

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

NOTIFICATION OF GRANT OF PLANNING PERMISSION

PROPOSALS: Demolish buildings and erect 5 dwellings with associated landscaping.

LOCATION: Bordeaux Vinery, Les Petils, Vale.

APPLICANT: Mr B Robinson

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: 13/07/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 21/03/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Jason Hobbs Architectural Services Ltd: 6297C/3 & /5, D/1, /2 & /4a

Application Ref: FULL/2023/0595

Property Ref: C004390000

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. (i) Prior to the commencement of any works at the site, including site works and demolition, the following shall be submitted to and approved in writing by the Authority:

(i)(a) A desktop study documenting all the previous and existing land uses of the site and adjacent land in accordance with national guidance as set out in Land Contamination Risk Management (LCRM) and BS10175:2001+A2:2017 - Investigation of Potentially Contaminated Sites - Code of Practice; (A desktop study shall be the very minimum standard accepted. Pending the results of the desk top study, the applicant may have to satisfy the requirements of b and c below, however, this will be confirmed in writing).

and unless otherwise agreed in writing by the Authority,

(i)(b) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS10175;

and, unless otherwise agreed in writing by the Authority,

(i)(c) a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such scheme shall include nomination of a competent person to oversee the implementation of the works.

(ii) The development hereby permitted shall not be occupied or brought into use until there has been submitted to the Authority verification by a competent person approved under the provisions of condition (i)c that any remediation scheme required and approved under the provisions of condition (i)c has been implemented fully in accordance with the approved details (unless varied with the written agreement of

the Authority in advance of implementation). Unless otherwise agreed in writing by the Authority such verification shall comprise:

- (ii) a) as built drawings of the implemented scheme;
- (ii) b) photographs of the remediation works in progress;
- (ii) c) certificates demonstrating that imported and/or material left in situ is free from contamination.

Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under condition (i) c). 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 the Authority a method statement to identify, risk assess and address the unidentified contaminants, and obtained written agreement from the Authority 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.

Reason - To make sure that the site, when developed is free from contamination, in the interests of public health and safety.

5. Prior to the commencement of any works at the site, including site works and demolition, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Authority. Agreed details shall be carried out as approved unless otherwise agreed in writing by the Authority. At a minimum the following should be included:

- i. A scheme of how the contractors will liaise with local residents to ensure that residents are kept aware of site progress and how any complaints will be dealt with reviewed and recorded (including details of any considerate constructor or similar scheme)
- ii. A scheme of how the contractors will minimise complaints from neighbours regarding issues such as noise and dust management, vibration, site traffic and deliveries to and from the site
- iii. Details of hours of construction including all associated vehicular movements
- iv. Details of the construction compound
- v. A plan showing construction traffic routes

The construction shall be carried out in accordance with the approved CEMP.

Reason - To manage construction activity in the interests of neighbour amenity and environmental considerations.

6. Prior to the commencement of any other works at the site, including site works and demolition, the existing access in the west boundary shall be altered in accordance with the approved plans.

Reason - In order to secure safe access to the site during the course of works and for the completed development.

7. Prior to the commencement of any works at the site, excluding site works and demolition, details of the provision to be made for the parking of cycles for Unit 4, under cover, accessible and secure, shall be submitted to and agreed in writing by the Authority. No part of any of the dwellinghouses hereby permitted shall be used or occupied until the cycle storage for that dwellinghouse has been fully implemented. The provision for cycles shall be retained at all times.

Reason - To encourage the use of bicycles as an alternative to the car.

8. Prior to the commencement of any works at the site, excluding site works and demolition, full details of the solar panels and electric vehicle/bicycle charge points shall be submitted to and approved by the Authority. The approved panels and charge points shall be installed and made operational prior any dwelling hereby approved being occupied.

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

9. Prior to the commencement of any works at the site, excluding site works and demolition, a scheme for the treatment of the application site boundaries and those of each dwelling hereby approved shall be submitted to and agreed in writing by the Authority. No use or occupation of any building hereby permitted shall begin until the agreed scheme for boundary treatment has been fully completed.

Reason - To secure the satisfactory appearance of the completed development and in the interests of neighbour amenity.

