

THE LAND PLANNING AND DEVELOPMENT (GUERNSEY) LAW, 2005
AND THE LAND PLANNING AND DEVELOPMENT (GENERAL PROVISIONS)
ORDINANCE, 2007

NOTIFICATION OF GRANT OF PLANNING PERMISSION

PROPOSALS: Convert, extend and alter building to create residential dwelling with associated work.

LOCATION: Packing Shed At, La Conchee, Rue Des Hougues, Castel.

APPLICANT: Mr & Mrs B Dovey

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: 19/03/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 21/11/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: PF+A Ltd - 7746-01 B1A, B2 & B3.

Application Ref: FULL/2023/2208

Property Ref: D000370000

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 development shall commence on site (including demolition and site works) until there has been submitted to and approved in writing by the Authority:

(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 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 the 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) If determined to be required, 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 subsection (i)c of this condition, that any remediation scheme required and approved under the provisions of subsection (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 subsection (i)c of this condition.

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

5. The landscaping scheme and biodiversity enhancements shall be fully completed, in accordance with the details shown on the approved landscaping plan (ref: 7746-01 B3) in the first planting season following the first occupation of any part of the development or completion of the development (whichever is the sooner), or in accordance with a programme previously agreed in writing by the Authority. Any trees or plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by trees or plants of a size and species similar to those originally required to be planted.

Reason - To make sure that the appearance of the completed development is satisfactory, to help assimilate the development into its surroundings and to provide biodiversity enhancements in accordance with the Strategy for Nature SPG.

6. The dwelling hereby approved shall not be first occupied until such a time that the bicycle store and the electric vehicle charging point have been installed on the site in the positions shown on the approved drawings and made operational.

Reason - In the interests of sustainable development and to comply with Policy GP9 of the Island Development Plan.

7. Notwithstanding the provisions of the Land Planning and Development (Exemptions) Ordinance, 2023 (or any other Ordinance replacing or re-enacting that Ordinance), no outbuildings and no gates, fences, walls 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 open 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 19/03/2027 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

1. Please note with reference to condition 4, a desktop study shall be the very minimum standard accepted. Pending the results of the desktop study, the applicant may have to satisfy the requirements of (b) and (c) of that condition, however, this will all be confirmed in writing.

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 condition 4 that the applicant has reference to Land Contamination risk management available at <https://www.gov.uk/guidance/land-contamination-risk-management>.

2. 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.

3. 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 building 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

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/2023/2208
Property Ref: D000370000
Valid date: 21/11/2023
Location: Packing Shed At La Conchee Rue Des Hougues Castel
Guernsey GY5 7QH
Proposal: Convert, extend and alter building to create residential
dwelling with associated work.

Applicant: Mr & Mrs B Dovey

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.

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(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 the 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) If determined to be required, 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 subsection (i)c of this condition, that any remediation scheme required and approved under the provisions of subsection (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 subsection (i)c of this condition.

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

5. The landscaping scheme and biodiversity enhancements shall be fully completed, in accordance with the details shown on the approved landscaping plan (ref: 7746-01 B3) in the first planting season following the first occupation of any part of the development or completion of the 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.

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6. The dwelling hereby approved shall not be first occupied until such a time that the bicycle store and the electric vehicle charging point have been installed on the site in the positions shown on the approved drawings and made operational.

Reason - In the interests of sustainable development and to comply with Policy GP9 of the Island Development Plan.

7. Notwithstanding the provisions of the Land Planning and Development (Exemptions) Ordinance, 2023 (or any other Ordinance replacing or re-enacting that Ordinance), no outbuildings and no gates, fences, walls 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 open 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

1. Please note with reference to condition 4, a desktop study shall be the very minimum standard accepted. Pending the results of the desktop study, the applicant may have to satisfy the requirements of (b) and (c) of that condition, however, this will all be confirmed in writing.

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 condition 4 that the applicant has reference to Land Contamination risk management available at <https://www.gov.uk/guidance/land-contamination-risk-management>.

2. 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.

