

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 building and erect dwelling and associated works.

LOCATION: Le Vivier North, Les Salines Road, St. Sampson.

APPLICANT: Mr T Hearne

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: 22/02/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 10/11/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Drawing No: 1025 - 04 B1, Environment Guernsey Ltd.
Biodiversity Statement & Revised GP9 Statement (both date stamped received 14/02/2024)

Application Ref: FULL/2023/2213

Property Ref: B01594B000+B01600A000

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.The dwelling hereby approved shall not be first occupied until such a time as all existing buildings on site have been demolished and all ancillary materials, works and structures have been removed from the site.

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

5.There shall be no occupation of the dwelling until an air source heat pump and electric vehicle charging point have been installed and made operational in accordance with the revised GP9 Statement submitted as part of the application (date stamped received 14/02/2024).

Reason - In the interests of sustainable development.

6.The landscaping scheme and biodiversity enhancements shall be fully completed, in accordance with the Environment Guernsey Biodiversity Statement (dated July 2023) in the first planting season following the first occupation of any part of the development or completion of development whichever is the sooner, or in accordance with a programme previously agreed in writing by the Authority. Any trees or plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by trees or plants of a size and species similar to those originally required to be planted.

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

7. Prior to the commencement of any development details of a cycle store shall be submitted to and agreed in writing by the Authority. The development shall be carried out only in accordance with the agreed details and the cycle store shall be constructed prior to the first occupation of the dwellinghouse hereby approved.

Reason - This condition is imposed to make sure that the cycle storage is appropriately sited so as not have any adverse impact on the character of the area and to offer occupiers of the dwelling the opportunity to travel by alternative modes of transport.

8. The driveway and parking area shall be constructed using porous materials or provision shall be made for all run-off water to be taken to a permeable or porous area within the site boundaries.

Reason - To ensure that surface water is managed on site, in accordance with Policy GP9.

9. The development hereby permitted shall be carried out in accordance with the Site Waste Management Plan submitted as part of this application, and no part of the development shall be occupied or brought into use until there has been submitted to the Authority a report providing verification that the development has been carried out fully in accordance with the agreed Site Waste Management Plan. Where there has been any variation from the Site Waste Management Plan as originally submitted, the report shall highlight and detail the reasons for this.

Reason: To ensure that the development is managed to minimise waste during the demolition of any existing buildings or structures or during construction, that existing materials are reused, recycled or disposed of either on or off site, and that residual waste will be dealt with appropriately, in accordance with the aims and objectives of Policy GP9.

Expiry Date: This permission will cease to have effect on 21/02/2027 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

Please note that with regard to condition 5 an air source heat pump with only one fan is allowed and the noise level emitted from the unit when calculated at 1 metre from the outside face of the closest elevation of the nearest neighbouring noise sensitive building (the neighbouring property) does not exceed 5 decibels below the LA90 level of the background noise measured at that location prior to the installation of the pump unit. Failure to comply with this would require the submission of a further application for planning permission for the air source heat pump alone.

In respect of Condition 8, advice about surfacing types and construction methods is

contained within a UK Government publication: 'Guidance on the permeable surfacing of front gardens'. This contains useful guidance and can be viewed at www.communities.gov.uk/publications/planningandbuilding/pavingfrontgardens.

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/2023/2213
Property Ref: B01594B000+B01600A000
Valid date: 10/11/2023
Location: Le Vivier North Les Salines Road St. Sampson Guernsey
Proposal: Demolish building and erect dwelling and associated works.

Applicant: Mr T Hearne

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. The dwelling hereby approved shall not be first occupied until such a time as all existing buildings on site have been demolished and all ancillary materials, works and structures have been removed from the site.

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

5. There shall be no occupation of the dwelling until an air source heat pump and electric vehicle charging point have been installed and made operational in accordance with the revised GP9 Statement submitted as part of the application (date stamped received 14/02/2024).

Reason - In the interests of sustainable development.

6. The landscaping scheme and biodiversity enhancements shall be fully completed, in accordance with the Environment Guernsey Biodiversity Statement (dated July 2023) in the first planting season following the first occupation of any part of the development or completion of development whichever is the sooner, or in accordance with a programme previously agreed in writing by the Authority. Any trees or plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by trees or plants of a size and species similar to those originally required to be planted.

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

7. Prior to the commencement of any development details of a cycle store shall be submitted to and agreed in writing by the Authority. The development shall be carried out only in accordance with the agreed details and the cycle store shall be constructed prior to the first occupation of the dwellinghouse hereby approved.

Reason - This condition is imposed to make sure that the cycle storage is appropriately sited so as not have any adverse impact on the character of the area and to offer occupiers of the dwelling the opportunity to travel by alternative modes of transport.

