

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 existing outbuilding and erect new dwelling to south west of site, change of use of agricultural land to domestic garden (1,050sqm) and associated works.

LOCATION: Orgeris (Formerly Orgeris Vinery), Les Rouvets Road, Vale.

APPLICANT: Lilly Ltd

This permission is granted under the terms of Sections 15 and 16 of the Land Planning and Development (Guernsey) Law, 2005 (the 'Law').

Date of Grant of Permission: 28/11/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 31/07/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Evans Architecture: 2116 03.04B & 03.05A; Biodiversity Statement

Application Ref: FULL/2023/1262

Property Ref: C02050A000+C02049A000

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) No works pursuant to this permission shall commence until there has been submitted to and approved in writing by the Authority: (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)

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 Contaminated land Research Report Nos. 2 and 3 and BS10175:2001 - Investigation of Potentially Contaminated Sites - Code of Practice; and, unless otherwise agreed in writing by the Authority,

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 Authority,

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:

- 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.

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 ensure any ground contamination is dealt with in a safe and appropriate manner.

5.No development, excluding demolition and site works, shall begin until an updated landscaping scheme, to include those details specified below, has been submitted to and agreed in writing by the Authority:

- i) the treatment proposed for all hardsurfaced areas, including method of laying;
- ii) full details of tree and hedge planting along the west boundary of the domestic curtilage hereby approved;
- iii) details of bird and bat boxes.

Reason - To make sure that a satisfactory landscaping scheme for the development is agreed, in order to help assimilate the development into its surroundings; in the interests of neighbour amenity; and to provide biodiversity enhancements.

6.The landscaping scheme shall be fully completed, in accordance with the details agreed within the Biodiversity Statement and amended 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 a satisfactory landscaping scheme for the development is agreed, in order to help assimilate the development into its surroundings; in the interests of neighbour amenity; and to provide biodiversity enhancements.

7.Prior to the sale, first occupation of the dwelling hereby approved, or completion of the development, whichever is sooner, the existing glasshouses and packing shed shall be demolished and all ancillary materials, works and structures shall be removed from the site.

Reason - To make sure the development takes the form hereby permitted and to satisfy Policies OC7 and GP16(B) of the Island Development Plan.

8. Prior to installation, full details of the proposed cycle and bin storage shall be submitted to and agreed in writing by the Authority, and the dwelling hereby permitted shall not be used or occupied until the agreed storage has been fully implemented. The provision for cycles shall not be retained at all times.

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

9. Prior to the first occupation of the dwelling hereby approved, or completion of the development, whichever is sooner, the electric vehicle charge points shall be installed.

Reason - In the interests of sustainable development, these features having been proposed to address the requirements of Island Development Plan Policy GP9.

10. 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.

11. 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 (other than any hereby expressly permitted) shall be erected, constructed or placed 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.

Expiry Date: This permission will cease to have effect on 27/11/2026 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

In respect of Condition 3, it is advised that:

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>.

In respect of Condition 7, the packing shed referenced is the building which was subject to the previous permission for conversion (ref FULL/2022/0742).

Your attention is drawn to the Animal Welfare (Guernsey) Ordinance, 2012 and 2020 Strategy for Nature, and the need to comply with their provisions. The site may be used by nesting birds or other wildlife. You are requested to undertake any site clearance outside of the main bird breeding season (March-July inclusive). Further, it is recommended that you contact La Societe Guernesiaise so that the site can be inspected prior to clearance to ensure that any protected species present, such as bats, are not impacted by the works.

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/2023/1262
Property Ref: C02050A000+C02049A000
Valid date: 31/07/2023
Location: Orgeris (Formerly Orgeris Vinery) Les Rouvets Road Vale
Guernsey GY6 8NP
Proposal: Demolish existing outbuilding and erect new dwelling to south
west of site, change of use of agricultural land to domestic
garden (1,050sqm) and associated works.
Applicant: Lilly Ltd

RECOMMENDATION - Grant: Planning Permission with Conditions:

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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.

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Reason - To make sure that a satisfactory landscaping scheme for the development is agreed, in order to help assimilate the development into its surroundings; in the interests of neighbour amenity; and to provide biodiversity enhancements.

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Reason - To make sure the development takes the form hereby permitted and to satisfy Policies OC7 and GP16(B) of the Island Development Plan.

