

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: Extend, alter and subdivide horticultural building to create 3 dwellings, alterations to vehicle access and associated works and change of use of agricultural land to domestic garden.

LOCATION: Keithley Vinery, Rue Sauvage, St. Sampson.

APPLICANT: Mr B Blondel

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: 28/12/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 24/07/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Mark Frampton & Co: 2022 / 636/ 11 (entrance plan only), 12A, 13, 14 and T&G Structural Engineers Report (revision 1) dated 30/05/2023

Application Ref: FULL/2023/1094

Property Ref: B01780B000

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 demolition and site works, shall begin until there has been submitted to and agreed in writing by the Authority a desktop study identifying any potential contaminating features.

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

5.Unless the Authority has confirmed in writing that such a report is unnecessary, no development, including demolition and site works, but excluding works required to meet the requirements of this condition, shall begin until there has been submitted to and agreed in writing by the Authority a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desktop study.

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

6.Unless the Authority has confirmed in writing that such a report is unnecessary, no development, including demolition and site works, shall begin until there has been submitted to and agreed in writing by the Authority 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. The development shall be carried out only in accordance with the agreed scheme.

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

7. Unless the Authority has confirmed in writing that verification is unnecessary, no part of the development shall be occupied or brought into use until there has been submitted to and agreed in writing by the Authority a report providing verification that the remediation scheme agreed under condition 6 above has been implemented fully in accordance with the agreed details. The development shall be monitored and maintained in accordance with the scheme agreed under condition 6 above for a period of 3 years or in accordance with a programme previously agreed in writing by the Authority.

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

8. Prior to the commencement of any work in connection therewith, details of lighting to serve the access road along the south and west site boundaries shall be submitted to and agreed in writing by the Authority. The development shall be carried out only in accordance with the agreed details.

Reason - The information provided with the application does not include details of the proposed feature. This condition is imposed to ensure lighting does not have an adverse impact on residential amenity or wildlife.

9. Prior to the commencement of any work in connection therewith details of all areas of hardstanding (patios, access road, parking and pavements) have been submitted to and agreed in writing by the Authority. The development shall be carried out only in accordance with the agreed details.

Reason - The information provided with the application does not include full details of the proposed feature(s). This condition is imposed to make sure that the building is of satisfactory design and does not have any adverse impact on the character of the area.

10. No occupation of any dwelling hereby approved shall take place until such time as the parking and turning facilities to serve it, shown on the approved plans, have been fully completed in accordance with the details approved under condition 8 above.

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.

11. Prior to the occupation of the dwelling to which it relates details of the height and external appearance of the cycle storage sheds shall be submitted to and agreed in writing by the Authority. No part of development hereby permitted shall be occupied until the agreed cycle store to serve that dwelling has been fully implemented.

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

12. Within four weeks of the widened access hereby approved being formed, the ends of the widened opening shall be finished off using materials, height and method of

construction which match the wall demolished in association with the approved alterations to the access.

Reason - In the interests of visual amenity.

13. None of the dwellings hereby approved shall be occupied until such time as the existing glasshouses, and ancillary buildings as shown to be demolished on the approved proposed bio diversity and planting layout plan (Ref: 2022/636/13) have been demolished and all ancillary materials, works and structures have been removed from the site.#

Reason - To make sure the development takes the form hereby permitted.

14. Prior to the commencement of any work in connection therewith a landscaping scheme, to include those details specified below, shall be submitted to and agreed in writing by the Authority:

- i) planting schedules, noting the sizes, numbers and densities of all areas of plants/trees shown on the approved proposed bio diversity and planting layout drawing (2022/636/13); and
- ii) all existing trees, hedges and other landscape features, indicating clearly those to be removed.

Reason - To make sure that a detailed landscaping scheme for the development is agreed having regard to the Strategy for Nature SPG and in order to help assimilate the development into its surroundings.

15. 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.

16. Notwithstanding the provisions of the Land Planning and Development (Exemptions) Ordinance, 2023 (or any other Ordinance replacing or re-enacting that Ordinance), no gate, fence, wall or other means of enclosure more than 1.2m high shall be erected, constructed or placed along the outermost south, north and east boundaries of the domestic gardens hereby approved.