3. 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 building 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

OFFICER'S REPORT

Site Description:

The application site is set to the north of Rue Des Hougues to the west of an existing residential property known as La Conchee. The site is accessed by an existing track and gated access to the east which forms a secondary access to La Conchee and the surrounding agricultural fields to the north, east and west of the site.

The application site was formerly a vinery site which appears to have ceased to operate between 1996 and 2001 and all glass was also cleared from the site during that time and the land reverted back to agricultural land. The building which forms the subject of this application is of single storey construction with a lean to roof of low profile, set in the southeast corner of the site.

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

Relevant History:

PAPP/2000/0681	Demolish stables and erect self catering unit.	Refused 30/05/2000
PRCN/1998/0508	Re-locate field shelter (reconsideration)	Refused 07/04/1998
PAPP/1997/3776	Relocation of field shelter.	Refused 25/11/1997

Existing Use(s):

Agricultural Use Class 28

Brief Description of Development:

Planning permission is sought to convert, extend and alter the building to create a residential dwelling with associated landscaping.

During the course of consideration, the application was deferred to seek a reduction in the amount residential garden area associated with the proposed residential dwelling (the reason for this is contained within the assessment section of this report). Revised plans have been received reducing the garden area by 45% to total 309m² in area.

As part of the conversion works the following works are proposed:

Nature of the work	What work is involved	Required/ desirable
1) Structural repair, upgrading and renewal		
Repair/rebuild small section of the southwest corner wall	Remove small section of failed blockwork and replace with concrete blocks and replace the concrete lintel	required
Local repair to crack on southern wall	Small section of wall below the existing window is showing signs of cracking due to thermal expansion. Repair this section and install stainless steel ties with horizontal bed joints to prevent this from occurring again.	required
2) Upgrade to meet Building Regulations		
Floor slab	70mm solid slab insulation (PIR insulation) with a 50mm Ecoscreed over existing floor slab.	Required
Walls	External insulation to blockwork walls, retain all existing walls and finish with sand and cement render.	Required (could be completed internally)
Roof	All rafters and purlins retained with quadcore roofliner composite panel with standing seam zinc finish over. Existing rafters and purlins to remain exposed under	Required
Internal partitions	Install softwood studs with plasterboard and skim finish.	Required
3) Works to facilitate new use		
North elevation:	- Replace 1 x existing windows within existing aperture; - Install 1 new window	Required
East elevation:	- Replace 1 x door within existing aperture;	Required
South elevation:	- Replace 2 bands of windows within existing aperture;	Required

West elevation	- Replace 1 x door and 1 x window within existing aperture;	Required
All elevations	- Replace all gutters and down pipes (all elevations)	Required
	- Modest extensions 6.5m ² total floorspace	Required
	- Upgrade electrics plumbing etc	Required

A Structural Report has been provided from a Structural Engineer, dated 03 November 2023, setting out the following:

An inspection of the property was undertaken on 20/07/2023 and again on 11/10/2023 to appraise the condition of the existing structure and to confirm that its structure was sufficiently sound and substantial condition to be converted into a residential property.		
The report states that there is no evidence of any substantial degradation or structural damage to the external walls, and those walls are demonstrably robust enough for this type of construction. The roof is also fit for purpose.		
Element	Description	Works required
North facing rear element – timber frame construction supporting the back of the roof.		
End walls (east and west elevations) – masonry 100mm thickness walls to roof level each with doors installed;		
Southern facing front element – masonry construction to standard cill level and glazed along entire length to eaves with timber frames supporting the eaves.		
External walls	100mm blockwork – evidence of local movement in southwestern corner due to failure between the timber lintel and wall. Remainder of masonry in reasonable condition. No adequate tie and some detailing issues between two forms of masonry construction (abutment of two phases of building).	Rebuild small section of corner with concrete blocks and replace lintel.
Front (east) wall	External wall cracked slightly under the cill level due to thermal expansion.	Requires localised repair and the installation of stainless steel ties within the horizontal bed joints
Lintels	All appear to be in good condition bar the one above SW corner	Replace this lintel
Roof	Combination of 2.5 inch x 6 inch (65mm x 150mm) timber rafters at 3 inch (900mm) supporting 4 inch x 2 inch (100mm x 50mm) purlins at 4 foot 6 inch (1375mm) centres. This supports a lightweight roof sheeting.	Proposed to replace roof with insulated zinc sheeting with a weather tight finish and new plasterboard ceiling.