8. Prior to installation, full details of the proposed cycle and bin storage shall be submitted to and agreed in writing by the Authority, and the dwelling hereby permitted shall not be used or occupied until the agreed storage has been fully implemented. The provision for cycles shall not be retained at all times.

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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.

INFORMATIVES

In respect of Condition 3, it is advised that:

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>.

In respect of Condition 7, the packing shed referenced is the building which was subject to the previous permission for conversion (ref FULL/2022/0742).

Your attention is drawn to the Animal Welfare (Guernsey) Ordinance, 2012 and 2020 Strategy for Nature, and the need to comply with their provisions. The site may be used by nesting birds or other wildlife. You are requested to undertake any site clearance outside of the main bird breeding season (March-July inclusive). Further, it is recommended that you contact La Societe Guernesiaise so that the site can be

inspected prior to clearance to ensure that any protected species present, such as bats, are not impacted by the works.

OFFICER'S REPORT

Site Description:

The application site comprises a horticultural site measuring approximately 7750m². The majority of the site is under glass, with an ancillary packing shed located adjacent to the west boundary.

The site is situated to the rear (east) of neighbouring residential properties which front onto the highway, Les Rouvets Road, in that direction. The site is accessed via a gravelled track which runs between two of those properties, and alongside the gable of one of them.

The site is situated Outside of the Centres as defined in the Island Development Plan. The site is bounded by but, with the exception of the access track, situated outside of a Conservation Area to the north and west and the two neighbouring properties bordering the access track to the west are protected buildings.

Relevant History:

FULL/2022/0742 Convert, extend and alter outbuilding to create dwelling with associated landscaping and parking. Approved 13/04/2023

Existing Use(s):

Agricultural Use Class 28

Brief Description of Development:

Permission is sought to demolish the existing building to the north of the access drive into the site, and all other remaining glasshouses and ancillary structures on the site, and to construct a new one bed dwelling with associated parking and curtilage to the south of the access drive.

Following deferral, a Biodiversity Statement and Site Waste Management Plan have been submitted in support of the application.

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
OC7	Redundant Glasshouse Sites
GP1	Landscape Character and Open Land
GP4	Conservation Areas
GP5	Protected Buildings
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

Supplementary Planning Guidance: Strategy for Nature

Representations:

One letter received raising the following points:

- The proposal does not accord with the distribution of development set out within the Strategic Land Use Plan (referencing IDP paragraph 4.1.1);
- The proposal does not meet any of the forms of development permitted for redundant glasshouses sites as set out in the Introduction to the policies for Outside of the Centres (referencing IDP paragraph 15.1.8);
- Development Outside of the Centres is only permitted where this can be achieved through the subdivision of existing dwellings and the conversion of redundant buildings – which this is not (referencing IDP paragraph 16.1.3 and Policy OC1);
- The vinery was viable until the current owner purchased it in the last couple of years, the vinery has been allowed to become redundant to allow for development and could be used for commercial agriculture (referencing IDP paragraph 17.5.5);
- The adjacent property is a protected building and located within a Conservation Area and the proposal will detract from the architectural character of the area and the protected building, particularly given the modern design and close proximity of the building;
- The proximity to the adjacent property will encroach on the privacy and well being of that property, with neighbours directly over the hedge, with the attendant noise and intrusion, as well as vehicles passing the back garden.

Consultations:

The Office for Environmental Health and Pollution Regulation commented on the previous application (ref FULL/2022/0742) as follows, and those comments remain relevant in respect of the current application:

I have carried out an historic search on Cadastre, which shows the vinery located at the site is or was previously heated. I am therefore concerned for the potential of land contamination at this site and would recommend the following condition is attached to any planning consent:

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).
 - 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 Contaminated Land Research Report Nos. 2 and 3 and BS10175:2001 - Investigation of Potentially Contaminated Sites - Code of Practice;
and unless otherwise agreed in writing by Planning Services,
 - 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,
 - 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:
 - 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.

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

Informatives/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 (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.

Summary of Issues:

Whether site comprises a redundant glasshouse site, and complies with the provisions of Policy OC7;

The principle of residential development;

Whether the proposal is of broadly the same floorspace and volume as the approved conversion scheme;

Design and impacts on the character of the area and setting of adjoining protected buildings;

Sustainable development;

Impacts on landscape character and openness;

Impacts on neighbour amenity;

Provision of biodiversity enhancements;

Access, parking and cycle storage.

