

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 outbuilding to residential dwelling (Use Class 1) with associated landscaping and parking.

LOCATION: Maygrove, La Rochelle Road, Vale.

APPLICANT: Mr M De La Rue

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: 18/08/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 03/05/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Arctech - MDLR-22-1077-02

Application Ref: FULL/2023/0845

Property Ref: C002370000+C0236A000

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.No development, including site works, shall begin until a scheme showing the provision to be made for the parking of cycles, under cover and secure, has been submitted to and agreed in writing by the Authority, and no part of the building or development hereby permitted shall be used or occupied until the agreed scheme has been fully implemented. The provision for cycles shall not be used for any other purpose.

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

Expiry Date: This permission will cease to have effect on 17/08/2026 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/2023/0845
Property Ref: C002370000+C0236A000
Valid date: 03/05/2023
Location: Maygrove La Rochelle Road Vale Guernsey GY3 5DW
Proposal: Convert outbuilding to residential dwelling (Use Class 1) with associated landscaping and parking.

Applicant: Mr M De La Rue

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.

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

OFFICER'S REPORT

Brief Description of Development:

The application site is located Outside of the Centres as defined in the Island Development Plan (IDP).

The application site is located to the rear of the dwelling-house known as 'Maygrove'. The site is comprised of a single storey building with a concrete ramp to the front and an area of concrete hardstanding to the south which appears to be currently in use for car parking.

The area of land further to the south was recently granted consent to be used as domestic curtilage and an existing boundary hedge along the edge of the car parking provides a visual boundary.

The proposal is for the conversion and change of use of the former packing shed to a residential dwelling, with associated landscaping and parking.

Relevant History:

FULL/2021/0296- Change of use of agricultural land to domestic garden - Approved
PREA/2010/4137- Discuss converting the light industrial unit into residential
2003/2338- Extension of shed and workshop (reconsideration) - Refused
2003/1320 – Extension of shed and workshop - Refused
1993/3534- Change of use of packing shed/garage to workshop (use class 48) - Approved

Existing Use(s):

01-Residential
24- Light industrial

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

GP4: Conservation Area
GP8: Design
GP9: Sustainable Development

GP16(A): Conversion of Redundant Buildings

OC1: Housing Outside the Centre

OC3: Offices, Industry and Storage and Distribution Outside the Centre

Conclusion/Brief comment:

The history files show a change of use was approved from packing shed to industrial building in 1993. The history files then refer to a distinct and separate curtilage for the industrial unit, however, all the land surrounding the industrial unit was considered as existing residential garden for the dwelling, Maygrove, in the approved plans for the recent FULL/2021/0296. The applicant states that the industrial use of the site had ceased by 2002.

On this basis, the lawful use of the building itself is considered to be light industrial and the land surrounding the building is domestic garden in association with the residential occupation of the dwelling, Maygrove.

Loss of Industry and Principle of Conversion

Policy OC3: Office, Industry and Storage Outside the Centre supports the change of use or redevelopment for alternative uses where the proposal accords with all other relevant policies of the Island Development Plan.

Policy OC1: Housing Outside of the Centre; supports proposals for housing development Outside the Centres which is achieved through the subdivision of an existing dwelling or the conversion of an existing redundant building, in compliance with Policy GP16 (A) Conversion of Redundant Buildings. The proposal is addressed against the criteria of Policy GP16(A) below.

a. it is demonstrated that the building is no longer required or capable of being used for its current or last known purpose;

The application site was a former horticultural store/shed when the land to the east was a former glasshouse site, and was erected between 1938 and 1963. The planning history indicates that the use was formally changed to workshop (light industrial use 48) through application 1993/3534.

Through the approval of application FULL/2021/0296 it was established that the land surrounding the workshop was considered as residential curtilage for the dwelling Maygrove. This means that the workshop no longer benefits from a defined curtilage for external storage or parking in association with the light industrial use of the building and is accessed through the residential driveway and garden of Maygrove.

The internal photographs submitted with the application indicate that the building is currently used for unauthorised domestic storage, with DIY and gardening equipment kept internally and partially in use as a domestic gym.

The lack of curtilage and appropriate access for the authorised industrial use is considered to render the unit redundant for the purposes of this policy.

b. the conversion will result in the establishment of either residential, social and community, industrial, storage and distribution, convenience retail in coastal locations in accordance with Policy OC4, visitor accommodation or office use or provide facilities for outdoor formal recreation or informal leisure and recreation uses;

The proposal would result in the establishment of a residential use.

c. the existing building is of sound and substantial construction and is capable of conversion without extensive alteration or rebuilding;

The submitted information indicates that the building is wind and watertight, of sound and substantial construction and capable of continuing use.

