

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 glasshouses and convert building to residential dwelling with associated works.

LOCATION: Des Marettes Vinery, Rue Des Marettes, St. Martin.

APPLICANT: Mr & Mrs M Doherty

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: 19/01/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 23/08/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: PF+A Ltd: 7479-01 B1C, B2C, B3, B4 & B5; Biodiversity Statement

Application Ref: FULL/2023/1311

Property Ref: J010610000

Conditions and reasons:-

1.All development authorised by this permission must be carried out and must be completed in every detail in accordance with the written application, plans and drawings referred to above. No variations to such development amounting to development may be made without the permission of the Authority under the Law.

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

2.The development hereby permitted shall be begun within 3 years from the date of grant of this permission.

Reason - This condition reflects section 18(1) of the Land Planning and Development

(Guernsey) Law, 2005 which states that planning permission ceases to have effect unless development is commenced within 3 years of the date of grant (or such shorter period as may be specified in the permission).

3. The development hereby permitted and all the operations which constitute or are incidental to that development must be carried out in compliance with all such requirements of The Building (Guernsey) Regulations, 2012 as are applicable to them, and no operation to which such a requirement applies may be commenced or continued unless (i) plans relating to that operation have been approved by the Authority and (ii) it is commenced or, as the case may be, continued, in accordance with that requirement and any further requirements imposed by the Authority when approving those plans, for the purpose of securing that the building regulations are complied with.

Reason - Any planning permission granted under the Law is subject to this condition as stated in section 17(2) of the Land Planning and Development (Guernsey) Law, 2005.

4.(i) Prior to commencement of any works within the proposed domestic curtilage the following shall be submitted to and approved in writing by Planning Services in respect of the land within that curtilage: (A desktop study shall be the very minimum standard accepted. Pending the results of the desk top study, the applicant may have to satisfy the requirements of b and c below, however, this will all be confirmed in writing).

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

and unless otherwise agreed in writing by Planning Services,

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

and, unless otherwise agreed in writing by Planning Services,

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

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

Planning Services in advance of implementation). Unless otherwise agreed in writing by the local planning authority such verification shall comprise:

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

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

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

5.If, during development, contamination not previously identified is found to be present at the site, on the land falling outside of the proposed domestic curtilage, then no further development shall be carried out on that land 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.

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

6.Prior to commencement of any works at this site, a method statement detailing the proposals for demolition, removal and disposal of all existing buildings, glasshouses, structures and areas of hardstanding, including contractors' hours of operation, shall be submitted to and approved in writing by the Authority. No part of the application site as shown on the approved plans shall be sold independently to any other part of that site, nor shall any part of the dwelling hereby approved be occupied, until the demolition works have been undertaken in accordance with the approved method statement.

Reason - To ensure that the existing structures are removed in an appropriate manner and would result in good quality open land, in accordance with Policy OC7; To protect the amenity of nearby residential properties.

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

1.A scheme of how the contractors will liaise with local residents to ensure that residents are kept aware of site progress and how any complaints will be dealt with reviewed and recorded (including details of any considerate constructor or similar

scheme)

II.A scheme of how the contractors will minimise complaints from neighbours regarding issues such as noise and dust management, vibration, site traffic and deliveries to and from the site

III. Details of hours of construction including all associated vehicular movements

IV. Details of the construction compound

V. A plan showing construction traffic routes

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

Reason - To ensure that the construction and operation of the development is managed to minimise impacts.

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

- i) full details of tree planting in the 'Native tree area' as shown on Drawing No 7479-01-B2C, including planting schedules, noting the sizes, numbers and densities of plants;
- ii) full details of the treatment of the 'wild-flower rich grassland';
- 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 and to provide biodiversity enhancements.

9.No part of the application site as shown on the approved plans shall be sold independently to any other part of that site, nor shall any part of the dwelling hereby approved be occupied, until a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than domestic gardens, has been submitted to and agreed in writing by the Authority. The agreed landscape management plan shall then be fully implemented.

