

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

NOTIFICATION OF GRANT OF PLANNING PERMISSION

PROPOSALS: Convert and alter building to create office with associated parking and landscaping and relocate vehicle access (revised scheme).

LOCATION: Former packing shed at, La Grande Rue, Vale.

APPLICANT: Panda Holdings Ltd

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: 12/05/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 01/02/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Soup Architects: 416_110 (1), _100(1) & _300

Application Ref: FULL/2023/0278

Property Ref: C01414A000

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 development hereby permitted shall be constructed in accordance with the details set out in section 3.11 of the letter from Strategic Planning and Property Ltd dated 16/01/2023 and in accordance with the details shown on the approved plans regarding electrical vehicle charging and permeable paving, and there shall be no use or occupation of the office hereby approved until the solar panels and electric vehicle charging point have been installed and made operational.

Reason - In the interests of sustainable development.

5.Within four weeks of the new access being brought into use, the existing access shall be closed permanently and the land within the highway reinstated.

Reason - To minimise the number of points of access, in the interests of highway safety and visual amenity.

6.Within four weeks of the new access being brought into use, the ends of the new opening shall be finished off using materials and a method of construction which match the remainder of the wall.

Reason - In the interests of visual amenity.

7.No occupation or use of the office hereby approved shall take place until such time as the existing shed has been removed and the parking and turning facilities shown on the approved plan have been completed in accordance with the submitted details.

Reason - To make sure vehicles can enter and leave the site in a forward direction and to provide off-street parking, in the interests of road safety and effective traffic management.

8.The office building shall not be brought into use until the vision splays at the junction between the means of access and the highway have been provided in accordance with the approved plans and thereafter no obstruction to vision exceeding 0.9m in height shall be placed within the splay areas.

Reason - To make sure that drivers leaving the access have adequate visibility of vehicles already on the highway.

9.The landscaping scheme shall be fully completed, in accordance with the details agreed under the terms of this permission, 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 provide biodiversity enhancements in accordance with the Strategy for Nature SPG and to help assimilate the development into its surroundings.

10.The premises shall be used only for office accommodation falling with Use Classes 15 and 16 of the Land Planning and Development (Use Classes) Ordinance, 2017, or in any provision equivalent to that Use Class in any Ordinance revoking or re-enacting that Ordinance.

Reason - Permission has been granted on the basis that the use will be limited to that outlined above. Any other use is likely to raise different planning policy considerations.

Expiry Date: This permission will cease to have effect on 11/05/2026 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/2023/0278
Property Ref: C01414A000
Valid date: 01/02/2023
Location: Former packing shed at La Grande Rue Vale Guernsey
Proposal: Convert and alter building to create office with associated parking and landscaping and relocate vehicle access (revised scheme).

Applicant: Panda Holdings Ltd

RECOMMENDATION - Grant: Planning Permission with Conditions:

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Reason - Permission has been granted on the basis that the use will be limited to that outlined above. Any other use is likely to raise different planning policy considerations.

OFFICER'S REPORT

Site Description:

The building that is the subject of this application is a pitched roof former packing shed/horticultural building situated to the west of La Grande Rue. The building has a corrugated sheet roof (asbestos), timber vehicular access doors to the east elevation with glazing above and glazing runs the length of the north elevation, facing the field. It appears that the glass used may have been taken from greenhouses. The building is set back from the road with an area of hardstanding/off-road parking to the front. An earthbank is situated to the north of the access driveway with the field which extends to the north and west of the building. A tall hedge and dwarf wall are situated along the south site boundary. A wall/bank exists to the eastern field boundary of the application site and a hedge forms the boundary with Riduna to the north.

Residential development is found in the vicinity of the site, with open and undeveloped land to the west and north to La Corvee Road.

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

Relevant History:

The site was in horticultural use from at least 1898 although a structure did not exist in the position of the application building until 1963. The glasshouses had been removed by 1990.