Reason - In view of the location of the site in relation to wider areas of open and undeveloped land, the erection of such structures as 'exempt development' may have an adverse impact on the character and appearance of the locality. This condition is

imposed to make sure that any proposals can be properly considered.

17. Notwithstanding the provisions of the Land Planning and Development (Exemptions) Ordinance, 2023 (or any other Ordinance replacing or re-enacting that Ordinance), no hardstanding (other than any hereby expressly permitted) shall be laid or formed or placed on any part of the domestic land hereby approved.

Reason - Given the level of hardstanding already approved, having regard to GP9: Sustainable Development.

18. The access road hereby approved, including provision for access to agricultural land as shown to be served from the access road, on the approved plans shall be maintained to make provision for access to these areas of agricultural land in perpetuity.

Reason - In order to maintain access to the retained areas of agricultural land in order to facilitate its use for agricultural purposes.

Expiry Date: This permission will cease to have effect on 27/12/2026 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

The Authority does not recognise all of the land outlined red on the submitted plan(s) as forming the domestic curtilage associated with three dwellings hereby approved.

The aim of the desktop study is to collect information about the site, to establish if it is likely to be affected by contamination.

The aim of the site investigation report is to confirm pollutant linkages and evaluate potentially unacceptable risks.

For the purposes of condition 6, the scheme should include nomination of a competent person to oversee the implementation of the works.

The verification report required under condition 7 must be completed by the competent person and should normally include:

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

For the purposes of condition 8, any lighting scheme should include:

- 1. two copies of an accurate plan showing the areas to be lit;
- 2. details of the number, location, height and colour of any lighting columns or other fixtures;
- 3. the type, number, mounting height and alignment of the luminaires and the beam

angles and upward waste light ratio for each;

4. a diagram showing the predicted levels of illumination at the site boundaries; and
5. a diagram showing the predicted vertical illumination affecting any adjacent dwellings.

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 (not to be applied as a condition but rather an informative to be applied to any applications that may raise concerns)

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.

Your attention is drawn to The Animal Welfare (Guernsey) Ordinance, 2012 and the need to comply with its provisions. The existing building may be used by bats or other wildlife for roosting and nesting and measures may therefore need to be taken (including consideration of the timing of the works) to ensure that any protected species present are not impacted by the works. It is recommended that the site is inspected accordingly prior to any building works. Attention is also drawn to the environmental impact of light pollution on many types of wildlife which can be particularly problematic when introduced into a landscape such as this, where existing sources of artificial light are relatively sparse, avoidable light pollution and its effects on the natural environment and associated wildlife, particularly bats. External lighting should be avoided or kept to a minimum. It is recommended that you contact La Société Guernesaise for advice or to arrange a site visit. La Société can be contacted on 07781 166924 or email info@societe.org.gg.

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/2023/1094
Property Ref: B01780B000
Valid date: 24/07/2023
Location: Keithley Vinery Rue Sauvage St. Sampson Guernsey GY2 4WN
Proposal: Extend, alter and subdivide horticultural building to create 3 dwellings, alterations to vehicle access and associated works and change of use of agricultural land to domestic garden.

Applicant: Mr B Blondel

RECOMMENDATION - Grant: Planning Permission with Conditions:

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Reason - To ensure that it is clear that permission is only granted for the development to which the application relates.

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

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Reason - The information provided with the application does not include details of the proposed feature. This condition is imposed to ensure lighting does not have an adverse impact on residential amenity or wildlife.

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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.

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

12. Within four weeks of the widened access hereby approved being formed, the ends of the widened opening shall be finished off using materials, height and method of construction which match the wall demolished in association with the approved alterations to the access.

Reason - In the interests of visual amenity.

13. None of the dwellings hereby approved shall be occupied until such time as the existing glasshouses, and ancillary buildings as shown to be demolished on the approved proposed bio diversity and planting layout plan (Ref: 2022/636/13) have been demolished and all ancillary materials, works and structures have been removed from the site.

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ii) all existing trees, hedges and other landscape features, indicating clearly those to be removed.

