

THE LAND PLANNING AND DEVELOPMENT (GUERNSEY) LAW, 2005

AND SECTION 19 OF THE LAND PLANNING AND DEVELOPMENT (GENERAL PROVISIONS) ORDINANCE, 2007

NOTIFICATION OF REFUSAL OF PLANNING PERMISSION

PROPOSALS: Demolish building and erect dwelling with associated works and relocation of vehicle access.

LOCATION: Former L'Essilerie Vinery, Rue Du Planel, Torteval.

APPLICANT: Mr & Mrs M C Elliott

I refer to the application referred to below received as valid on 31/08/2023 regarding the above proposals as described more fully in the application and drawings referred to below.

Date of refusal of permission: 03/11/2023

Drawing Nos: 2222/4A, 2222/5A and A.D (landscaping details only)

Application Ref: FULL/2023/1448

Property Ref: G00232B000

The Development & Planning Authority has decided to refuse your application under the provisions of section 16 of the Land Planning and Development (Guernsey) Law, 2005 for the following reasons:-

1. The proposed development does not represent a scheme that is of broadly the same floorspace and volume as the approved conversion scheme and the scheme has been accompanied by insufficient justification to demonstrate that the development would represent a significant enhancement to sustainable design to give reason to support the enlarged floorspace and volume and substantial relocation of the proposed dwelling on the site. The scheme is therefore contrary to Policy GP16(B) criteria b. and d. of the Island Development Plan.
2. The proposed development, if permitted, would result in the undesirable spread of development into the surrounding open and undeveloped rural area. This would be detrimental to the character and visual amenities of the locality contrary to Policy GP8 c. of the Island Development Plan.

OTHER REMARKS:-**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, against a decision to refuse an application for planning permission or outline planning permission to the Planning Tribunal on the merits. 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.

Copy of representations made

In reaching this decision the Development & Planning 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 to the Authority under section 11 will be included with this decision in accordance with section 19 of the Ordinance.

A J ROWLES

Director of Planning
Planning Service



PLANNING APPLICATION REPORT

Application No: FULL/2023/1448
Property Ref: G00232B000
Valid date: 31/08/2023
Location: Former L'Essilerie Vinery Rue Du Planel Torteval Guernsey GY8 ORF
Proposal: Demolish building and erect dwelling with associated works and relocation of vehicle access.
Applicant: Mr & Mrs M C Elliott

RECOMMENDATION - Refusal with Reasons:

REASONS FOR REFUSAL

1. The proposed development does not represent a scheme that is of broadly the same floorspace and volume as the approved conversion scheme and the scheme has been accompanied by insufficient justification to demonstrate that the development would represent a significant enhancement to sustainable design to give reason to support the enlarged floorspace and volume and substantial relocation of the proposed dwelling on the site. The scheme is therefore contrary to Policy GP16(B) criteria b. and d. of the Island Development Plan.
 2. The proposed development, if permitted, would result in the undesirable spread of development into the surrounding open and undeveloped rural area. This would be detrimental to the character and visual amenities of the locality contrary to Policy GP8 c. of the Island Development Plan.
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OFFICER'S REPORT

Site Description:

The site is accessed via an unmade track off Rue Du Planel where scattered and ribbon residential development exists. Glimpsed views of the building that is the subject of this application are possible from the road, but the site does not benefit from a road frontage. The glasshouses to the northwest of the building have been cleared.

The building itself is a single-storey pitched roof structure with blockwork band at ground level and timber frame internally. The timber frame is covered by corrugated sheeting which form the walls and roof of the building.

The site is located Outside of the Centres and within the Agriculture Priority Area as designated in the Island Development Plan.

Relevant History:

FULL/2022/2354 - Convert outbuilding to residential dwelling with associated landscaping and parking - granted

Existing Use(s):

28 agriculture

Brief Description of Development:

The application relates to the demolition of the existing building and the erection of a dwelling, in a revised location, on the site. The proposed dwelling is one and a half-storeys with open plan living, kitchen and dining room on the ground floor and a bedroom and shower room above along with a void to the lounge below. The dwelling has been designed with vertical weatherboard cladding to the exterior walls and a slate roof.