Although the application submission sets out that the building has been used as a domestic garage for a considerable length of time the site was historically a vinery site. The building therefore represents an agricultural building on agricultural land because planning permission has never been sought nor granted for the change of use of the building and access driveway.

FULL/2022/0659 - Convert and alter building to create office with associated parking and landscaping and relocate vehicle access – refused.

The application has not been accompanied by a Structural Report and the application as submitted does not satisfactorily demonstrate that the existing building is of sound and substantial construction and is capable of conversion without extensive alteration or rebuilding. The scheme is therefore contrary to Policy GP16(A) c. of the Island Development Plan.

Existing Use(s):

28 agriculture

Brief Description of Development:

The application relates to the conversion of the building west of La Grande Rue to an office, the formation of a new vehicular access north of the building, infilling the existing access and providing parking and landscaping associated with the proposed development for biodiversity benefits and cycle storage.

The application describes the building as a domestic garage and refers to Cadastre records describing it as such. The application outlines that it has become redundant because it was sold off from the adjoining dwelling and sets out that this is a small-cost effective office space to be used by a sole practitioner.

The application is accompanied by a Structural Report described as a “non-invasive structural report under best practice visual inspection”. The doors and frame to the east elevation are described as being in relatively poor but functional. Reference is made to the effect of mature planting on the adjoining site and its impact on the building foundations. The foundations themselves are at a depth of 450mm with a protrusion of 90mm, suitable for this light structure. A dry concrete floor within the building is noted but its thickness could not be established. Signs of minor building movement were noted to the south wall (a small gap between the junction of the floor and wall) and the rear gable/west elevation is considered to be in reasonable condition with no signs of movement, the removal of ivy etc. from this wall is recommended. The window sills in the north elevation were noted to have little to no signs of damp or rot. The ridge has sagged but the fabric, consisting of minimal timber purlins and ‘A’ frames with a corrugated sheet roof remains watertight.

The survey recommends:

- minor cracking to the northeast corner of the building is stitched with Helifix Helibar or similar
- the installation of new guttering and downpipes are also recommended along with a soakaway to direct water away from the building
- Removal of ivy etc. from the exterior of the building
- Ceiling joists be introduced to help restrain the top of the southern wall

Following the deferral of the application the Engineer confirmed that the alterations will not require structural alterations with lightweight insulated studwork proposed and with Thermoguard fire and protective paint used externally. Additional elevational drawings were also requested by the Planning Service as they were not included as part of the original submission.

Revised plans and written information was provided setting out that the alterations relate to:

- East gable doors and cladding to be repaired and replaced on a like for like basis
- Replace north elevation windows on a like for like basis, timber frame glazing to be repaired
- Repair guttering and downpipes
- Install internal insulation
- New vehicular access and other alterations to the site for parking/landscaping

The revised application drawings refer to the following:

- Existing timber high level glazing to east elevation to be repaired
- Existing fascias and soffits retained
- Existing asbestos roof retained and encapsulated
- Existing timber framed glazing repaired (north elevation)
- Removal of timber shed
- Existing solid timber door to be replaced with timber frame window and door (east elevation incomplete)
- New PVCu rainwater goods

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

Island Development Plan policies:

OC5(B): Agriculture Outside of the Centres – outside the Agriculture Priority Areas

GP16(A): Conversion of Redundant Buildings

OC3: Offices, Industry and Storage and Distribution Outside of the Centres

GP5: Protected Buildings

GP8: Design

GP9: Sustainable Development

GP15: Creation and Extension of Curtilage

IP7: Private and Communal Car Parking

IP9: Highway Safety, Accessibility and Capacity

Representations:

Six letters of representation have been submitted commenting on the application and raising the following points:

Principle of the development

- There has been no attempt to maintain the existing building – if it were and advertised it would be in demand/not redundant – it could be rented for parking/garaging which would be more appropriate in this location
- Why is this proposal even being contemplated?
- The building may have been used for animal feed storage serving the animals grazing the adjoining land and a base for homing pigeons but has no amenities such as water, electric and sewage – all these will need to be installed for the proposed office and will alter the status of the plot
- What purpose can an isolated office here serve? It is not needed to manage the plot and is not needed here
- There is a huge amount of office space widely available in St Peter Port which is more accessible to transport with the bus terminus located in town, also office space available at The Bridge
- The north of the island is not a good location for any office

Suitability of structure to be converted

- The condition of the building raises serious questions as does works necessary to bring the structure up to current standards
- The report refers to areas where the building would comply with the Building Regulations but not areas where it may not comply and concerns exist that at the Building Control stage substantial changes to the approved plans will be necessary (this could include redesign/resizing and could be impossible to refuse)
- The building is likely to contain asbestos which will need to be carefully removed – why not remove it and provide a new storage facility with the whole site used for agricultural purpose
- The outcome of the Structural Survey is doubted as it seems unlikely that a building constructed in 1963 would have 450mm foundations for single 4 inch block construction

Character of locality

- The proposed field gate emphasises the change of use from agriculture to commercial land as does the parking area and turning space
- An office building would be incongruous in its surroundings
- The field gate is not required at all and animals on the site would need to be fenced whenever the gate was used to prevent them wandering into the highway

Residential Amenity

- The vehicle movements will disrupt the peace and tranquillity enjoyed by occupiers of neighbouring properties
- The office use will result in noise and disturbance in a residential area

Change of use of land

- The hardstanding and driveway will reduce the area of grazing land for animals kept in the field and for wildlife
- The development will reduce the size of the field and make it unviable for horticulture which the island needs more of especially now as food supplies are short
- The fencing needed to secure the gate will further reduce the area of usable agricultural land
- The development is contrary to the DPA IDP Annual Monitoring Report 2020 regarding the loss of agricultural land to other uses where applicants are not required, outside the Agriculture Priority Area, to demonstrate that the land is unsuitable for commercial agricultural use – this has not been considered as part of this application

Traffic and highway safety matters

- The bus stop is regularly used by local residents and the existing entrance is used to keep safe on a very busy and narrow road, where pavement surfing is necessary – specific provision should be made to maintain the existing level of safety within the permission if approved because without it this will be a hazard, dangerous for passengers and those crossing the road
- The repositioned access opposite Clos du Grande Rue will make the access to the Clos more difficult with vehicles accesses on both sides of the road
- Without precise measurements the driveway appears wider to accommodate larger vehicles
- The existing parking on tarmac easily fits two modern Guernsey suitable cars – reverse in and drive out is usual practice - the ideal line of sight is spoilt by an overgrown hedge in the south direction and if this were reduced the sightline would be equal to most driveways in Guernsey and a traffic mirror could be installed to assist with visibility
- The sightlines may be ideal but are rare in Guernsey and more applicable to a housing estate in 24 hr/7day use

Drainage

- Concerns exist that there appears to be no requirement to ensure that the existing drainage is maintained under the proposed driveway in order to prevent flooding to properties and roads
- No survey of the land drain installed by the States has taken place – it could be under the proposed driveway

Other matters

- A garage/store would be in demand but it has never been seen as advertised for rent
- The site notice has not been correctly displayed as it is not legible from the road being set back in the site – the notice must be correctly displayed for a period of 21 days
- The application lacks detail and does not satisfy the Strategy for Nature

- Since the last application was refused and the submission of this application trees to the rear of the plot have been coppiced/perhaps removed
- Animal boxes are non natural in environment and the present grass and hedgerow serves the purpose naturally
- Planning permission has been refused for an in and out drive at Riduna and the office should use the same precedent
- The application should be considered at an Open Planning Meeting

Consultations:

Traffic and Highway Services – commented on the earlier application and raised no objections to the application with regard to the impact of the scheme on the bus stop. Should planning permission be granted and implemented then the situation for passenger safety will be monitored and, if necessary, the bus stop may be relocated.