10. Prior to the commencement of any works at the site, excluding site works and demolition, a landscaping scheme, to include those details specified below, shall be submitted to and agreed in writing by the Authority:

- i) the treatment proposed for all ground surfaces, including the removal of all areas of hardsurfacing located outside of the domestic curtilages hereby approved and not required for access to either those properties or the substation to the south of the site, and a written specification for the laying and finish of all new hard areas, demonstrating permeability;
- ii) full details of tree and hedge planting; and
- iii) planting schedules, noting the species, sizes, numbers and densities of plants.

Reason - To make sure that a satisfactory landscaping scheme for the development is agreed, in order to help assimilate the development into its surroundings and to meet the requirements of Policy GP9 and the Strategy for Nature.

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

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

12. No dwelling or building on the site shall be occupied until a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than domestic gardens, has been submitted to and agreed in writing by the Authority. The agreed landscape management plan shall then be fully implemented.

Reason - To make sure that the appearance of the completed development is satisfactory, to help assimilate the development into its surroundings and to meet the requirements of the Strategy for Nature.

13. No dwelling or building on the site shall be occupied and no external lighting shall be installed until details of any such lighting proposed for the site have been submitted to and agreed in writing by the Authority. Any lighting to be installed shall only be in accordance with the agreed details.

Reason - To make sure the level of lighting is not excessive in order to secure a sustainable form of development and one which does not unduly interfere with residential or local amenity or traffic and pedestrian safety.

14. Notwithstanding the provisions of the Land Planning and Development (Exemptions) Ordinance, 2023 (or any other Ordinance replacing or re-enacting that Ordinance), no fence or wall (other than any hereby expressly permitted) shall be erected or constructed on any part of the site.

Reason - In view of the sensitive nature of the site, the erection of such structures as 'exempt development' may have an adverse visual impact. This condition is imposed to make sure that any proposals can be properly considered.

15. 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 12/07/2026 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

Your attention is drawn to the Animal Welfare (Guernsey) Ordinance, 2012 and the need to comply with its provisions. The existing buildings may be used by bats or other wildlife for roosting and nesting. Measures may therefore need to be taken (including consideration of the timing of the works and provision to support wildlife in the long term) to ensure that protected species are not impacted by the works. It is recommended that you contact La Société Guernesiaise for advice or to arrange a site visit. La Société can be contacted on 07781 166924 or email info@societe.org.gg.

In respect of Condition 4:

The phased risk assessment should be carried out also in accordance with the procedural guidance and UK policy.

The site is known to be or suspected to be contaminated. Please be aware that the responsibility for the safe development and secure occupancy of the site rests with the developer.

It is strongly recommended that in submitting details in accordance with the above conditions that the applicant has reference to Land Contamination risk management available at <https://www.gov.uk/guidance/land-contamination-risk-management>.

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/2023/0595
Property Ref: C004390000
Valid date: 21/03/2023
Location: Bordeaux Vinery Les Petils Vale Guernsey
Proposal: Demolish buildings and erect 5 dwellings with associated landscaping.
Applicant: Mr B Robinson

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. (i) Prior to the commencement of any works at the site, including site works and demolition, the following shall be submitted to and approved in writing by the Authority:

(i) (a) A desktop study documenting all the previous and existing land uses of the site and adjacent land in accordance with national guidance as set out in Land Contamination Risk Management (LCRM) and BS10175:2001+A2:2017 - Investigation of Potentially Contaminated Sites - Code of Practice; (A desktop study shall be the very minimum standard accepted. Pending the results of the desk top study, the applicant may have to satisfy the requirements of b and c below, however, this will be confirmed in writing).

and unless otherwise agreed in writing by the Authority,

(i) (b) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS10175;

and, unless otherwise agreed in writing by the Authority,

(i) (c) a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such scheme shall include nomination of a competent person to oversee the implementation of the works.

(ii) The development hereby permitted shall not be occupied or brought into use until there has been submitted to the Authority verification by a competent person approved under the provisions of condition (i)c that any remediation scheme required and approved under the provisions of condition (i)c has been implemented fully in accordance with the approved details (unless varied with the written agreement of the Authority in advance of implementation). Unless otherwise agreed in writing by the Authority such verification shall comprise:

(ii) a) as built drawings of the implemented scheme;

(ii) b) photographs of the remediation works in progress;

(ii) c) certificates demonstrating that imported and/or material left in situ is free from contamination.

Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under condition (i) c). 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 the Authority a method statement to identify, risk assess and address the unidentified contaminants, and obtained written agreement from the Authority 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.

Reason - To make sure that the site, when developed is free from contamination, in the interests of public health and safety.

5. Prior to the commencement of any works at the site, including site works and demolition, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Authority. Agreed details shall be carried out as approved unless otherwise agreed in writing by the Authority. At a minimum the following should be included:

- i. A scheme of how the contractors will liaise with local residents to ensure that residents are kept aware of site progress and how any complaints will be dealt with reviewed and recorded (including details of any considerate constructor or similar scheme)
- ii. A scheme of how the contractors will minimise complaints from neighbours regarding issues such as noise and dust management, vibration, site traffic and deliveries to and from the site
- iii. Details of hours of construction including all associated vehicular movements
- iv. Details of the construction compound
- v. A plan showing construction traffic routes

The construction shall be carried out in accordance with the approved CEMP.

Reason - To manage construction activity in the interests of neighbour amenity and environmental considerations.

6. Prior to the commencement of any other works at the site, including site works and demolition, the existing access in the west boundary shall be altered in accordance with the approved plans.

Reason - In order to secure safe access to the site during the course of works and for the completed development.

7. Prior to the commencement of any works at the site, excluding site works and demolition, details of the provision to be made for the parking of cycles for Unit 4, under cover, accessible and secure, shall be submitted to and agreed in writing by the Authority. No part of any of the dwellinghouses hereby permitted shall be used or occupied until the cycle storage for that dwellinghouse has been fully implemented. The provision for cycles shall be retained at all times.

Reason - To encourage the use of bicycles as an alternative to the car.

8. Prior to the commencement of any works at the site, excluding site works and demolition, full details of the solar panels and electric vehicle/bicycle charge points shall be submitted to and approved by the Authority. The approved panels and charge points shall be installed and made operational prior any dwelling hereby approved being occupied.

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

9. Prior to the commencement of any works at the site, excluding site works and demolition, a scheme for the treatment of the application site boundaries and those of each dwelling hereby approved shall be submitted to and agreed in writing by the Authority. No use or occupation of any building hereby permitted shall begin until the agreed scheme for boundary treatment has been fully completed.

Reason - To secure the satisfactory appearance of the completed development and in the interests of neighbour amenity.

10. Prior to the commencement of any works at the site, excluding site works and demolition, a landscaping scheme, to include those details specified below, shall be submitted to and agreed in writing by the Authority:

- i) the treatment proposed for all ground surfaces, including the removal of all areas of hardsurfacing located outside of the domestic curtilages hereby approved and not required for access to either those properties or the substation to the south of the site, and a written specification for the laying and finish of all new hard areas, demonstrating permeability;
- ii) full details of tree and hedge planting; and
- iii) planting schedules, noting the species, sizes, numbers and densities of plants.

Reason - To make sure that a satisfactory landscaping scheme for the development is agreed, in order to help assimilate the development into its surroundings and to meet the requirements of Policy GP9 and the Strategy for Nature.

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

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

12. No dwelling or building on the site shall be occupied until a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than domestic gardens, has been submitted to and agreed in writing by the Authority. The agreed landscape management plan shall then be fully implemented.

Reason - To make sure that the appearance of the completed development is satisfactory, to help assimilate the development into its surroundings and to meet the requirements of the Strategy for Nature.

13. No dwelling or building on the site shall be occupied and no external lighting shall be installed until details of any such lighting proposed for the site have been submitted to and agreed in writing by the Authority. Any lighting to be installed shall only be in accordance with the agreed details.

Reason - To make sure the level of lighting is not excessive in order to secure a sustainable form of development and one which does not unduly interfere with residential or local amenity or traffic and pedestrian safety.

14. Notwithstanding the provisions of the Land Planning and Development (Exemptions) Ordinance, 2023 (or any other Ordinance replacing or re-enacting that Ordinance), no fence or wall (other than any hereby expressly permitted) shall be erected or constructed on any part of the site.

Reason - In view of the sensitive nature of the site, the erection of such structures as 'exempt development' may have an adverse visual impact. This condition is imposed to make sure that any proposals can be properly considered.