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Reason - In view of the location of the site in relation to wider areas of open and undeveloped land, the erection of such structures as 'exempt development' may have an adverse impact on the character and appearance of the locality. This condition is imposed to make sure that any proposals can be properly considered.

17. Notwithstanding the provisions of the Land Planning and Development (Exemptions) Ordinance, 2023 (or any other Ordinance replacing or re-enacting that Ordinance), no hardstanding (other than any hereby expressly permitted) shall be laid or formed or placed on any part of the domestic land hereby approved.

Reason - Given the level of hardstanding already approved, having regard to GP9: Sustainable Development.

18. The access road hereby approved, including provision for access to agricultural land as shown to be served from the access road, on the approved plans shall be maintained to make provision for access to these areas of agricultural land in perpetuity.

Reason - In order to maintain access to the retained areas of agricultural land in order to facilitate its use for agricultural purposes.

INFORMATIVES

The Authority does not recognise all of the land outlined red on the submitted plan(s) as forming the domestic curtilage associated with three dwellings hereby approved.

The aim of the desktop study is to collect information about the site, to establish if it is likely to be affected by contamination.

The aim of the site investigation report is to confirm pollutant linkages and evaluate potentially unacceptable risks.

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- 3. the type, number, mounting height and alignment of the luminaires and the beam angles and upward waste light ratio for each;
- 4. a diagram showing the predicted levels of illumination at the site boundaries; and
- 5. a diagram showing the predicted vertical illumination affecting any adjacent dwellings.

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 (not to be applied as a condition but rather an informative to be applied to any applications that may raise concerns)

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.

Your attention is drawn to The Animal Welfare (Guernsey) Ordinance, 2012 and the need to comply with its provisions. The existing building may be used by bats or other wildlife for roosting and nesting and measures may therefore need to be taken (including consideration of the timing of the works) to ensure that any protected species present are not impacted by the works. It is recommended that the site is inspected accordingly prior to any building works. Attention is also drawn to the environmental impact of light pollution on many types of wildlife which can be particularly problematic when introduced into a landscape such as this, where existing sources of artificial light are relatively sparse, avoidable light pollution and its effects on the natural environment and associated wildlife, particularly bats. External lighting should be avoided or kept to a minimum. 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.

OFFICER'S REPORT

Site Description:

Keithley Vinery, Rue Sauvage is a vinery site located behind frontage residential development to the east of Rue Sauvage. Access to the site is between two residential properties and runs along the southern site boundary before bearing north to an area of hardstanding to the south of existing glasshouses that are not in active use and to the east and south of the packing shed and boiler house. Land to the south and west of the glasshouses and associated buildings is open and undeveloped land where redundant glasshouses have largely been cleared.

The site is identified in the Island Development Plan as being Outside of the Centres and a redundant vinery site.

Relevant History:

Pre-application advice was sought in this case.

FULL/2018/0520 - Convert packing shed and boiler house to a dwelling including raising the ridge of the boiler house and replacing the lean-to packing shed roof with a flat roof including roof lantern, demolition of associated structures and the formation of domestic curtilage and parking – granted

FULL/2020/2313 - Demolish outbuildings and erect a dwelling – granted

FULL/2023/0225 - Install replacement substation with GRP enclosure – granted

Existing Use(s):

28 agriculture/horticulture

Brief Description of Development:

The application relates to the conversion of the packing shed and boiler house to three dwellings.

As originally submitted a single-storey extension was proposed to the boiler house only and the entire parcel of agricultural land was identified as becoming domestic garden. The scheme related to the formation of two- one bedroom units (within the boiler house) and one, two bedroom unit (within the packing shed).

The application was deferred during the course of consideration and the scheme amended. Unit A is proposed within the packing shed and incorporates a mono-pitched roof extension to the east elevation. Unit B is proposed within both the packing shed and boiler house. Unit C is entirely within the boiler house. A single-storey pitched roof extension is proposed to the east elevation of the boiler house to enlarge both units B and C.

As amended the scheme relates to the formation of three, one bedroom units (A and B – two person and C – one person).

