER'S REPORT

Site Description:

The application site comprises a former vinery site situated to the south of Rue des Petites Hougues. Situated in the northeast corner of the site is a former packing shed. Surrounding the site, the area comprises residential properties to the north, south and west. Beyond the properties to the south and west are open fields. To the east the site borders an agricultural field with residential properties beyond.

The site is situated Outside of the Centres as designated in the Island Development Plan.

Relevant History:

FULL/2021/0445 - Convert building into dwelling - granted

Existing Use(s):

Agriculture

Brief Description of Development:

The application relates to the removal of the existing roof covering and structure and its replacement with an increased pitch and slate roof along with alterations to fenestration and the installation of PVCu windows.

The scheme also proposes the change of use of the land immediately surrounding the building to domestic use (as previously approved).

A letter from the planning agent sets out that the design has been reviewed following approval and a replacement roof and windows would be more efficient and effective than the retention of these existing elements of the building as required by GP16(A), substantial alteration. It is noted that the changes represent less than a 5% increase to the volume of the building but all other material considerations are unchanged from the previous approval.

The application was deferred in order to seek further information regarding sustainable development/construction and to ensure that the Strategy for Nature SPG was satisfactorily addressed in relation to the change of use of agricultural land to domestic garden associated with the new dwelling.

Information was submitted by letter dated 5th May 2023 to demonstrate sustainable design techniques and a landscaping plan/scheme has been submitted to address the advice contained within the Strategy for Nature SPG.

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

Island Development Plan policies:

OC1	Housing Outside of the Centres
OC5(B)	Agriculture Outside of the Centres – Outside of the Agriculture Priority Areas
GP1	Landscape character and open land
GP8	Design
GP9	Sustainable Development
GP15	Creation and extension of curtilage
GP16(A)	Conversion of redundant buildings
GP16(B)	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 by email dated 14th March 2023 stated the following:

“La Societe remains concerned over the reclassification of agricultural land to domestic curtilage. However, as the Island Development Plan currently permits the consideration of such applications, we seek to optimize ecological gains in such cases wherever possible.

We would highlight that the application does not specify the proposed area of land to be converted to domestic curtilage. Although we could assume it is the area highlighted in green on the associated plan, we could not confirm this as the drawing is ambiguous. Further, the application refers to a landscaping plan (Schedule 1) but we could not locate this information. As such we cannot assess the plans in respect of their requirements to achieve a net biodiversity gain overall.

We wish to advise that La Societe would be able to assist with such biodiversity 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.

La Societe can be contacted by emailing info@societe.org.gg”

By email dated 16th February 2023 a local objected to the scheme on the grounds that the application lacks in detail and does not satisfy the Strategy for Nature requirement and that further details should be submitted.

Consultations:

None.

Summary of Issues:

The key issues in this case relate to the principle of the proposed partial demolition works along with the design and appearance of the development and its effect on the character and appearance of the locality and on residential amenity.

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 has previously been granted for the conversion of a redundant building on the site and policies OC1, OC5(B) and GP16(A) have thus been satisfied and the scheme must now be considered with regard to Policy GP16(B) and other relevant policies of the Island Development Plan. The scheme does not therefore, need to demonstrate that the whole building is capable of conversion without substantial alteration or rebuilding nor that the scheme can be achieved with only a modest extension.

Policy GP16(B) sets out that the demolition and redevelopment of a building that accords 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. There are specific criteria that must be addressed which are assessed in detail below:

a) the conversion scheme has first been granted planning permission

Planning permission was granted for the redevelopment of the existing buildings under planning reference FULL/2021/0445 therefore Policy GP16(B) criterion a) has been addressed in this case.

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 2021 planning application related to the formation of a single unit of residential accommodation (1 bedroom, bathroom and open plan living space) and the current scheme also proposes a single dwelling with identical internal layout in accordance with criterion b).

The submission sets out that the floor space would be unchanged and the volume by less than 5%. Both remain within acceptable limits in line with the aims of criterion b) of Policy GP16(B) of the Plan.

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 existing building does not make a particular positive contribution to the character of the area. In this case however, the majority of the building is to be retained and the proposed alterations will improve the external appearance of the building and its contribution to the surrounding area. Policy GP16(B) criterion c) is satisfied.

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

Following the deferral of the application additional information has been submitted to demonstrate how the proposal will result in significantly enhance the sustainable design.

The information confirms that the scheme intends to retain the external walls of the building and to install replacement windows and door and to erect a fully insulated slate roof rather than encapsulate the existing sheeting.