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).**

Redundant Glasshouse Site

The Supplementary Planning Guidance *Defining Redundant Glasshouse Sites*, recognises the decline of the horticultural industry in the Island and aims to provide for the managed exit from this sector in terms of land use. That guidance therefore states that a site can be considered redundant, even if still or recently commercially active, if no longer required for commercial purposes. As part of the previous application for conversion of a packing shed at the application site, information was provided stating that the glasshouses at the site were no longer productive and, despite active marketing, that there was no realistic prospect of the site making a material contribution to the horticultural industry in the future. It has therefore been established that the site can be considered a redundant glasshouse site for the purposes of the Island Development Plan (IDP). Any application for development at the site must therefore be assessed against Policy OC7.

The criteria of Policy OC7 were considered under the previous application, and were found to be met. Whilst the current proposal includes the demolition of the packing shed and construction of a dwelling in a revised location, the proposed development would be retained to the west of the site, well related to the built development in that area, and would not change the previous assessment in respect of criteria a)-h) of the policy.

In respect of agricultural use of the land, Policy OC7 only affords protection to such land where it is located within or adjacent to an Agriculture Priority Area as designated within the IDP, and can positively contribute to the commercial agricultural use of that Agriculture Priority Area. This site is not located within or adjacent to an Agriculture Priority Area (the nearest such area being located on the opposite side of Les Rouvets Road to the west, and set to the west and south of Acacia Clos), and the agricultural use of the land would not therefore be protected under this policy.

In respect of the acceptability of a residential use at the site, highlighted in the letter of representation, the cited paragraph gives examples of the types of development which could occur on redundant glasshouse sites, but that list is not exhaustive. Policy OC7 itself specifically identifies the potential for conversion of redundant ancillary structures on such sites, where the proposal accords with Policies GP16(A) or GP16(B) (criterion f), and it is those policies which provide a gateway for residential development, as outlined below.

In accordance with criterion iv), the proposal continues to propose the removal of all glasshouses and ancillary structures from the site, including the packing shed which formed the subject of the previous application. This can be controlled by condition.

The remaining criteria of Policy OC7 will be addressed as part of the assessment below.

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).

In this case, permission has been granted for the conversion of the building which forms the subject of this application under Policy GP16(A), and permission is now sought for the demolition of that building and the construction of a new dwelling 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 this building was approved 13/04/2023, under reference FULL/2022/0742.

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 proposal remains for a single one bed unit.

The floor space of the approved scheme is stated to be 40m², which accords with the previously approved plans. The volume calculations initially provided related to the roof of the buildings only. Whilst more comprehensive calculations have been provided following deferral, these relate to the internal and not the entire volume of the buildings. Measuring from the approved plans the volume of the approved scheme is calculated to be c180m³.

The floor space of the proposed scheme is 49m², representing a 20% increase on the floor space of the approved scheme. This increase, taking into account the small size of the existing building and therefore the relatively limited size of the additional floorspace in absolute terms, could be considered “broadly the same” for the

purposes of this policy and would allow for provision of better quality accommodation as opposed to increasing the level of accommodation provided.

The proposed dwelling would be of a similar form to the approved dwelling, however, measuring from the submitted drawings, the volume of the proposed scheme is calculated to be c226m³, representing a 25% increase in volume. Whilst the volume of the proposed replacement dwelling could be reduced, for example by reducing the pitch of the roof, the pitch of the roof is stated to be required for improved construction features, such as an optimal pitch for installation of solar panels. Furthermore, it is noted that the height of the internal roofspace would not allow for the creation of habitable first floor space, and would not therefore alter the assessment made above in respect of floor space. Taking this into account, together with the discrete location of the dwelling, which would ensure that the increased volume would not affect the landscape character and openness of the area, it is considered that the volume of the proposed dwelling can be deemed broadly the same as the approved conversion scheme.

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 building could not be considered a building of character. The building is a former horticultural structure 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. In this case, the building forms part of the setting of a protected building and Policy GP5 (Protected Buildings) would also apply. Supplementary Planning Guidance in the form of the Strategy for Nature must also be given consideration.