Guernsey Water – raised no objection to the earlier application for the conversion of the building to an office. They drew attention to a private water system, that is the landowner's responsibility to maintain, that runs through the area of land and dispenses into the road surface water gully system.

Summary of Issues:

The key issues in this case relate to the principle of the proposed development, the impact of the development on the character and appearance of the locality, on residential amenity and on traffic generation/road safety.

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.

Change of use of former packing shed to office

Policy OC5(B) makes provision for the loss of agricultural buildings or land. Policies OC3 and GP16(A) b. offer support for new office accommodation through the conversion of a redundant building, therefore there is a policy gateway for the proposed office development.

As the authorised planning use of the building is not as a domestic garage the scheme will not be assessed on this basis but rather on the basis that it is a building on agricultural land. This was a former packing shed associated with the historic horticultural use of the site which has long since ceased and the glasshouses cleared.

The building therefore is no longer required nor is it capable of being used as a packing shed because there are no glasshouses for it to serve (GP16(A) a.).

In the Island Development Plan, 'conversion' is defined for the purposes of the policy as 'development that involves works to an existing building that would facilitate an alternative use (e.g. conversion of a barn to a dwelling). Paragraph 19.17.3 goes on to state that: "proposals that would require significant works to the fabric of the structure, such as rebuilding of external walls, may be regarded as being 'new-build' rather than conversion."

The onus is on the applicant to demonstrate that a building is of sound and substantial construction (GP16(A) c.) and recent appeals considered by the Planning Tribunal have indicated that such proposals should be accompanied by an appropriate Structural Survey. Under criterion (c) of Policy GP16(A) the application assessment must also address the matter of "conversion without extensive alteration" and in this respect the current planning application proposes:-

- Existing asbestos roof retained and encapsulated with a specialist coating
- Rainwater goods to be replaced (stated in the covering letter as being repaired)
- Replacement of solid timber doors with glazed door and window (east elevation)
- Inside the building will be insulated
- Infill existing vehicular access
- Form new vehicular access
- Remove existing area of hardstanding to the front/east of the building
- Lay new hardstanding (permeable paving) to provide an access driveway and turning to the north of the building and two off-road parking spaces to the west of the building

The scheme seeks to retain much of the existing structure and the Structural Survey and revised drawings demonstrate that no extensive alterations would be required to the building in order to upgrade the structure to modern office standards to comply with GP16(A) c. in this respect. The matter of external works in relation to Policy GP16(A) is considered elsewhere.

The scheme does not relate to a Protected Building and nor does it propose an extension therefore Policy GP16(A) d. and g are not relevant in this case. The building is of no particular architectural merit given that it was designed as a functional packing shed for a vinery site. It does not represent a building of character (GP16(A) d.) The proposed alterations to the building represent a good standard of design that would respect the local built environment (GP8).

Change of use of agricultural land

In relation to Policy GP15, the area of land to be brought within the curtilage of the proposed office is well associated with the building to which the application relates

and is not located within an Agriculture Priority Area nor an Area of Biodiversity Importance as designated by the IDP. The removal of a section of the roadside boundary in connection with the formation of a replacement vehicular access is considered elsewhere in this report. Although the public consultation has requested land outside the APA to be assessed in terms of its usability for commercial agriculture this is not currently a requirement of the IDP and cannot be required at this time, in relation to this application.

The Island Development Plan recognises there is a balance between protecting open and agricultural land and other legitimate uses Outside of the Centres. The designation of the Agriculture Priority Area represents the Island's most valuable agricultural area. In this instance, given that the land is outside of the Agriculture Priority Area, the balance would not be towards protecting this land for agricultural purposes and the change of use proposed accords with policy.