The submission has been accompanied by a Site Waste Management Plan and information relating to sustainable construction including solar panels, EV charging points, a water butt and SUDs compliant gravel driveway. A timber cycle store is also shown to be provided.

The proposed domestic garden area does not alter from the previously approved conversion scheme. The application drawings provides information that seeks to address the Strategy for Nature and enhancements to biodiversity.

The application was deferred in order to provide the applicant with the opportunity to address concerns relating to the floorspace and volume of the proposed building along with its position on the site and the level of hardstanding proposed/significant enhancements to sustainable design. The revised information sets out that the area of hardstanding has been reduced to the area of that approved under the GP16(A) conversion scheme.

In terms of sustainability, justification for the enlarged floorspace and volume of the dwelling the applicant has explained that the relocation will achieve the highest outputs in terms of light, ventilation, heat, etc, the insulated oak frame will be efficient with airtight joints, and that the building is more carbon neutral and less reliant on fossil fuels. Furthermore, the whole design and use of material are 100% recyclable should the site ever be cleared and external materials are long term durable as a sustainable design solution.

The building will run at off-peak hours, conserving water for all water appliances and natural capture of any water run-off. The elevational exposure and roof angle will provide the most efficient and effective locations for photovoltaics, the roofing is energy recovery compliant and the building position maximises sunlight and daylight usage without the need for air conditioning units, or equivalent through passive cooling. Also, the revised position provides privacy for neighbours and future occupiers along with an

enhanced outlook for occupiers with good accessibility on the relatively flat site. The hard surfaced areas are to be SUDs designed/compliant with no increase in vehicle numbers or type. External lighting is proposed to be minimal (if any).

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

Island Development Plan policies:

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

GP16(A): Conversion of Redundant Buildings

GP16(B): Conversion of Redundant Buildings - Demolition and Redevelopment

OC1: Housing Outside of the Centres

GP8: Design

GP9: Sustainable Development

GP15: Creation and Extension of Curtilage

IP7: Private and Communal Car Parking

IP6: Transport infrastructure and support facilities

IP9: Highway Safety, Accessibility and Capacity

Strategy for Nature SPG

Parking Standards and Traffic Impact Assessment SPG

Representations:

La Societe Guernesiaise – 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.

It is recommended that the existing outbuilding, 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.

It is noted that measures aimed at supporting roosting bats and nesting birds are incorporated into the proposals but there is insufficient detail to determine if these are appropriate or to be positioned correctly.

La Société acknowledges that the plans outline a range of measures and principles aimed at creating and supporting semi-natural habitats and wildlife but they do not provide the full details which would enable us to assess the suitability of the landscaping scheme. La Société would also point out that they have previously seen identical information ‘copied and pasted’ on other applications and that it refers to species of wildlife that are not found locally, such as dormice and various moths and plants. Some of the wording is nonsensical, for example, ‘suitable canopy plumage to balance ground floor grass types’.

The field is within the Agriculture Priority Area and 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.

La Société 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 and informative note regarding this matter is recommended.

Consultations:

None.

Summary of Issues:

The key issues in this case relate to the principle of the development, its position on the site, the floorspace and volume of the proposed building, its impact on the wider open landscape and on the amenities of any neighbouring residents.

Assessment against:

1 - Purposes of the law.

The objectives set out in Section 1(2) of The Land Planning and Development (Guernsey) Law, 2005, 'the Law', have been considered and this report forms part of the assessment, with policy issues set out in Section 2 below.

2 - Relevant policies of any Plan, Subject Plan or Local Planning Brief.

Planning permission has previously been granted for the conversion of a redundant building on the site at Former L'Essilerie Vinery. Policies OC1, OC5(A) and GP16(A) have thus been satisfied and the scheme must now be considered with regard to Policy GP16(B) and other relevant policies of the Island Development Plan. Permission was granted for the conversion of the existing, former packing shed, under application reference FULL/2022/2354 and so criterion a. of Policy GP16(B) has also been met.

When considering applications in relation to Policy GP16(B) the development should be of broadly the same floorspace and volume as the approved conversion scheme. Although no specified figure has been included in the IDP in relation to what constitutes broadly the same the Planning Service has consistently adopted a figure of a 20% increase for schemes such as this, (unless there has been significant environmental benefits in allowing a slight increase beyond this) and as such this has become a legitimate expectation of applicants and agents applying for developments under Policy GP16(B) of the IDP. The approved conversion scheme had a floor area of 40 sqm and a volume of 118 m³ whilst the proposed redevelopment scheme enlarges the footprint to

48.75 sqm and the volume to 147.25 m³. This represents a c. 22% increase in floorspace and a c.25% increase in volume.