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

10.No part of the application site as shown on the approved plans shall be sold independently to any other part of that site, nor shall any part of the dwelling hereby approved be occupied, until the landscaping scheme has been fully completed, in accordance with the details agreed under the terms of the above condition. 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, to help assimilate the development into its surroundings and to provide biodiversity enhancements.

11. Prior to the first occupation of any part of the development, details of the provision to be made for the parking of cycles, under cover and secure, shall be submitted to and agreed in writing by the Authority, and the agreed scheme shall be fully implemented. The provision for cycles shall be retained at all times.

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

12. Notwithstanding the provisions of the Land Planning and Development (Exemptions) Ordinance, 2023 (or any other Ordinance replacing or re-enacting that Ordinance), no fence, wall or other means of enclosure (other than any hereby expressly permitted) shall be erected or constructed forward of the west or south building line of the dwelling hereby approved.

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 18/01/2027 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

Your attention is brought to the issue of avoidable light pollution and its effects on the natural environment and associated wildlife, in particular bats. The existing landscape is not currently subject to extensive artificial lighting and it is therefore requested that external lighting be avoided or kept to a minimum as much as possible.

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/2023/1311
Property Ref: J010610000
Valid date: 23/08/2023
Location: Des Marettes Vinery Rue Des Marettes St. Martin Guernsey
GY4 6JH
Proposal: Demolish existing glasshouses and convert building to
residential dwelling with associated works.

Applicant: Mr & Mrs M Doherty

RECOMMENDATION - Grant: Planning Permission with Conditions:

1. All development authorised by this permission must be carried out and must be completed in every detail in accordance with the written application, plans and drawings referred to above. No variations to such development amounting to development may be made without the permission of the Authority under the Law.

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

2. The development hereby permitted shall be begun within 3 years from the date of grant of this permission.

Reason - This condition reflects section 18(1) of the Land Planning and Development (Guernsey) Law, 2005 which states that planning permission ceases to have effect unless development is commenced within 3 years of the date of grant (or such shorter period as may be specified in the permission).

3. The development hereby permitted and all the operations which constitute or are incidental to that development must be carried out in compliance with all such requirements of The Building (Guernsey) Regulations, 2012 as are applicable to them, and no operation to which such a requirement applies may be commenced or continued unless (i) plans relating to that operation have been approved by the Authority and (ii) it is commenced or, as the case may be, continued, in accordance with that requirement and any further requirements imposed by the Authority when approving those plans, for the purpose of securing that the building regulations are complied with.

Reason - Any planning permission granted under the Law is subject to this condition as stated in section 17(2) of the Land Planning and Development (Guernsey) Law, 2005.

4. (i) Prior to commencement of any works within the proposed domestic curtilage

the following shall be submitted to and approved in writing by Planning Services in respect of the land within that curtilage: (A desktop study shall be the very minimum standard accepted. Pending the results of the desk top study, the applicant may have to satisfy the requirements of b and c below, however, this will all be confirmed in writing).

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

and unless otherwise agreed in writing by Planning Services,

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

and, unless otherwise agreed in writing by Planning Services,

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

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

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

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

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

5. If, during development, contamination not previously identified is found to be present at the site, on the land falling outside of the proposed domestic curtilage, then no further development shall be carried out on that land 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.

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

6. Prior to commencement of any works at this site, a method statement detailing the proposals for demolition, removal and disposal of all existing buildings, glasshouses, structures and areas of hardstanding, including contractors' hours of operation, shall be submitted to and approved in writing by the Authority. No part of the application site as shown on the approved plans shall be sold independently to any other part of that site, nor shall any part of the dwelling hereby approved be occupied, until the demolition works have been undertaken in accordance with the approved method statement.

Reason - To ensure that the existing structures are removed in an appropriate manner and would result in good quality open land, in accordance with Policy OC7; To protect the amenity of nearby residential properties.

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

I. A scheme of how the contractors will liaise with local residents to ensure that residents are kept aware of site progress and how any complaints will be dealt with reviewed and recorded (including details of any considerate constructor or similar scheme)

II. A scheme of how the contractors will minimise complaints from neighbours regarding issues such as noise and dust management, vibration, site traffic and deliveries to and from the site

III. Details of hours of construction including all associated vehicular movements

IV. Details of the construction compound

V. A plan showing construction traffic routes

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

Reason - To ensure that the construction and operation of the development is managed to minimise impacts.