	All timbers in good condition and showed no signs of distress.	Load is small and would be accommodated by all walls and existing foundations
Floor	Slab, single layer of concrete. No cracks suggesting that remains of sound construction. No signs of deterioration suggests that it is unreinforced.	Adequate for purpose.
Foundations	Not inspected could not be exposed. Separate foundations for walls and floor slab. No evidence indicative of foundation movement. Lack of settlement in supported masonry indicates that foundations are sound.	Can accommodate any additional loads in current condition.

The following additional comments have also been made in support of the application:

- Building has been on the site since 1963;
- Site formerly glasshouse site, all glass cleared between 1996 and 2001;
- No longer a requirement for this building which has remained vacant for sometime;
- The proposal includes a modest extension 20% additional floorspace that would not impact on landscape character and openness of the surrounding area.

A Design Statement and Sustainability Statement have also been appended to the submission.

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

OC1	Housing Outside of the Centres
OC5(A)	Agriculture Outside of the Centres – within the Agriculture Priority Areas
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

Representations:

La Societe Guernesiaise

By email dated 11th December 2023 stated the following:

In respect of this application, we would like to highlight that the full site is a large land parcel measuring roughly 0.5 hectares (1.25 acres), which is situated within an extensive network of agricultural fields. The surrounding landscape is mostly undeveloped, predominantly farmed and is designated an Agricultural Priority Area (APA).

We acknowledge that the site was formerly a vinery which has been cleared and returned to agriculture, apart from the outbuilding and associated hardstanding, resulting in a net gain of agricultural land. However, we would question whether the proposal meets the requirements of Policy OC5(A): Agriculture Outside of the Centres as the land would be very likely to revert to full agricultural use if the existing outbuilding was simply removed. Therefore, the requirement to demonstrate that the land is not required for agriculture may not have been met.

We would also question whether Policy GP1: Landscape Character and Open Land has been met, particularly points a, b and c as follows -

- a. respects the relevant character type within which it is set,*
- b. does not result in the unacceptable loss of any specific distinctive features that contribute to the wider landscape character and local distinctiveness of the area concerned.*

In redeveloping the existing outbuilding as a dwelling, the largely undeveloped character of the area may be compromised – there are only three existing dwellings along Rue Des Hougues.

- c. takes advantage, where practicable, of opportunities to improved visual and physical access to open and undeveloped land.*

The development would limit visual access to open land as it would partly block existing rural views, including those across the West Coast (see attached); this view is taken from the route of the popular Millennium Walk around St Saviours Reservoir.

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

If this application is considered further, we would recommend that the building be inspected for current or recent use by bats and other wildlife 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 recommend that the development proposals include adequate provision to support targeted species of birds and bats, as appropriate. La Societe would be able to assist with this aspect.

We would request that, if this application is 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 building 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

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

We would ask that the Planning Service consider this aspect in relation to the application. We would further request that, if this application 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:

Office of Environmental Health and Pollution Regulation

By letter dated 26th January 2024 stated the following:

I have reviewed the additional information supplied in relation to the proposed plans for the above site, and there are a number of issues of concern that I must raise.

The Waste Management Plan contains reference to onsite crushing of blockwork, concrete, and stone. Although I do not wish to raise an objection about the crushing, as I note the location of the site is not in a residential area, I would like to highlight that it is this Office’s requirement that any mobile crushing activity is covered by a valid Air Pollution Licence. As part of the licence conditions, this Office should be notified prior to any crushing activity.

I have also interrogated Guernsey Historic Maps, Historic Orthophotos, and Cadastre Registry of Land which show there were once heated greenhouses at the site. There is consequently the potential for the land to be contaminated. I would therefore recommend that the following condition is attached to any consent granted for this application:

Potential Land Contamination:

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 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,

(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:

(ii) a) as built drawings of the implemented scheme;

- (ii) *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>."