Whilst the site does abut a designated Conservation Area, Policy GP4 and the statutory duties of the Law only place additional requirements on development located within and not adjacent to a Conservation Area. Those additional requirements would not therefore be applicable in this case.

The summary of special interest for that Conservation Area, set out within Annex V of the IDP, however identifies the character of the area as predominantly residential, with pitched roof buildings of often one and a half to two and a half storeys and typically of grey/blue stone and/or rendered stone with slate or clay pantile roofs. Buildings are generally found to be arranged along the roadside, with open land and vineries located behind and intermittently between, development.

Whilst the current proposal would not follow built form in the area, being located behind the roadside development and introducing new materials, the building is of traditional form and the proposed materials could provide a high quality finish. Furthermore the building would be discretely located and screened from public view. The proposal would not therefore have any impact on the character of the wider area, or of the Conservation area.

The positioning, scale, form and materials proposed would limit the visual impacts of the building from outside of the site and would represent a good standard of design which respects the character of the local built environment.

The whole of the dwellinghouse known as New Place, located between the application site and the road, is protected, together with the roadside wall. Whilst parts of the detached outbuilding to the rear are likely to be historic, that outbuilding has undergone significant renovation and does not form part of the listing. The proposed new dwelling would be located in close proximity to the boundary with New Place, at a distance of c5m, however the position to the rear of the site, and behind the outbuilding, together with the limited size of the building, would limit any impact on the setting of the protected building. The proposal would therefore accord with the requirements of this criterion, those of Policy GP5 and the statutory duty with respect of Protected Buildings.

The provision hard and soft landscaping is addressed 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 existing building is finished in corrugated sheeting and it is acknowledged that the thermal properties of the building are likely to be poor, and the new building will therefore have enhanced thermal performance. In this case, following deferral, it has also been confirmed that the orientation of the building has been selected to maximise solar gain.

Permeable paving is proposed to the parking area, together with the provision of electric vehicle charge points. Whilst these elements are welcomed, they did form part of the previous approval and would not therefore comprise an enhancement in terms of sustainable design for the purpose of this policy.

As initially submitted, potential provision for renewables was identified, however this was not definitively proposed. An air source heat pump was shown adjacent to the south boundary, however, whilst this would limit any impacts on neighbour amenity, it was distant from the proposed dwelling and likely to be beyond the tolerances for efficient installation. Following deferral, the air source heat pump has been omitted from the application, with a note that this could be installed at a later date under the provisions of the Exemptions Ordinance. Solar panels have been

included to the south roofslope of the new dwelling, however the supporting letter states that these are indicative only, to show the potential for such provision, but that they are not proposed at this stage.

The proposals also detail the reuse of demolition material where possible.

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;

The proposed development remains well related to the existing built form to the east of Les Rouvets Road, and, taking into account the clearance and planting of land to the east of the site, would result in an overall benefit to landscape character and 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 current application would set the proposed dwelling further from the boundary with the property to the north-west of the site when considered against the approved scheme, and would not have any adverse impacts on the amenity of that property.

The repositioning of the dwelling would move the structure towards the adjacent dwelling to the south-west of the site, however the size and positioning of the proposed dwelling would prevent any impacts on the adjoining property in terms of overshadowing or overbearing, and fenestration proposed in the facing gable is ground floor only and serves a bedroom and bathroom. The application drawings show the boundary with the adjacent property as being formed by the low wall of the former glasshouse at the site, with the overgrown strip of land between that wall and the fencing running along the rear of the garden associated with the adjoining property falling outside of the ownership of the applicant. The agent has confirmed this is the correct boundary. The proposal would result in the creation of garden area adjacent to that boundary, with the low boundary wall being reinforced with informal shrub planting, to be maintained at a minimum height of 6ft. Planted at an appropriate density, this would provide sufficient screening to protect the amenity of the adjoining property. The submitted Biodiversity Statement however refers to "Up to one plant per metre" along this boundary, which could potentially result in a sparse screen. It is therefore recommended that additional details are required by

condition in relation to this boundary, demonstrating that an appropriate screen would be provided.

Extension of curtilage

The application proposes to retain the land previously approved as domestic curtilage and to extend that area to include the land to the south and west of the site.

Policy OC5(B) allows for the change of use of agricultural land, where all other relevant policies of the Plan are met.