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

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

INFORMATIVES

Your attention is drawn to the Animal Welfare (Guernsey) Ordinance, 2012 and the need to comply with its provisions. The existing buildings may be used by bats or other wildlife for roosting and nesting. Measures may therefore need to be taken (including consideration of the timing of the works and provision to support wildlife in the long term) to ensure that protected species are not impacted by the works. It is recommended that you contact La Société Guernesiaise for advice or to arrange a site visit. La Société can be contacted on 07781 166924 or email info@societe.org.gg.

In respect of Condition 4:

The phased risk assessment should be carried out also in accordance with the procedural guidance and UK policy.

The site is known to be or suspected to be contaminated. Please be aware that the responsibility for the safe development and secure occupancy of the site rests with the developer.

It is strongly recommended that in submitting details in accordance with the above conditions that the applicant has reference to Land Contamination risk management available at <https://www.gov.uk/guidance/land-contamination-risk-management>.

OFFICER'S REPORT

Site Description:

The application site is located to the east of Rue des Bordeaux, to the north of Les Petils and to the south of Cocagne, with residential properties located to the north-west and south-west and along the east boundary, as well as across the roads to the west and north.

The site comprises a former vinery site, previously including two blocks of glass to the north and one to the south of the site. All glass has now been removed from the site. The buildings which form the subject of this application are located in the centre of the site, adjacent to a large area of hardstanding. The site is served by four vehicular accesses, two in the north boundary and one in each of the west and south boundaries. There also appears to be vehicular access from the residential property in the north-west corner of the site, known as Note Plleche.

The buildings remaining on site are all single storey and located in the centre of the site. That to the east comprises an elongated double pitched roof structure of low profile with an outshoot to each gable of the southern element. This building is constructed in block with pitched roofs finished in manmade slates. The western building is a flat roof structure with attached lower store, with the lower walls constructed in block and the upper parts corrugated clad timber frame. Temporary storage containers, a chiller unit and a block outbuilding are also located around the main buildings.

The site is located Outside of the Centres in the Island Development Plan, to the south and west of a Conservation Area.

Relevant History:

FULL/2022/1509 Convert outbuildings to create 5 dwellings with associated gardens, parking and landscaping. Approved 14/02/2023

Existing Use(s):

Agricultural Use Class 28

Brief Description of Development:

Permission is sought under this application to demolish the existing buildings at the site and to erect five new 1.5 storey two bed plus study dwellings, arranged as a three dwelling terrace and semi-detached pair over the footprint of the existing buildings. Access would be provided through the altered west access on to Rue des Bordeaux with a shared access road running along the north side of the row of dwellings and gardens provided to the south.

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
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)	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:

Two letters of representation received raising the following points:

- Bordeaux Harbour is a protected area, with many of surrounding properties protected and comprising traditional stone face cottages. The properties will be clearly visible in views across the harbour and the modern design will look out of place and character. A traditional, and possibly lower, design would be better, and in particular omission of the box dormer and cladding;
- Solar panels in the area are generally to the rear of properties;
- Whilst the site itself potentially has little flood risk, the area does have flood challenges that could be compounded by additional surface water being filtered into main public highway drainage networks;
- Social media has depicted that all industrial building vehicles will enter the site via Les Petils. This is a Ruelle Tranquille and large industrial vehicles will create a danger to families using the beach, cyclists, dog walkers, etc.

One letter from the occupant of a neighbouring property raising no objections to the proposals.

In respect of the previous application, *La Societe Guernesiais* made the following comments, which remain relevant in respect of the current application:

In respect of this application, we would like to highlight that buildings of this type can be used by roosting bats. This likelihood can increase when the property is located within a variable landscape with habitats such as farmland or woodland nearby.

We would recommend that the buildings be inspected for current or recent use by bats or other wildlife by a suitably qualified person prior to any demolition or building works. This would reduce the risk of disturbing or destroying animals which are protected under the Animal Welfare Ordinance 2012. We would further recommend that suitable measures to support roosting bats and nesting birds of appropriate species be included within the development proposal.