Vehicular access and parking

The new vehicular access and driveway represents an extensive alteration but this is balanced against the benefit of providing an improved access to the site, with better visibility along the road and with an area of turning to enable vehicles to exit the site in a forward gear (no need to reverse in or out of the site). The level of hardstanding proposed to provide the driveway, parking and turning has been kept to a minimum in order to reduce the impact of the works on the locality and having regard to Policy GP9: Sustainable Development. Given the limited extent of hardstanding in connection with this development the scheme does, on balance meet the aims of GP16(A) c. The scheme indicates that the surface will be permeable and this is a matter that can be controlled by planning condition to demonstrate compliance with Policy GP9.

The ancillary development associated with this conversion relate to the new access and parking arrangements. They are situated close to the existing building, screened from view when travelling north along La Grande Rue but would be visible in the context of the adjoining residential development when travelling south. The conversion and associated works would not however, have an unacceptable adverse impact on the character and openness of the landscape (GP16(A) f. and GP1).

Residential Amenity

Consideration must also be given to the impact of the proposals on residential amenity. The siting and layout of the accommodation is such that it will not result in unacceptable overlooking or loss of privacy to the occupiers of any surrounding dwellings. The limited size of the accommodation is such that it would not result in conflict with the adjoining existing uses. The site would not accommodate significant numbers of clients/visitors at a single time and the office use will not generate unacceptable noise and nuisance for surrounding residents. Given the limited scale of the development it is not considered reasonable or necessary to impose

limitations on the days/hours of use and operation and the scheme addresses the requirements of Policies GP15, GP16(A) h., GP8 or GP9 of the IDP.

The scheme will also offer occupiers of the building with adequate sunlight/daylight and aspect across the adjoining agricultural land. With accommodation on a single level and with a level access threshold consideration has also been given to how the building would provide access for peoples of all ages and abilities in line with the requirements of Policy GP8.

Visual Amenity

The site is not situated in a Conservation Area and although a section of the boundary would be lost, a large proportion will remain intact, including replacement to infill the existing access which can be controlled by condition, which will continue to provide an adequate boundary feature. In this particular instance it is considered therefore that any adverse impact on the character of the area as a result of the development is not so substantial to warrant the refusal of planning permission. This conclusion is reinforced by the preceding text to Policy IP9, which notes that, *“the Authority will balance any impact on the character of the locality concerned with affording a significant degree of flexibility so that reasonable development aspirations can be met.”* In this case, the existing access is unsatisfactory with poor visibility south onto La Grande Rue. The provision of an access that offers good sightlines in both directions meets the aims of Policy IP9.

Other Matters

Whilst there are protected buildings in the vicinity of the application site the scheme would not result in harm to the setting of those protected building in accordance with Policy GP5.

In line with the States’ Strategy for Nature, 2020, which has been adopted as Supplementary Planning Guidance, the Development and Planning Authority has directed that from 1 September 2021 all applications involving the change of use of agricultural land must be accompanied by information demonstrating environmental benefits in respect of biodiversity that will be incorporated should planning permission be granted. The scheme does include a Biodiversity enhancement Landscaping Plan for landscaping within the proposed curtilage which can be controlled by planning condition.

Guernsey Water raise no objections to the proposed development and an informative note could be placed on a permission highlighting the points raised.

The submission sets out that consideration has been given to how the scheme meets the requirements of Policies GP8 and GP9 as the conversion will reduce waste, excavation and use of materials. The scheme will comply with current Building Regulations and the roofslope can accommodate photovoltaic technology, if required. There is also reference to Sustainable Urban Drainage for the hardstanding

and, if necessary, electrical vehicle charging points. The provision of these sustainable design measures can be managed by planning condition.

Although concerns have been raised regarding amendments to the scheme necessary for the development to comply with the Building Regulations such changes could not be undertaken without further consultation with the Planning Service and may require a further planning application to be submitted.

Conclusions

The development outlined above complies with the requirements of the Island development Plan and it is recommended permission is granted for the conversion of the former packing shed to office accommodation and the associated change of use of land for parking/turning.

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: 05 May 2023