The agent states that the proposed replacement windows and doors and the new roof meets and exceed the Building (Guernsey) Regulations, 2012 and saves the concept of corrugated sheeting encapsulation. The new roof is also structurally better with a longer lifespan and a much higher insulation level for Part L1 of the regulations. Its design is traditional, and use of materials that are 100% recyclable should the building ever be demolished.

The scheme therefore this criterion of Policy GP16(B).

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 conversion scheme considered under Policy GP16(A) included the same extent of curtilage as is now proposed. There is no change as part of this redevelopment scheme. The impact of the development on the landscape character is assessed elsewhere in this report and is therefore also satisfied in relation to Policy GP15. Policy GP1 is also relevant in relation to the impact on open and undeveloped land.

Whilst there is open land surrounding the site, the building itself would be located adjacent to the road forming part of the ribbon development that currently exists in the vicinity and with land to the south of the site retained as open and undeveloped agricultural land. The Island Development Plan sets out that a development should have “no increased impact” on the character or openness of an area. The siting of the dwelling, adjacent to west boundary will maintain the openness of the area. The location of the dwelling also ensures that it does not appear entirely isolated from existing built development in the vicinity. The building will not be larger nor significantly taller than the existing and the development will not have an adverse impact on the landscape character or the openness of the area.

Although the site is not situated in an Area of Biodiversity Importance (GP15 criteria b.) in line with the States’ Strategy for Nature, 2020, which has been adopted as Supplementary Planning Guidance, an application involving the change of use of agricultural land to domestic garden must demonstrate environmental benefits in respect of biodiversity that will be incorporated should planning permission be granted. Following deferral of the application a landscaping plan/scheme has been

submitted to show the planting that will be incorporated into the scheme. The landscaping plan is acceptable in terms of biodiversity improvements and will help the development to assimilate into its surroundings.

It is recommended that a condition is included on any permission to ensure that the planting is completed in a timely manner.

The proposed development would not have an adverse impact on the openness of the area and complies with Policy GP16(B) criterion e).

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 matter is considered in more detail below with regard to Policy GP8 of the Island Development Plan. Policy GP8 supports development that achieves good design that respects the local character but demonstrates an effective and efficient use of land and uses soft and hard landscape where appropriate to help mitigate and/or assimilate a scheme within its setting. The policy recognises the importance of development of a residential nature to allow for flexibility and adaption to suit needs whilst also assuring that proposals have addressed the health and well-being of the future occupiers and neighbours.

As outlined above, the siting of the building will not result in harm to the openness and character of the area. The proposed dwelling does represent a good standard of architectural design that respects the local built environment as set out in more detail above. The scheme accords with Policy GP8 criteria a) and c) of the Island Development Plan.

The siting and layout of the dwelling is such that it will not result in overshadowing, loss of sunlight/daylight or unacceptable overlooking of any neighbouring dwellings. The scheme therefore satisfactorily considers the health and well-being of neighbours of the development in line with the aims of Policies GP8 and GP9 of the Plan.

The external space provided to serve the dwelling would be satisfactory and offer an attractive outlook from the dwelling. Overall, the proposed dwelling would provide an adequate living environment, in accordance with Policy GP8(d) and Annex I: Amenities having regard to the health and well-being of occupiers of the development with regard to sunlight/daylight and amenity space.

The accommodation is on a single level, without stepped access with open plan living. The layout of the building is such that it offers flexible and adaptable accommodation that can respond to the needs of occupiers over time. Furthermore, the property could also be extended (subject to relevant permissions). Overall, the scheme therefore demonstrates accessibility to and within the building for people of

all ages and abilities, offering flexible and adaptable accommodation that can respond to people's needs over time.

Parking

Policies IP7 and IP9 relate to private car parking and highway safety, accessibility and capacity respectively. The scheme proposes adequate off-road parking to serve the development and turning would be in the field access adjacent to the west site boundary, as previously approved. No alterations are proposed to the previously approved access arrangements which were considered to comply with the IDP.

Change of use of agricultural land to domestic garden

Turning to the change of use of agricultural land to domestic garden, the area of land proposed for garden has not altered from the approved conversion scheme and was considered to meet the aims of Policy GP15. There has been no change in the submission nor the policies against which the proposal must be considered and therefore the conclusion regarding the use of land remains unchanged. As amended the scheme satisfactorily addresses the requirements of the Strategy for Nature and the implementation of the information shown on the application drawings can be controlled by planning condition.

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. These issues where relevant are considered above.

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: 06/06/2023