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

‘Your attention is drawn to the Animal Welfare (Guernsey) Ordinance, 2012 and the need to comply with its provisions. The existing buildings may be used by bats or other wildlife for roosting and nesting. Measures may therefore need to be taken (including consideration of the timing of the works and provision to support wildlife in the long term) to ensure that protected species are not impacted by the works. It is recommended that you contact La Société Guernesiaise for advice or to arrange a site visit. La Société can be contacted on 07781 166924 or email info@societe.org.gg

Secondly, native plants generally support far more associated wildlife at all stages of their life cycles. We would therefore request that any soft landscaping incorporates a significant proportion of native species, where feasible. Further species-rich habitats require specific management regimes in order to maintain the associated biodiversity over the long term.

Consultations:

Guernsey Water – no response received.

The Office for Environmental Health & Pollution Regulation comment as follows:

I have reviewed the proposed plans for Bordeaux Vinery which were received by email on 12th April 2023 and there are a number of issues of concern that I must raise. Due to the size and historic land uses of the site I am inclined to recommend the following conditions regarding contaminated land and a Construction Environmental Management Plan (CEMP). In addition, due to the proposed potential for future Air Source Heat Pump's (ASHPs), I am also recommending a condition to control noise level of plant/machinery.

- **Contaminated Land**

Potential Contaminated Land Condition

Please note this is one condition with multiple sub-sections:

(i) No works pursuant to this permission shall commence until there has been submitted to and approved in writing by Planning Services: (A desktop study shall be the very minimum standard accepted. Pending the results of the desk top study, the applicant may have to satisfy the requirements of b and c below, however, this will all be confirmed in writing).

- (i) (a) A desktop study documenting all the previous and existing land uses of the site and adjacent land in accordance with national guidance as set out in Land Contamination Risk Management (LCRM) and BS10175:2001+A2:2017 - Investigation of Potentially Contaminated Sites - Code of Practice;

and unless otherwise agreed in writing by Planning Services,

- (i) (b) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS10175;

and, unless otherwise agreed in writing by Planning Services,

- (i) (c) a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such scheme shall include nomination of a competent person to oversee the implementation of the works.

(ii) The development hereby permitted shall not be occupied or brought into use until there has been submitted to Planning Services verification by a competent person approved under the provisions of condition (i)c that any remediation scheme required and approved under the provisions of condition (i)c has been implemented fully in accordance with the approved details (unless varied with the written agreement of Planning Services in advance of implementation). Unless otherwise agreed in writing by the local planning authority such verification shall comprise:

- (ii) a) as built drawings of the implemented scheme;
- (ii) b) photographs of the remediation works in progress;
- (ii) c) certificates demonstrating that imported and/or material left in situ is free from contamination.

Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under condition (i) c.”

Informative/Advice Notes

The phased risk assessment should be carried out also in accordance with the procedural guidance and UK policy.

The site is known to be or suspected to be contaminated. Please be aware that the responsibility for the safe development and secure occupancy of the site rests with the developer.

It is strongly recommended that in submitting details in accordance with the above conditions that the applicant has reference to Land Contamination risk management available at <https://www.gov.uk/guidance/land-contamination-risk-management>.

Discovery Strategy

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.

- **Construction Environmental Management Plan (CEMP)**

Prior to any demolition a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Authority. Agreed details shall be carried out as approved unless otherwise agreed in writing by the Authority. At a minimum the following should be included:

- I. A scheme of how the contractors will liaise with local residents to ensure that residents are kept aware of site progress and how any complaints will be dealt with reviewed and recorded (including details of any considerate constructor or similar scheme)
- II. A scheme of how the contractors will minimise complaints from neighbours regarding issues such as noise and dust management, vibration, site traffic and deliveries to and from the site
- III. Details of hours of construction including all associated vehicular movements
- IV. Details of the construction compound
- V. A plan showing construction traffic routes

The construction shall be carried out in accordance with the approved CEMP.

Thirdly, I see that see that the covering letter states, there will be '*ample exposed external amenity areas for source heat pump energies.*' As such, I would like to highlight that any installation of ASHP in this development or future developments/ installations of ASHPs would be subject to the following condition as the close proximity of neighbours within that site could give rise to a statutory nuisance.

- Noise associated with plant and machinery incorporated within the development shall be controlled such that the Rating Level, measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 5 dB(A) below the existing L_{A90} background noise level, including low frequency tones. Rating Level and existing background noise levels shall be determined as per the guidance provided in BS 4142:2014.