The extent of domestic garden/curtilage proposed to serve the development has also been revised and reduced. The application relates to the change of use of an area of 2462 sqm of agricultural land to domestic garden, an area just over 800 sqm per dwelling. Agricultural land is shown to be retained to the north, south and east of the development. Biodiversity enhancements are proposed in connection with the development by way of enclosing the proposed garden areas, a landscape buffer (6m wide) to properties fronting Rue Sauvage and tree planting along the agricultural land adjacent to the vehicular access. Clarification was also provided regarding the extent of domestic land/agricultural land.

A shared access drive between the proposed dwellings and site boundary with properties fronting Rue Sauvage is proposed and each property will benefit from an area of hardstanding for parking and turning. The submission asserts that the level of hardstanding is not dissimilar to other properties in the locality and is not deemed excessive. Sheds are proposed to the front of each dwelling to provide secure and covered cycle parking.

A number of window/door openings are to be partially infilled and altered in connection with the proposed development along with the flat roof extension to the

west of the packing shed, tank and other associated structures situated to the north of the buildings. The scheme shows that the existing roof coverings, including asbestos sheeting are to be retained and, where necessary, encapsulated. Internally, reference is made to existing floors and external walls being retained and thermally insulated. A new independent ceiling structure is proposed with loads transferred to existing structure and the submission confirms that the roof structure will take no additional load from the proposed ceiling structure. A new internal partition wall would extend floor to roof bears onto the floor structure. There will be upgrade works in terms of acoustic and fire insulation.

The submission seeks to address the matter of sustainable development by highlighting the intention to retain significant levels of existing building fabric (embodied energy), replacement windows and doors, new insulation and permeable hardsurfacing. With regard to vehicle movements it is indicated that the scheme would not conflict with policy given the number of vehicle movements associated with a commercial vinery site.

The application submission requests that a minor departure from the IDP is considered if deemed necessary by the Authority. In addition, further information was volunteered by the agent in relation to the proposed change of use of agricultural land to domestic garden and refers to English case law in relation to the matter of consistency of decision making.

The application includes a Structural Engineer's Report dated 23 May 2023. The report notes minor cracking to external render but no structural cracks to the packing shed which indicates that the raft is founded on reasonable material and the existing foundations are indicated to be adequate due to low level cracking only to the boiler house. The conclusion states that the structures are capable of being converted without the need for significant alterations to the structure. The existing roof covering will be treated and encapsulated then an independent ceiling structure installed to span widthways between the existing walls.

It is noted that the proposed block layout plan (drawing 11) was not amended following the deferral of the application therefore the footprint of the building does not reflect the proposed layout (drawing 13).

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

Island Development Plan:

S1: Spatial Policy

S4: Outside of the Centres

OC1: Housing Outside of the Centres

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

OC7: Redundant Glasshouses Sites Outside of the Centres

GP1: Landscape Character and Open Land

GP8: Design
GP9: Sustainable Development
GP15: Creation and Extension of Curtilage
GP16(A): Conversion of Redundant Buildings
IP6: Transport infrastructure and support facilities
IP7: Private and Communal Car Parking
IP9: Highway Safety, Accessibility and Capacity

Strategy for Nature SPG
Parking Standards and Traffic Impact Assessment SPG

Representations:

One letter of representation has been submitted regarding the application making the following comments:

- Pleased to note the inclusion of native trees, shrubs etc to provide screening and offering biodiversity enhancements
- Concerns exist regarding the three dwellings which, whilst not large, could have a significant effect on the local area
- It was understood that glasshouses once cleared would be returned to open land and not used for housing
- The area is prone to flooding and new development may cause the water table to rise which could impact existing, neighbouring properties especially considering predicted sea level rises
- Rue Sauvage is a busy road unable to accommodate the additional vehicle movements associated with the proposed development, particularly at peak times
- The services in the local area may be unable to cope with the loading associated with this development in addition to the existing properties served
- If permission is granted for three dwellings there will be subsequent applications for more dwellings on this very large site

La Societe Guernesiaise - In respect of this application, we would question whether it meets the various requirements of Policy OC1; Housing Outside of the Centres. In particular, we would suggest that subdividing the existing building into three dwellings does not meet Point a. in terms of compatibility with the character of the surrounding area, or Point b. - providing a satisfactory living environment and amenities.