The extension of curtilage would fall to be considered under Policy GP15 (Creation and extension of curtilage). In addition, Policy GP1 is relevant in relation to the impact on open and undeveloped land, and the Strategy for Nature in respect of contributions to biodiversity.

The proposed curtilage is generous for the size of dwelling proposed. Whilst the information submitted in support of the application notes that there are other properties of similar sizes in the area, it does not quantify the relative size of the associated dwelling and this, in isolation, would not be sufficient to support the proposal. It would appear logical to draw the curtilage line level with that of the two adjoining properties, and no justification has been provided for the additional projection proposed under this application. In this case however, taking into account the position of the site relative to surrounding development, the discrete nature of the location and the benefits accrued from reverting the majority of the site to open land, it is considered, on balance, that the proposed curtilage would result in significant impact on landscape character or openness.

The property is not located within an Agriculture Priority Area or an Area of Biodiversity Importance, and no established boundary features are to be removed as part of the application.

The erection of any fencing or walls around the perimeter of the curtilage, other than as shown on the proposed plans, could however have an adverse impact on character and openness and it is recommended that exemptions rights for such structures are removed by condition.

As under the previous application, the proposal includes the clearance of the glasshouses to restore the agricultural land/form a wildflower meadow and enclosure of the curtilage with hedging. Existing tree planting/land management is to be retained along the south boundary of the agricultural land and the tree planting previously proposed in the location of the new dwelling has been relocated to the area of the existing outbuilding. The species and planting schedules set out in the submitted Environment Guernsey Biodiversity Statement in relation to these areas are appropriate. In respect of the planting proposed to the west boundary, with the adjoining residential property, there are some concerns regarding the

density of planting and it is therefore recommended that additional details of this boundary are required by condition. Provision of bird and bat boxes, whilst set out in the Biodiversity Report, are not shown on the submitted plans and this should also be controlled by condition.

Implementation of the approved landscaping scheme can be controlled by condition.

Under the previous application, due to the limited size of curtilage proposed, exemption rights for hardsurfacing were withheld. In this case, given the extent of curtilage proposed, it is not considered necessary to replicate that condition.

The impact on the amenity of neighbouring properties is addressed above.

The new dwelling would be accessed over an existing track, which would also provide access to the agricultural land to the east. The existing track comprises hardcore/gravel and is suitable to serve both uses.

Access, parking and amenity

The new dwelling would provide 49m² of internal floor space which would exceed the requirements of the Guernsey Technical Standards and only fall slightly short of the best practice guidance set out in the nationally described space standards. The size and quality of the outdoor space would be generous for a dwelling of the size proposed and there would be an attractive outlook from the dwelling. Overall the proposed dwelling could provide a good living environment, in accordance with Policy GP8(d) and Annex I: Amenities.

As noted under the previous application, the proposal would result in the cessation of the horticultural use of the site and the creation of one small unit of residential accommodation. The proposal would not therefore result in significant additional vehicle movements through the existing access and would not give rise to any road safety concerns, in accordance with Policy IP9 (Road Safety, Accessibility and Capacity) and part ii) of OC7.

Following deferral, the arrangement of the proposed hardsurfaced area has been altered to provide generous space for parking and turning on site. Whilst the extent of hardsurfacing appears excessive for the size of dwelling proposed, it would not result in adverse impacts, provided the surfacing is permeable in nature. The proposal would be in accordance with the requirements of Policy IP7.

Cycle storage is shown within the proposed parking area, stated on the plan to be 2m x 1m x 1.335m (height), flat roof with timber cladding. The indicated size and location of the storage would prevent any adverse impacts, and elevational/pictorial details and installation can be controlled by condition.

Accessibility, adaptability and waste management

The accommodation is arranged over a single floor and is 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

Policy GP16(B) only provides a gateway for the proposed development where the proposal is for the demolition and redevelopment of an existing building. In this case, as the proposed replacement building is not located within the footprint of the existing building, it would be necessary to ensure that the existing building is demolished within a reasonable timeframe of the construction of the new building through the application of a condition to the decision. So as to enable the use of the existing building as a site hut or similar, if needed, it is recommended that removal of the building is required prior to occupation of the new dwelling.

Conclusion

On balance, the proposals are considered to accord with the purpose of the Law, material considerations and planning policy and approval is recommended, subject to the conditions set out above.

Date: 24/11/2023