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).**

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).

Although previously a glasshouse site, the glass has been completely cleared and the site would not fall within the definition of a Redundant Glasshouse Site. Policy OC7 (Redundant Glasshouse Sites) would not therefore be relevant in this instance.

In this case, permission has been granted for the conversion of the buildings which form the subject of this application under Policy GP16(A), and permission is now sought for the demolition of those buildings and the construction of new dwellings 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 these buildings were approved 14/02/2023, under reference FULL/2022/1509.

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 the creation of 5 no one bed units. The current proposal remains for 5 no units. Whilst the current proposal would increase the number of beds from one to two/three (depending on the use of the study), there is no requirement for the number of bedrooms provided to match that of the approved scheme.

The total floor space of the approved scheme, across all five units, is stated to be 318.62m² and the volume is stated to be 1076.7m³, which accords with measurements of the approved plans.

The floor space of the proposed scheme is stated to be 378.75m², however measuring from the submitted plans it appears that the proposed floor space would be approximately 450m². This is calculated by measuring the area of the first-floor space with a floor to ceiling height of greater than 1.5m, comprising usable floor space as defined within the Guernsey Technical Standards. The measured area is approximate as the 1.5m height had to be estimated from the submitted plans. This was raised with the agent through the deferral process, however no further calculations have been provided.

Taking the measured floor area, the proposal would represent a 42% increase over the floor area of the approved scheme, which could not be considered broadly the same for the purpose of this policy.

The volume of the proposed scheme is stated to be 1088.6m³, however it would appear there was an oversight in the addition of the calculations and the overall volume would be 1171.8m³. This would not however change the conclusion that the proposed volume of the new scheme would represent only a 1% increase over the volume of the approved scheme, and would therefore remain of essentially the same volume.

Given that the proposal would not result in a change to the overall volume of the buildings, and the increased floorspace would enable a more efficient and effective use of that volume, whilst still addressing the identified housing requirements for the Island, it is however considered that the provision of additional floorspace in this instance could be considered a minor departure to Plan policy under Section 12(2) of the Land Planning and Development (General Provisions) Ordinance, 2007, as requested by the agent in writing in their letter dated 01/05/2023.

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 existing buildings could not be considered buildings of character. The buildings are former horticultural structures 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. This latter requirement is reinforced by the Supplementary Planning Guidance entitled Strategy for Nature.

There are no protected buildings immediately adjoining the site. Taking into account the distance from and relationship to protected buildings in the wider area, it is considered that the proposed development would not form part of the setting of those buildings and therefore the material considerations and statutory duties in respect of protected buildings, and the requirements of Policy GP5 (Protected Buildings) are not relevant in this case.

Whilst the surrounding area to the north and west, and including the property to the south-west of the site, falls within a designated Conservation Area, the application site does not and therefore the material considerations and statutory duties in respect of Conservation areas, and the requirements of Policy GP4 (Conservation Areas) are also not relevant in this case.

It is however acknowledged that the site is open to views from within that Conservation Area, from Rue des Bordeaux to the west and Les Petils to the south, and the existing buildings at the site are visible across Bordeaux Harbour to the south.

The impact of development in the proposed location was considered in respect of the impacts on openness, landscape character and the character of the area under the previous application and found to be acceptable. Whilst the current proposal represents an increase in the ridge height of the buildings and an alteration in the design, the principle of development in the proposed location remains acceptable in respect of these considerations.

The proposed design generally takes a traditional form, common to this area. As initially submitted, the design however incorporated a two-storey flat roof element to the south elevation which appeared dominant and at odds with the traditional design of the main part of the building. Following deferral, the design of this element has been altered to a pitched roof. The design of the roof is such that the eaves levels do not follow through from the eaves of the main roof, retaining a somewhat dominant and discordant aspect to the elevation, however the more traditional roof form is sufficient to overcome the concerns in respect of the flat roof initially proposed. Given the orientation of the buildings and distance to public views, it is considered that this element will be read against the bulk of the main

dwellings and the amendments made are sufficient to overcome the potential reasons for refusal.