Summary of Issues:

Whether the principle of the development is acceptable and whether the conversion of the building complies with all relevant planning policies.

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).**

Principle of residential development

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

This approach is reinforced through Policy S4 (Outside of the Centres) and the introduction to Part 3 of the Plan *Policies for Outside of the Centres* which, whilst acknowledging that the Plan makes provision for certain types of development Outside of the Centres, states that proposals for new housing will not generally be supported Outside of the Centres.

Policy OC1 (Housing Outside of the Centres) sets out potential exceptions to this direction, stating that the creation of new dwellings Outside of the Centres will only be supported where it is achieved through the subdivision of an existing dwelling or the conversion of an existing redundant building, and directs proposals for conversion of redundant buildings to be considered principally under Policy GP16(A) (Conversion of Redundant Buildings).

Conversion of the existing building

The proposal is addressed against the criteria of Policy GP16(A) below.

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

Expanding on this criterion, the preceding text states that, “For an existing building to be converted to another use, the building must no longer be useful or reasonably capable of being used for its current or last known purpose and the proposal must represent an appropriate use of the building” (Paragraph 19.17.4).

The original use of the building was as a packing shed associated with the previous horticultural use of the site. The glasshouses were however removed from the site between 1996 and 2001, and the horticultural use of the site has long ceased. The building is considered to be no longer required for its last known 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 and complies with this criterion.

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

Following the approach taken by the Planning Tribunal in relation to appeal (Ref: PAP/008/2019) this criterion will be assessed in two parts. Firstly, whether the building is of sound and substantial construction (in relation to the use originally intended), and secondly, an assessment as to whether the building is capable of conversion without extensive alteration or rebuilding.

The Structural Report confirms that the building is of reasonably sound construction for its authorised use and, whilst a site visit has established that the quality and condition of the building is not ideal, there is no reason to dispute this conclusion.

The preceding text of Policy GP16(A) sets out clearly in paragraphs 19.17.3, 19.17.6 and 19.17.7 that the scale and nature of the works proposed will be considered in relation to each specific case by the Authority. In deciding the appeal (referred to above), the Tribunal considered it appropriate when assessing whether a building is capable of conversion without extensive alteration or rebuilding to distinguish between three distinct categories of building work that seem to have different underlying purposes; structural repair, upgrading and renewal; upgrades to meet the Building Regulations; and works to facilitate the proposed use. The works proposed as part of the current application are summarised against these categories in the table set out in the Brief Description of Development above.

The works proposed are essentially limited to replacement of the roof covering, replacement of fenestration within existing apertures and localised repairs to two small sections of masonry. This work could not be considered to amount to extensive alteration and the scheme put forward under this application would comply with criterion c).

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

The building is not protected and there are no protected buildings in the immediate vicinity.

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 could not be considered a building of character. The building is a former packing shed structure of utilitarian form and design which, due its low profile, simple form and position against established boundary treatment, is of limited impact within the wider character of the area.

The proposed works would retain the overall form of the building and would not significantly alter the impact of the structure on the character of the area.

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.

Policy GP15 states that a proposal to create or extend curtilage will be supported where:

- a. it would not have an unacceptable detrimental impact on the landscape character; and,*
- b. it would not have an unacceptable impact on the biodiversity interest of an Area of Biodiversity Importance or, where negative impacts are unavoidable, they can be acceptably mitigated in accordance with a scheme to be agreed with the Authority in accordance with Policy GP3: Areas of Biodiversity Importance; and,*
- c. it is demonstrated that the land cannot positively contribute to the commercial agricultural use of an Agriculture Priority Area or cannot practicably be used for commercial agriculture within an Agriculture Priority Area without unacceptable adverse environmental impacts; and,*
- d. it is demonstrated that it would not involve an unacceptable loss of established boundary features that contribute positively to the character of an area, unless the new or replacement boundary treatment makes an equal or enhanced positive contribution to the character of the area; and,*
- e. it would not adversely affect the reasonable amenities of neighbouring residents.*

The building, and therefore the curtilage proposed to be associated with the new dwelling, is located on the periphery of an area of open fields. The curtilage following deferral has been reduced by 45% and now comprises a relatively modest area of land, located in a corner of the field, well grouped with the residential property and the existing track to the residential property to the east. Any impact on openness would therefore be limited, and partially mitigated by the proposed earthbank enclosure.