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

i) full details of tree planting in the 'Native tree area' as shown on Drawing No 7479-01-B2C, including planting schedules, noting the sizes, numbers and densities of plants;

- ii) full details of the treatment of the 'wild-flower rich grassland';
- 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 and to provide biodiversity enhancements.

9. No part of the application site as shown on the approved plans shall be sold independently to any other part of that site, nor shall any part of the dwelling hereby approved be occupied, until a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than domestic gardens, has been submitted to and agreed in writing by the Authority. The agreed landscape management plan shall then be fully implemented.

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

10. No part of the application site as shown on the approved plans shall be sold independently to any other part of that site, nor shall any part of the dwelling hereby approved be occupied, until the landscaping scheme has been fully completed, in accordance with the details agreed under the terms of the above condition. 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, to help assimilate the development into its surroundings and to provide biodiversity enhancements.

11. Prior to the first occupation of any part of the development, details of the provision to be made for the parking of cycles, under cover and secure, shall be submitted to and agreed in writing by the Authority, and the agreed scheme shall be fully implemented. The provision for cycles shall be retained at all times.

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

12. Notwithstanding the provisions of the Land Planning and Development (Exemptions) Ordinance, 2023 (or any other Ordinance replacing or re-enacting that Ordinance), no fence, wall or other means of enclosure (other than any hereby expressly permitted) shall be erected or constructed forward of the west or south building line of the dwelling hereby approved.

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

Your attention is brought to the issue of avoidable light pollution and its effects on the natural environment and associated wildlife, in particular bats. The existing landscape is not currently subject to extensive artificial lighting and it is therefore requested that external lighting be avoided or kept to a minimum as much as possible.

OFFICER'S REPORT

Site Description:

The application site comprises a horticultural site measuring approximately 16,400m². The majority of the site is under glass, with miscellaneous ancillary structures located in the centre of the site and adjacent to the west boundary. The building adjacent to the west boundary forms the subject of this application and comprises staff facilities for the glasshouse site, including a staff room, WCs, kitchen, laundry, office and store.

The site is situated to the east of Rue des Marettes and is accessed via two gateways from that road. The western part of the site is bounded by residential properties to the north and south, and across the road to the west. The eastern part of the site is bounded by residential properties to the east and open or horticultural land to the north and south.

The site is situated Outside of the Centres as defined in the Island Development Plan.

Relevant History:

None.

Existing Use(s):

Agricultural Use Class 28

Brief Description of Development:

Permission is sought to convert and alter the existing facilities building to the west of the site to form a two bed dwellinghouse (the office/snug as proposed is too small to form a bedroom). Parking will be provided to the west of the dwelling, accessed via the existing gateway in the north-west corner of the site. An earthbank topped with blackthorn hedge planting is proposed to enclose the indicated curtilage and 3no hornbeam trees are proposed to the west boundary.

As initially submitted, the glasshouses to the west part of the site would be demolished, and all associated hardsurfacing removed. The glasshouses to the east

of the site were however to be retained and a gravel track formed from the existing gateway in the south-west corner of the site running along the south boundary to serve those glasshouses. Following deferral, the application has however been amended to remove all glasshouses, associated structures and surfacing outside of the proposed domestic curtilage.

In support of the application it is noted that the horticultural use of the site (formerly Blooms of Guernsey) has ceased. A biodiversity report has been provided.

A Structural Engineer's Report prepared by T&G Structural Engineers on the basis of a site visit on 11/10/2021 has also been provided as part of the submission, making the following points:

- Concrete ground floor, blockwork walls and flat felt roof;
- Number of minor cracks identified in external walls, can be cleaned and filled;
- Damage to window frame post in south-east corner, requires replacement;
- Wall below existing window in west elevation is of reduced thickness and it is recommended that this is thickened;
- Foundations and slab found to be adequate for existing and proposed purposes;
- Roof structure not visible, and therefore not checked for rot. There are signs of minor leaking from the roof.