In respect of the long views across the Harbour, the new dwellings would be read against and amongst the mid-20th century development to the north and east of the site and, set back from the Harbour edge, will not form an intrusive feature within the character of the Harbour, or detract significantly from the grouping of older properties to the south-west.

The application continues to propose the removal of existing areas of hardstanding not proposed for use in association with the development, and the new areas of hardstanding are limited in scope and to be permeable in nature. There is extensive scope for the provision of soft landscaping, and this is addressed further 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 new buildings will be designed to meet Guernsey Technical Standards in all respects, with particular reference to thermal properties, Conservation of Fuel & Power and Water Efficiency. Material selection, e.g. window frames, has been designed to be sustainable.

The buildings are orientated so larger elevations face to the south and fenestration has been positioned to utilise this orientation and maximise potential solar benefits.

Solar panels are proposed to the south facing roof slopes and roof water will be collected in water butts for use within the garden areas. It is noted that there would be sufficient space for the provision of heat pumps, however these are not actually proposed as part of the application and would be considered and managed separately, either through the provisions of the Land Planning and Development (Exemptions) Ordinance, 2023, or through planning application. It would not be necessary or reasonable to place any conditions in respect of noise emissions from potential heat pumps on this application.

The surface water is stated to be addressed through the use of permeable hard landscaping with drainage channels into the main public highway drainage networks. The gardens are also noted to provide natural soakaways. Taking into consideration the extent and nature of existing hard surfacing at the site, and that proposed under this application, there is unlikely to be a significant increase in runoff as a result of the application. Concerns are raised through representation regarding the additional pressure any drainage into the public highway drainage network might have, and the potential to increase flooding issues in the area. There is however an expectation for surface water to be dealt with on site, and this would be managed under the Building Regulations as part of the assessment of an application for a building

licence. This decision should however be conditioned to require details of the laying and implementation of the permeable hard landscaping.

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;

As noted for c) above, the proposed new dwellings would be positioned on the footprint of the existing structures and would not have any adverse impact on landscape character or openness.

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

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

The proposed dwellings would be set away from nearby residential properties, and would be orientated to face over the open land to the north and south, respecting both the amenities of surrounding properties and those of each of the proposed units. The amenity space of Unit 5 would extend to the east boundary of the site with an adjoining residential property, however supplementary planting is proposed along that boundary to prevent any adverse impacts. Details and implementation of that planting can be controlled by condition.

A Construction Environmental Management Plan would be required by condition to manage impacts associated within the construction phase of the development.

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, subject to the provision of a robust scheme for biodiversity and landscaping, together with a management plan to ensure the ongoing contribution of this site to the biodiversity of the area, in accordance with the Strategy for Nature. The current application would include the change of use of the same area of land, whilst omitting the driveway to the west and south, and, subject to reiteration of conditions relating to biodiversity and landscaping, there has been no change in policy or circumstance which would alter the previous assessment.

Access, parking and amenity

Access would be through the west access point on to Rue des Bordeaux, altered to achieve appropriate sightlines, as previously approved. The provision of access would therefore accord with Policies GP8 (Design) and IP9 (Highway Safety, Accessibility and Capacity). The decision should however be conditioned to ensure that the works to the access are completed prior to the commencement of any other works at the site, to ensure safe access/egress for construction vehicles. The movement of these vehicles would be further controlled through the Construction Environmental Management Plan required by the Office for Environmental Health and Pollution Regulation.

The submitted plans show the provision of small sheds for each unit, which could be used to provide covered cycle storage for all units except Unit 4, 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 shed shown for Unit 4 is only accessible through that dwelling and would not therefore provide practical cycle storage. There is however scope to provide a small bike barn to the front of that property and 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 dwellings.

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 development has been designed to accord with Lifetime Home Standards. The ground floor accommodation provides open plan living with level access, good circulation and potential for the provision of ground floor sleeping accommodation if required. The accommodation is therefore 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

There are requirements under the Guernsey Technical Standards for lighting shared access approaches, and this must be balanced against the appearance of the proposed fixtures, and the potential impacts of illumination on the character of the area, residential amenity and wildlife. Details of any proposed lighting should therefore be controlled by condition.

Conclusion

Overall, and subject to the conditions set out above, the proposal accords with the purpose of the Law, material considerations and relevant planning policies and approval is recommended.

Date: 12/07/2023