We would also suggest that in proposing such extensive domestic curtilages for each dwelling, it does not meet Policy GP16(A): Conversion of Redundant Buildings in respect of Point f. (Unacceptable adverse impacts on the character and openness of the landscape).

Further whilst we acknowledge that the site has previously been granted permission to redevelop the existing building under the current IDP, the requirements of

Planning in terms of new and extended domestic curtilages have been revised in recent years following consideration for the Strategy for Nature (2020). As such, we believe that this application cannot be considered valid due to its lack of specific biodiversity measures.

As the proposal seeks to extend new domestic curtilage over the full site, which measures in excess of 9,000sqm, we consider this to be excessive. As such we wish to oppose the application as it stands and would suggest a significant scaling back of the proposals.

If the application is considered further:

We would like to highlight that buildings of this type can be used by roosting bats, breeding Swallows and other wildlife. This likelihood can increase when the property is located within a variable landscape with habitats such as farmland or woodland nearby.

We would also highlight the environmental impact of light pollution on many types of wildlife such as birds, bats and insects. Such pollution can be particularly problematic when introduced into a landscape such as this one, where existing sources of artificial light are relatively sparse. This part of the island has recently been shown to support a number of bat species.

A number of informative notes are recommended to address these points.

Consultations:

Office of Environmental Health and Pollution Regulation – there are a number of issues of concern that are raised. The department would be concerned about potential for contaminated land that would have arisen from the heated green houses on the site and various conditions and informative notes are therefore recommended.

Summary of Issues:

The key issues in this case:

- The principle of the conversion of an outbuilding to residential accommodation
- The impact of the proposed change of use of land on commercial agriculture, the locality and residential amenity
- Whether this scheme represents a scheme for conversion and the building is of sound and substantial construction without substantial rebuilding/extension

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.

Policy context

The Spatial Policy of the Island Development Plan (IDP), expressed through Policy S1 (Spatial Policy), is to, *"concentrate the majority of new development in the Main Centres and the Main Centre Outer Areas to maintain the vitality of these areas...and to allow for development Outside of the Centres in identified specific circumstances, in accordance with the Strategic Land Use Plan (SLUP)"*.

The approach to development set out within the SLUP and the Spatial Policy of the IDP is reinforced through Policy S4 (Outside of the Centres) and the introduction to Part 3 of the IDP *Policies for Outside of the Centres* which, whilst acknowledging that the Plan makes provision for certain types of development Outside of the Centres, states that proposals for new housing will not generally be supported Outside of the Centres. As outlined below however, the Plan does make some, limited provision for housing Outside of the Centres, through the subdivision of existing dwellings and the conversion and reuse of redundant buildings. The balance in terms of housing provision outside of the centres is however to protect the physical environment and to ensure that the spatial strategy of the Plan is not undermined.

Redundant glasshouse site

The Planning Law considers horticultural premises, including redundant glasshouse sites, and any ancillary structures to be agricultural land so, on clearance of the structures, the land is expected to revert to other non-horticultural types of agricultural use. Therefore there is a presumption that when a horticultural use ceases the site will be cleared of glasshouses and ancillary structures and returned to agricultural use, a matter highlighted through the public consultation process.

There have been no material changes on site nor in terms of the requirements of the Island Development Plan to alter the conclusion that the proposals accord with Policy OC7 which, although places an expectation that sites will be cleared of glass and returned to agriculture, does not preclude development of redundant glasshouse sites.

Conversion of packing shed and boiler house

The 2018 permission was accompanied by supporting information that set out that the boiler house had not been used since 1999 and that any operations undertaken on the site did not require the use of the packing shed. At the site visit undertaken at the time the building was used for storage only. It was noted that any commercial operation in the glasshouses would cease in connection with the conversion proposal for the glasshouse to be removed. In conclusion, there was nothing to indicate that the packing shed and boiler house could not be used for their last known purpose but it was satisfactorily demonstrated that they are no longer required for their current/last known purpose in accordance with GP16(A) a.