Drawing from the submitted structural report and the proposed plans, the following works would be required to support the conversion:

- South elevation: Infill window;
- East elevation: Partial infill of window, installation of new window within remaining aperture;
- West elevation: Install new window with lower infill panel in existing aperture;
- Addition of warm roof over existing structure;
- Additional of internal and external insulation;
- Addition of insulation and screed over existing slab;
- Provide closed cell insulation below DPC level;
- Limited installation of internal partitions.

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

OC1	Housing Outside of the Centres
OC7	Redundant Glasshouse Sites
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

Supplementary Planning Guidance: Strategy for Nature

Representations:

La Societe Guernesiaise comment as follows:

In respect of this application, we would like to highlight that existing buildings of this type can be used by roosting bats. This likelihood can increase when the property is located within a variable landscape with habitats such as farmland or woodland nearby. The ongoing Bailiwick Bat Survey has shown that there are bat populations in this particular part of the island.

We would recommend that the existing outbuildings, in particular the roofspaces, be inspected for current or recent use by bats by a suitably qualified person prior to any building works. This would reduce the risk of disturbing or destroying animals which are legally protected under the Animal Welfare Ordinance 2012. We would also recommend that measures aimed at supporting roosting bats and nesting birds be incorporated into the proposals.

We would therefore request that, if these applications are considered further, an informative note be added to the Information Sheet as follows -

‘Your attention is drawn to The Animal Welfare (Guernsey) Ordinance, 2012, the local Strategy for Nature and the need to comply with their legal provisions. The existing buildings may be used by bats or other wildlife for roosting and nesting. We strongly recommend that the site is inspected by a suitably qualified person prior to any building works. Additional measures should also be taken (including consideration of the timing of the works and provision to support associated wildlife in the long term) to ensure that protected species are not impacted by the works. It is recommended that you contact La Société Guernesiaise for advice or to arrange a site visit. La Société can be contacted by emailing info@societe.org.gg

La Société acknowledges that the Biodiversity Report outlines broad measures and principles aimed at creating and supporting semi-natural habitats and wildlife but it does not provide the full details which would enable us to consider the suitability of the landscaping scheme. We note that whilst the application includes broad biodiversity measures it does not provide the details which would enable us to consider the suitability of any planting. We note that the field is within an Agricultural Priority Area.

We wish to advise that La Societe would be able to assist with matters relating to biodiversity measures, for example to arrange surveys of the existing site and to provide suitable recommendations on how the land could be enhanced in terms of its ecological value by appropriate native planting and ongoing maintenance.

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. We would ask that the Planning Service consider this aspect in relation to the application.

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

‘Your attention is brought to the issue of avoidable light pollution and its effects on the natural environment and associated wildlife, in particular bats. The existing landscape is not currently subject to extensive artificial lighting and it is therefore requested that external lighting be avoided or kept to a minimum as much as possible’.

Consultations:

The Office for Environmental Health and Pollution Regulation comments as follows:

I have reviewed the proposed plans for Des Marettes Vinery which were received by email on 17th November 23 and there are a number of issues of concern that I must raise. Due to the historic uses of the land and heated vineries I am recommending the below contaminated land condition for the areas that are determined to be domestic curtilage. For the 2.87 acres of vinery site to be restored to a natural biodiverse land scape I am recommending the below discovery strategy condition. Should this area receive any further application for planning permission it may be likely a full contaminated land condition will be recommended depending on the application. Due to the demolition of one large and two smaller greenhouses on the site surrounded by many other domestic properties, and also that these properties also rely on a single road for access I am recommending that a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Authority.

Potential Contaminated Land Condition- Domestic Curtilage

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

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

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

and unless otherwise agreed in writing by Planning Services,

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

and, unless otherwise agreed in writing by Planning Services,

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

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

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

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

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 - 2.87 ACRES OF VINERY SITE TO BE RESTORED FOR A NATURAL BIODIVERSE LANDSCAPE

If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted to Planning Services a method statement to identify, risk assess and address the unidentified contaminants, and obtained written agreement from the Department for the works to continue. Any subsequent works shall be carried out only in accordance with the conclusions and recommendations contained in the agreed report.