The revised drawings do not show a reduction in the floorspace or volume of the proposed building but provided a further explanation in relation to sustainability credentials associated with the development to off-set the increase in floorspace and volume proposed.

The application has been supported by information relating to Policy GP9 setting out sustainability measures that will be incorporated into the development and how the scheme will meet the Building (Guernsey) Regulations along with the Strategy for Nature proposals with SUDs indicated for hardsurfaced areas. The biodiversity proposals that were approved as part of the GP16(A) proposal, and re-confirmed as part of this application, do not fall to be considered against Policy GP9 or GP16(B) criterion d. Nonetheless, the scheme is considered satisfactory in relation to the requirements of Policy GP9 alone however, Policy GP16(B) requires a scheme to incorporate substantial enhancements in terms of sustainable design.

Paragraph 19.17.14 of the Island Development Plan states that consideration can be given to *“the potential to relocate a structure on the site or to the use of sustainable building and construction techniques to achieve enhancements not possible through the conversion alone. ... in order to support such proposals the Authority will need to be satisfied that there is a significant enhancement in terms of sustainable design and construction of the new building and that there are no increased impacts on ... the character or openness of an area.”*

The scheme proposes to reposition the dwelling on the site from being tight to the south and east site boundaries to more centrally positioned on the site, adjacent to the south boundary. As outlined elsewhere in the report the submission, as amended, does seek to address the matter of sustainable design and significant enhancement to sustainable design which could, in line with the extract of the IDP above, provide justification to reposition the building on the site. The revised location of the proposed dwelling, would push built development further from the cluster of built development which is generally characterised by frontage, roadside residential development which exists sporadically in this area. This revised location, in addition to the increase floor area and height of the building as now proposed would have greater impact on the open landscape concerned and would represent an undesirable form of backland development in this rural environment.

The scheme as submitted makes some use of the roofslope for solar panels, proposes an area of SUDS compliant parking and hardstanding that reflects the extent of hardstanding associated with the approved conversion scheme. The proposed dwelling has a north and west facing open plan living area and more limited window openings to the south and east. Nonetheless, the sustainability benefits of the new build as set out by the applicant could be achieved if the building were repositioned closer to the east site boundary (not necessarily re-orientated).

It is an expectation of the IDP that development proposals comply with the current Building Regulations and Technical Standards as set out in, paragraph 16.1.6 *“The*

relevant requirements of the Building (Guernsey) Regulations, 2012 and the practical guidance on those requirements in the associated Guernsey Technical Standards will be taken into account in determining whether a proposed unit offers an adequate standard of accommodation". As a result a development which meets, but which does not exceed the Regulations would not represent a benefit in terms of GP16(B) and its requirement to substantial enhancement to sustainable design. As a result the repositioning of the dwelling on the site is not justified on sustainability grounds.

As submitted the scheme demonstrates that the scheme would meet the Building Regulations but this would not represent a significant enhancement to sustainable design as required by Policy GP16(B). Furthermore, the scheme does not represent a development that is broadly the same floorspace and volume as the approved conversion scheme and the sustainability information is insufficient to justify and offset the enlarged building and its revised position on the site. The scheme is therefore contrary to Policy GP16(B) criteria b. and d. of the Island Development Plan.

The scheme does not address all the requirements of Policy GP16(B) and is therefore recommended for refusal.

3 - General material considerations set out in the General Provisions Ordinance.

In addition to the consideration of policy issues, Section 13 of the Land Planning and Development (General Provisions) Ordinance, 2007 identifies other material planning considerations which could be relevant. These include; the appropriateness of the development in relation to its surroundings in terms of design, layout, scale, siting and materials; the likely effect on the character and amenity of the locality; any possible fall-back position by way of extant planning permissions or exempt development; the likely effect on the reasonable enjoyment of neighbouring properties. These issues where relevant are considered above.

4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).

The proposal would have no adverse impact on protected trees, buildings or sites.

Date: 03/11/2023