The May 2023 structural report by T&G Structural Engineers sets out that there are no significant works required to the structures associated with their extension and conversion to dwellings. The 2018 submission incorporated a report by Babbé McCathie Consulting Engineers stated that the boiler house roof structure would need to be replaced (whether a roof extension formed part of the scheme, or not). The earlier report set out that the floors and walls would need to be insulated and a damp proof course inserted but ultimately concluded that the buildings were capable of conversion.

The current proposal does not incorporate a roof extension nor the replacement of the boiler house roof structure but, as amended, states that the roof structure will not take any additional loading from the internal works proposed. The submission does not specifically address the different report conclusions in relation to whether the boiler house roof structure requires replacement.

Although the two reports do not exactly match in both cases the conclusion by appropriately qualified professionals is that the buildings are capable of conversion and the scheme accords with the aims of Policy GP16(A) c. relating to sound and substantial construction.

Policy GP16(A) d. and e. would not be relevant in this case given that the buildings are not of architectural or historic merit and there are no protected buildings within the vicinity of the application site.

The application site is located to the rear of frontage residential development on Rue Sauvage and the change of use of these buildings would not have an unacceptable impact on the character of the local landscape. The change of use of land to form domestic curtilage will impact on the character of the area but this does not mean that the proposed change of use of land is unacceptable and it is reasonable to ensure that future occupiers of the development have access to external open space. Similar to the previously approved scheme the application as amended retains an element of agricultural land around the development. Residential development exists to the north, west and east of the site. The site is well enclosed and the ancillary development associated with the conversion would not have an unacceptable adverse impact on the character and openness of the landscape. Utilising the existing buildings

means that the dwellings, including extensions, will be situated amongst other residential properties and the scheme would not have an unacceptable detrimental impact on the character of the area or the openness of the landscape in line with Policy GP16(A) f.

Paragraph 19.17.8. of the IDP states:

Proposals to convert an existing building may be accompanied by a modest extension provided that the extension is not of such scale that it forms a significant part of the new unit, in effect creating a new building contrary to this policy.

Policy OC1 of the Island Development Plan sets out in paragraph 16.1.16 that the relevant requirements of the Building (Guernsey) Regulations, 2012 and the practical guidance on those requirements in the associated Guernsey Technical Standards will need to be taken into account in determining whether a proposed unit offers an adequate standard of accommodation. This means that the accommodation must be capable of meeting the current Building Regulations without extension. Given that both the boiler house and the packing shed are of sufficient size to create residential units without extension there is no conflict with Policy OC1 in this regard.

Policy GP16(A) criterion g. permits only a modest extension to an existing building. This requirement is taken in two parts:

- Firstly, the extensions proposed must be modest in relation to the building which is being converted and subdivided. The revised layout of accommodation is such that the two buildings are amalgamated, whereas previously it would have been considered in relation to the existing floor area of the boiler house only. The combined floorspace of the proposed extensions in relation to the floor area of the original buildings represents an increase of just below 20% which is considered modest in relation to Policy GP16(A) g.
- Secondly, each extension needs to be considered against the new unit to which it relates in order to determine whether the extension would form a significant part of that unit. The extensions are between 7sqm (Units B and C) and 12sqm (unit A) in size and the units (without extension) vary from approximately 35sqm to 50sqm in size. Although the scheme, with an extension that would house primary living accommodation, the buildings could accommodate a residential unit without extension.

Having regard to the Pomare planning appeal it is noted that in relation to an extension *“In the Tribunal’s view it is reasonable to assume that whether an extension is “modest” will depend on its scale relative to the size of the new unit; and that if its scale is such that a new building would effectively be created, the policy test would not be met ... [the Tribunal] do not consider that the extension taken alone would be of such a scale as to form a significant part of the new unit in proportional terms. Nor, despite the fact that the*

building would be altered in several other ways, do we consider that a new building would in effect be created by the addition of the extension”.

It has been satisfactorily demonstrated therefore that the proposed extensions to both the boiler house and packing shed would not form a significant part of any new unit created, particularly given the fact that the three units could be formed without any extension.