Construction Environmental Management Plan (CEMP)

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

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

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

Summary of Issues:

Principle of development;
Whether the building is capable of conversion without extensive alteration or rebuilding;
Impacts on the character of the area;
Impacts on landscape character and openness;
Provision of biodiversity enhancements and soft landscaping;
Impacts on neighbour amenity;
Sustainable design.

Assessment against:

- 1 - Purposes of the law.**
- 2 - Relevant policies of any Plan, Subject Plan or Local Planning Brief.**
- 3 - General material considerations set out in the General Provisions Ordinance.**
- 4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).**

The principle of development (OC7)

The building which forms the subject of this application comprises a facilities building associated with a large area of glass located to the south and east. A site visit has confirmed that none of the glass is in use and that, whilst still comprising substantial superstructure for the purpose of Policy OC7, the glasshouses are beginning to deteriorate. As initially proposed the application however retained all of the glass to the east of the site for “future use” and no justification had been provided to demonstrate that the facilities building was not required in association with the ongoing use of that glass. Following deferral, it has however been confirmed that all glass is to be removed from the site and there is therefore no intention of ongoing horticultural use. The application site therefore comprises a redundant glasshouse site for the purposes of the Island Development Plan and Policy OC7 would apply.

In respect of that policy, the site itself is not located within an Agriculture Priority Area, although the land to the south is. The current proposal would however clear the majority of the site, enabling the use of that land for agriculture, if required, whilst the proposed change of use would be limited to a restricted area in the north-west corner, set away from the APA land and close to surrounding development. The proposal would therefore create potential for the majority of the site to contribute to the agricultural use of the adjacent land.

If cleared, the site would contribute to a wider area of open land, and this would extend to the facilities building. The facilities building is however well related to existing development to the north and west of the site and retention of that building in itself would not compromise the significant benefits accrued by the clearance of the remainder of the site. The demolition of all glasshouses and other ancillary structures on the remainder of the site would therefore achieve the contribution to openness sought under this policy, and enable the retention of the building proposed for conversion, and this can be controlled by condition.

Where a proposal is for the conversion of a redundant ancillary structure, Policy OC7 requires that a proposal meet the terms of Policy GP16(A). The requirements of that policy, together with the remaining criteria i-vi of Policy OC7, are addressed below.

Conversion of the existing building (GP16(A))

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

It has been accepted above that the site comprises a redundant glasshouse site, and the glasshouses at the site are to be demolished as part of the current application. The facilities building which forms the subject of this application would therefore be no longer required for its current purpose.

b. the conversion will result in the establishment of either residential, social and community, industrial, storage and distribution, convenience retail in coastal

locations in accordance with Policy OC4, visitor accommodation or office use or provide facilities for outdoor formal recreation or informal leisure and recreation uses;

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

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

The Structural Engineer's Report provided confirms that the existing building is of sound and substantial construction for its last known purpose. Whilst this report was prepared based on a site visit in 2021, a site visit has demonstrated that the condition of the building has not deteriorated since that time.

The alterations proposed as part of the application are outlined under the Brief Description of Development above and, cumulatively, are not considered to comprise extensive alteration or rebuilding. It is noted that there has been no access to the roof structure, and it is not therefore known if any replacement of that structure would prove necessary. Taking into consideration the limited nature of the other proposed works, even were the roof structure to be replaced, this would fall within the scope of alteration permitted under this policy.

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

There are no protected buildings at the site or in the surrounding area.

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

The existing building is not of particular character, being of utilitarian appearance, and further consideration against this criterion would not 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. The principle of reuse of a redundant building is to make an efficient use of land. The proposed development would retain the building substantially as existing, and would not therefore alter the impacts in respect of the character of the local built environment.

Earthbanks and hedge planting are proposed to the perimeter of the curtilage, with tree planting along the roadside. Hard landscaping is limited to that already existing. The proposed planting would be suitable in the context of this site, however the erection of any fencing or walls around the perimeter of the curtilage could have an

adverse impact on character and openness and it is recommended that exemptions rights for such structures are removed by condition.