In terms of the extent of alterations required to support the proposed conversion, no structural works are proposed, existing windows and doors are to be retained, with only one new window proposed to the south elevation. The installation of insulation to the floor, roof and walls are considered to be neutral in terms of their impact on the objectives of Policy GP16(A).

With regard to the internal fittings, the creation of new room arrangements and the provision of new services, these works are representative of the types of alterations that are generally required for the conversion of buildings into alternative uses and are therefore considered to be neutral for the purpose of GP16(A).

Overall, it is considered that the works required and proposed to convert the building do not cumulatively amount to extensive alteration of the building and the proposal would accord with criterion (c) of Policy GP16(A).

d. the proposals would have no adverse impacts on the special interest of a protected building and that such interest is appropriately and proportionately preserved and, where possible, enhanced;

The dwelling, Maygrove was removed from the Protected Building register in Dec 2016. The neighbouring dwellings to the east and west remain protected although it is not considered that these will be impacted adversely by the proposals.

e. the proposals would have no unacceptable impacts on the contribution a building of character makes to the character and appearance of the area;

The existing building is not of particular character, and has a utilitarian appearance, and therefore this criteria does not apply.

Policy GP8 (Design) requires a development to achieve a good standard of design which makes an efficient and effective use of land and respects the character of the local built environment, whilst providing soft and hard landscaping where this reinforces local character and mitigates the impacts of the development. In this

case, the proposed works comprise the reuse of an existing building and would not alter the scale, bulk, form or materials of the existing building, and would not significantly alter the overall appearance.

f. the conversion and any ancillary development associated with it can be implemented without having any unacceptable adverse impacts on the character and openness of the landscape;

Any impact on the character of the area resulting from the change of use in itself would therefore be negligible, particularly as the land surrounding the building is already considered to be domestic garden.

The creation of curtilage policies, GP1 (Landscape character and open land) and GP15 (Creation and extension of curtilage) therefore do not apply. Requirements under the Strategy for Nature are also not required as the proposed garden area is already lawfully considered as garden area.

g. the conversion would not require more than modest extension to the existing building for it to be achieved;

No extension is proposed to the building as part of the conversion.

h. the proposal would have no unacceptable adverse impacts on the amenities and enjoyment of neighbouring properties and the surrounding area.

The proposed dwelling and associated garden would be bounded by residential garden on all sides. The main residential garden of Maygrove lies to the north of the proposed dwelling with an additional larger area of garden to the south. The northern boundary is set 1m from the proposed dwelling and composed of a 2m high timber fence, this is considered adequate to ensure that the neighbouring amenity is not compromised by the change of use.

The change of use of the outbuilding will have some impact on the neighbour to the west, La Rochelle Villa, as the proposed frontage faces the rear garden with only a low boundary wall between the sites. However, the proposed dwelling faces mainly the car parking area for La Rochelle Villa approx. 12m to the west, and is single storey meaning that only limited overlooking may be possible and a higher boundary treatment could reasonably be erected.

Other matters

Residential amenity and parking provision

The converted building would provide an appropriate level of accommodation and the size and quality of the outdoor space would be acceptable. Overall, although the limited outlook for bedroom 2 as a result of being positioned adjacent to the site

boundary, the proposed dwelling could provide an adequate living environment, in accordance with Policy GP8(d) and Annex I: Amenities.

The proposed parking provision is appropriate for the size and type of dwelling proposed, in accordance with the requirements of Policy IP7. The Parking Standards and Traffic Impact Assessment seeks provision of “secure covered cycle spaces”. Although secure cycle storage is identified it does not appear to be enclosed in this case, however there is opportunity to provide this within the proposed curtilage and provision can be controlled by condition.

Sustainability, accessibility and adaptability

In terms of accessibility to and within the building and the provision of flexible accommodation, the submitted information details level access and good circulation and the majority of the accommodation is provided over a single level, in accordance with the requirements of Policy GP8.

Confirmation has also been received that the proposed development has been designed to take into account matters of energy efficiency and current Building Regulations in accordance with Policy GP9. The submitted plans show the use of permeable hard surfacing and the inclusion of electric charging points.

Conclusion

In all matters the proposal accord with the purpose of the Law, material considerations and relevant planning policies.

Consequently, subject to the conditions outlined above, it is recommended that the application be approved.

Date: 17/08/23