The scheme therefore complies with criterion g. of Policy GP16(A).

New developments should be planned and built to support the health and well-being of occupants and users and the matter of amenity is considered in more detail elsewhere in this report. In terms of internal space provision, it has previously been established that the building is capable of accommodating three dwellings without extension when considering the current Building Regulations. The DCLG Space Standards are met in relation to units A and C and fall just 2sqm short in relation to unit B. The accommodation is satisfactory in terms of aspect, outlook, sunlight/daylight, privacy and access to external space.

Change of use of agricultural land to domestic garden and biodiversity enhancement

The principle of the change of use of a proportion of land (1498sqm) at Keithley Vinery from agricultural land to domestic garden was established through the 2018 application. This would have seen 8569sqm of agricultural land to the north and south of the garden area including the access driveway to serve the retained agricultural land. In that case the change of use was not considered to have a significant and unacceptable impact on the landscape character of the area. It was acknowledged that the site is not highly visible from the wider area but it was acknowledged that the land is open and undeveloped for planning purposes.

The Appeals Tribunal have previously considered the matter of other ancillary development and paraphernalia associated with the creation of a dwellinghouse and concluded that this could have an adverse impact on open landscape character. In the Rue Coutance appeal the Tribunal cited the suburbanising effects of parking, garden equipment and boundary hedging.

As originally submitted the scheme proposed the change of use of the entire land parcel (10,067sqm) from agricultural land to domestic garden, divided between the three properties and equating to more than 3350 sqm of garden per dwelling. Following the deferral of the application however, this area was reduced to 2462 sqm (c. 800 sqm per each one bed dwelling).

The land that is the subject of this application is located within the wetlands, lowland landscape as identified in the Island Development Plan and both residential and horticultural/agricultural buildings are common in the area. The site does not form part of a wider area of open land as the site is situated between frontage residential development on Rue Sauvage to the west and north on Les Martins. To the east and

south are pockets of agricultural land before further residential development in Salines Lane and Les Salines Road.

As outlined above, Policy S1 seeks to direct the majority of development to Main Centres and Main Centre Outer Areas with limited provision for new housing in Outside of Centre locations. The balance in terms of housing provision outside of the centres is however to protect the physical environment and to ensure that the spatial strategy of the Plan is not undermined.

Consideration must be given to Policy GP8 and the need for development to enhance the character of the environment and to respect the character of the open landscape concerned. The Strategic Land Use Plan places an expectation of the IDP to protect open land within the countryside and to make most effective and efficient use to be made of the Island's finite land resource. The retention of agricultural land around the built development at Keithley Vinery, more akin to the earlier approval, achieves this and would preserve the character of the open land around the site by retaining agricultural land buffers in addition to a landscape buffer to existing residential properties.

It is accepted that some level of domestic curtilage will be required to facilitate the conversion of redundant buildings for residential purposes, as allowed by Policy GP16(A). The extent of the curtilage proposed under the current application as amended is now considered to be proportionate to the size of the dwellings proposed and is reasonable to support the conversion of a redundant building, even where three, one bedroom dwellings are proposed. The scheme therefore complies with Policy GP16(A) and GP15 in this respect.

The application drawings show the access to agricultural land from the access driveway and in order to ensure that the residential development does not undermine access to the retained agricultural land a condition may be imposed to address this. The scheme proposes a resurfaced access road, with designated pedestrian footpath, in order to comply with the Building Regulations. This would not prevent use for agricultural purposes. Unlike the previous approval, where the accessway was retained as part of the agricultural land, it could be argued that this road and footway would have an urbanising effect on the land notwithstanding this fact however, the roadway would be viewed in the context of residential properties in Le Sauvage and this alone would not warrant the refusal of permission.

The scheme would not result in the loss of boundary features and the land is not within an Area of Biodiversity Importance. New hedgerow and other buffer and boundary planting is proposed, matters that can be managed by planning condition and which would address the requirements of the Strategy for Nature SPG. Informative notes as recommended through the consultation process may also be included.

Other matters

Policies GP16(A) h., GP8 and GP9 seek to address matters relating to the amenities of surrounding residents, the health and well-being of future occupiers and the character and appearance of the built environment and open landscape.