The site is located within an Agriculture Priority Area, however, as stated above, the proposed area for change of use is limited and is peripheral to the wider agricultural use of the area. Furthermore, the extent of curtilage is largely located on an area of land that since 2001 has been used for hardstanding and its use for future agricultural purpose would therefore be limited. Agricultural access to the remainder of the field will be retained via the existing access track to the east. Overall the proposed curtilage area has limited potential to contribute positively to commercial agricultural use, and the proposed change of use would not impede any such ongoing use of the surrounding land.

The proposed creation of curtilage would support the conversion of an existing redundant building, and, in light of the above, the proposal would not have a significant impact on openness. The property is not located within or adjacent to an Area of Biodiversity Importance and the proposal does not include the removal of any boundary features. The enclosure of the curtilage with an earthbank and hedge atop would be appropriate, and a cross section detail of the bank and landscaping schedule for planting has been provided. Additional planting is proposed in the form of a wildflower meadow and three planters and details of all planting to be incorporated into the scheme and planting densities have been provided. A bug hotel is also proposed.

The States has adopted the Strategy for Nature SPG and to ensure that environmental benefits in respect of biodiversity are introduced in line with the SPG, a landscaping scheme has been provided as part of the application. The landscaping scheme confirms the type and density of planting proposed, together with a corresponding drawing to illustrate locations. The landscaping scheme also confirms the future management of the site to ensure that biodiversity enhancement is maintained longer term. The landscaping scheme is acceptable and accords with the aims and provisions of the SPG.

The proposed creation of curtilage would therefore meet the requirements of Policies GP1 and GP15. Given the location of the site on the periphery of open land, and the potential impact that the installation of inappropriate boundary treatment could have in long views across that land, it is however recommended that, were the application recommended for approval, exemption rights be removed for the erection of fencing and walls.

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

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

The proposal includes the provision of a small extension attached to the west elevation to accommodate a WC, entrance porch and storage cupboard. The extension is limited in terms of the floorspace that it will create and represent an increase of 20% of floorspace which is usually deemed to be acceptable as a modest extension for the purpose of this criterion. The scheme therefore complies with criterion (g) of Policy GP16(A).

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

The proposed dwelling and associated curtilage would be bounded by agricultural land to the north, east and west. The dwelling at the property to the east is set away from the property boundary and, taking into account the single storey nature of the building, the orientation and separation distance to the neighbouring property there would be no adverse impact on that property.

Other matters

Residential amenity

The proposal is for a one bed dwellinghouse, capable of sleeping two persons. Part G of the Guernsey Technical Standards requires minimum accommodation provision for two persons of 35m², in the form of 22m² for kitchen, living, dining and bathing, 12m² for sleeping and 1.25m² for storage. The proposed accommodation would marginally exceed the requirements of the Building Regulations.

The size and quality of the outdoor space as revised, would be adequate for a dwelling of the proposed size 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.

Parking provision and cycle storage

The proposed parking provision is adequate and appropriate. Bicycle storage is shown in the form of a covered bicycle shed. Should permission be granted a condition should be included to ensure that the shed is erected prior to first occupation of the approved dwelling.

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, the accommodation is provided over a single level and opportunities have been identified for altering the accommodation to meet potential future needs, in accordance with the requirements of Policy GP8.

Confirmation has also been received that the proposed development has been designed to take into account matters of energy efficiency and current Building Regulations in accordance with Policy GP9. An electric vehicle charging point is also proposed as part of the scheme.

Conclusion

Overall, the proposal meets the purpose of the Law, material considerations and relevant planning policies and approval is recommended.

Date: 15/03/2024