The proposed scheme would therefore achieve a good level of design, which would not have any adverse impacts on the character of the area, in accordance with Policy GP8 (Design), and would meet parts iii) & v) of Policy OC7.

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

The creation of curtilage associated with the conversion would also 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.

Policy GP15 states that a proposal to create or extend curtilage will be supported subject to a number of criteria.

The proposed development is restricted to the north-west of the site and, as outlined above, well related to the surrounding built development. Whilst the extent of curtilage could be reduced, taking into consideration the size of the proposed dwelling, the benefits arising from the clearance of this extensive site, together with the planting proposed, would be such that the proposal would, overall, result in a positive impact on openness and landscape character.

The property is not located within an Agriculture Priority Area, and the relationship with the adjacent APA has been addressed above. The property is not located within an Area of Biodiversity Importance, and no established boundary features are to be removed as part of the application.

As noted above, the curtilage is to be enclosed with hedging and additional tree planting is to be undertaken along the west boundary. Following deferral, the application includes the clearance of the glasshouses to form a wildflower rich grassland, together with an area of tree planting adjacent to the north boundary. Taking into account the limited extent of curtilage proposed, relative to the extent of site clearance to occur, the proposed planting scheme, including species type, would be sufficient to provide the biodiversity enhancements required. The submitted plans and supporting documentation do not however specify planting densities in relation to the tree area adjacent to the north boundary and final details of the grassland area would be required once ground conditions have been established. The decision should therefore be conditioned to require specific details of the planting on the land outside of the domestic curtilage and the implementation of all of the proposed planting.

The impact on the amenity of the neighbouring property is addressed below.

The new dwelling would be accessed through an existing gateway and would retain an existing area of hardsurfacing for parking. Other hardsurfacing is limited to a path along the side of the dwelling and a small patio to the rear. Agricultural access would be retained through the existing gateway in the south-west corner of the site.

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

No extension is proposed under this application.

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

The proposal would result in the clearance of commercial glasshouses and the introduction of a single residential unit. The proposal would therefore be consistent with the residential character of the area and has been designed to avoid any adverse impacts on the amenities and enjoyment of neighbouring properties.

The proposal would therefore meet the terms of this criterion, together with part i) of Policy OC7.

Other matters

Residential amenity, road safety and parking provision

The converted building would provide c80m² of internal floor space which would exceed the requirements of both the Guernsey Technical Standards and the best practice guidance set out in the nationally described space standards for a 4 person, two bed dwelling. As proposed, the snug/office would be of insufficient size to classify as a bedroom. Were that room size be altered to form a third bedroom, the proposed floor space would still exceed the requirements of the Guernsey Technical Standards, and would fall only just short of the best practice guidance.

The size and quality of the outdoor space would be acceptable for a dwelling of the size proposed and there would be an attractive outlook from the dwelling. Overall the proposed dwelling could provide an adequate living environment, in accordance with Policy GP8(d) and Annex I: Amenities.

As noted above, 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.

The proposed parking provision is more than adequate to serve a dwelling of the size proposed. Given that the surfacing is existing, and taking into account the clearance proposed on the remainder of the site, it would not be reasonable to require any reduction of surfacing in this case. The proposal would be in accordance with the requirements of Policy IP7. Cycle storage is not provided as part of the application, however there is ample space to provide this within the proposed curtilage and details and installation of such storage can be controlled by condition.

Sustainability, accessibility and adaptability

In terms of accessibility to and within the building and the provision of flexible accommodation, the submitted information details level access and good circulation and the accommodation is provided over a single level, in accordance with the requirements of Policy GP8. The proposed layout lends itself to adaptation if required by future occupiers.

In respect of sustainable design approaches, limited information has been provided. It is however noted that the constraints involved in a conversion scheme do limit the options for incorporating such features and, in this case, confirmation that the proposed development has been designed to take into account matters of energy efficiency and current Building Regulations would be sufficient to address the requirements of GP9.

Conclusion

Overall it is considered that the revised proposal would accord with the purposes of the Law, material considerations and relevant planning policies.

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

Date: 15/01/2024