Design and appearance

The proposed development, alterations and extensions represent a good standard of design that is in keeping with the existing building and will not harm the built environment given the variety of residential properties in the local area. The works proposed will not result in harm to the character of the surrounding area.

The subdivision of the building into multiple units could be argued to make efficient and effective use of the building however, this cannot be at the expense of residential amenity or the character of the locality. Given the constraints of the building, consideration of the relevant policies demonstrates that the scheme does represent efficient and effective use of the land and existing building. Being single-storey only with level thresholds shown, on a substantially flat site, the development would offer accessible accommodation. The modern partition walls within each unit means that adaptations could be carried out to respond to the changing needs of occupiers having regard to Policy GP8.

The access level of hardstanding for parking and turning on site is generous when considering sustainable development and the aims of Policy GP9. It is noted however, that the existing access driveway which runs along the south and east boundary and much of this would be removed in connection with the diversion of the driveway to serve the three properties (access driveway, parking and turning). The diverted access driveway is a reduced length over the existing arrangement (outside proposed residential land). The driveway and parking for each dwelling is not considered so excessive to warrant the refusal of permission. In many cases exemption rights would apply thereby allowing further hardstanding to be created. It may be reasonable in this case however, to explore the removal of exemption rights relating to further hardstanding in the interests of sustainable development.

Residential amenity

Being single-storey and situated a substantial distance from all site boundaries the proposed extension and change of use to three dwellings will not result in overlooking or overshadowing to the occupiers of surrounding dwellings and their external amenity space.

With regard to the impact of the change of use of land on neighbouring properties, the proposal involves a change of use of an area of land to be included and managed as part of the residential curtilage. The proposed change of use would not of itself have an adverse impact on or affect neighbour amenities in line with Policies GP1 and GP15 of the IDP.

New developments should be planned and built to support the health and well-being of occupants and users and maintain appropriate amenities for those of neighbouring property.

As outlined elsewhere the amenities of future occupiers is generally considered satisfactory. Being single-storey and with the proposed planting scheme which can be managed by planning condition there would not be an unacceptable degree of mutual overlooking between the units proposed. As proposed, the scheme would incorporate a generous area of agricultural land as domestic garden to serve each of the proposed units offering ample access to external open space.

Parking and cycle parking provision

The scheme makes satisfactory provision for both cycle and vehicle parking having regard to the SPG and aims of the IDP policies IP6 and IP7.

Sustainable Development

The scheme incorporates replacement, efficient windows and doors, permeable paving and internal insulation measures taking into account matters of energy efficiency and current Building Regulations in accordance with Policy GP9.

Contamination

No comments were received from Environmental Health at the time of determination regarding contamination however, conditions could be imposed to ensure that the matters relating to contamination are appropriately managed.

Other matters raised through public consultation

The concerns raised through the public consultation process regarding future applications for additional housing units is noted however, the current Development Plan does not make provision for the development of this site for any more residential units than an approved conversion scheme. The scheme will also need to accord with the current Building Regulations with regard to surface water runoff and connection to the local services. The scheme also incorporates sustainable drainage in order to manage surface water run off.

Alterations to vehicular access

The scheme proposes the demolition of a section of roadside wall to widen the vehicular and proposed pedestrian access from 5m (vehicular only) to 7m splayed to the north and with the stones reused at the northern edge of the access. The roadway itself is shown to be 4.5m wide, sufficient for two vehicles to pass, and with a designated pedestrian footpath into the site. The vehicular and pedestrian access as

proposed represents a good standard of design and meets the aims of Policy IP9 in terms of highway safety.

There is no evidence to demonstrate that three modest dwellings would result in an increased use of the access which currently/historically served a substantial commercial horticultural site where there would be unrestricted vehicle movements, including large vehicles for delivery/collection purposes. The development will not unreasonably intensify the use of the access nor add unduly to traffic on the local road network. The scheme therefore addresses the requirements of Policy IP9.

Conclusions

In view of the above it is recommended permission is granted for the proposed development subject to appropriate planning conditions.

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: 20/12/2023