8. The driveway and parking area shall be constructed using porous materials or provision shall be made for all run-off water to be taken to a permeable or porous area within the site boundaries.

Reason - To ensure that surface water is managed on site, in accordance with Policy GP9.

9. The development hereby permitted shall be carried out in accordance with the Site Waste Management Plan submitted as part of this application, and no part of the development shall be occupied or brought into use until there has been submitted to the Authority a report providing verification that the development has been carried

out fully in accordance with the agreed Site Waste Management Plan. Where there has been any variation from the Site Waste Management Plan as originally submitted, the report shall highlight and detail the reasons for this.

Reason: To ensure that the development is managed to minimise waste during the demolition of any existing buildings or structures or during construction, that existing materials are reused, recycled or disposed of either on or off site, and that residual waste will be dealt with appropriately, in accordance with the aims and objectives of Policy GP9.

INFORMATIVES

Please note that with regard to condition 5 an air source heat pump with only one fan is allowed and the noise level emitted from the unit when calculated at 1 metre from the outside face of the closest elevation of the nearest neighbouring noise sensitive building (the neighbouring property) does not exceed 5 decibels below the LA90 level of the background noise measured at that location prior to the installation of the pump unit. Failure to comply with this would require the submission of a further application for planning permission for the air source heat pump alone.

In respect of Condition 8, advice about surfacing types and construction methods is contained within a UK Government publication: 'Guidance on the permeable surfacing of front gardens'. This contains useful guidance and can be viewed at www.communities.gov.uk/publications/planningandbuilding/pavingfrontgardens.

OFFICER'S REPORT

Site Description:

The application site comprises an agricultural field with a former stable building and a shed situated in the northwest corner. Surrounding the site, the area comprises land to the north used as allotments, agricultural land to the east and south (although permissions have been granted to convert some of this land into residential curtilages) with residential properties beyond, and residential properties to the west and northwest.

Planning permission was granted (Ref: FULL/2022/0459) to form an access track from the field the subject of this application, across the land to the north (both sites are owned by the applicant of this application) and onto Les Salines Road.

The site is enclosed by earth banks, hedges, trees, walls and fencing, and is located Outside of the Centres and the subject of no other designation under the Island Development Plan.

Relevant History:

FULL/2023/0050	Convert and extend stable/outbuilding to create dwelling, change of use of agricultural land to domestic garden (825 sq.m.) with landscaping and parking.	Granted 02/08/2023
FULL/2022/0459	Remove section of wall and form bridge over douit for vehicle access between agricultural fields.	Granted 26/05/2022

Existing Use(s):

Former Stables

Brief Description of Development:

Planning permission is sought to demolish an existing building (that has permission to be converted into a dwelling) and to construct a new one bedroom single storey dwelling with associated works.

An area of parking is proposed to be created immediately to the west of the location for the proposed dwelling. Landscaping is proposed along the south and west boundaries of the site.

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

Island Development Plan Policies:

- OC1: Housing Outside of the Centres;
- GP1: Landscape Character and Open Land;
- GP8: Design;
- GP9: Sustainable development;
- GP15: Creation and Extension of Curtilage;
- GP16(a): Conversion of Redundant Buildings;
- IP9: Highway Safety, Accessibility and Capacity;

Representations:

None

Consultations:

None

Summary of Issues:

The main issues in deciding this application are:

1. whether the principle of the proposal is acceptable;
2. the impact of the development on the character and appearance of the surrounding area;
3. the impact of the development on the amenity of people living in the area;
4. parking and access issues.

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 former stable building (a redundant building) situated in the northwest corner of the site. Policies OC1, OC5(B), GP1 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.

Policy GP16(B) sets out that the demolition and redevelopment of a building that accords with the requirements of the conversion of redundant buildings policy (Policy GP16(A)) may be acceptable without the need to implement the permission for conversion by physically carrying out the development. There are specific criteria that must be addressed which are assessed in detail below:

a) the conversion scheme has first been granted planning permission

Planning permission was granted on 02/08/2023 to convert and extend the existing stable/outbuilding to create a dwelling and to change the use of a section of agricultural land (totalling 825m² in area) to domestic garden with associated landscaping and parking subject to planning application reference: FULL/2023/0050. This permission was granted for works to commence within the standard 3 year time frame and therefore remains extant. This criterion of the policy is therefore satisfied.

b) the redeveloped scheme is of broadly the same floor space and volume as the approved conversion scheme and, in the case of development for residential purposes, the number of units approved in the conversion scheme is not exceeded

The 2023 permission to convert the building into a dwelling related to the formation of a single unit of residential accommodation comprising one bedroom, a bathroom, kitchen, lounge, a glazed link (linking the kitchen to the lounge) a porch and storage cupboard. The previous scheme allowed for a total footprint of 67m², with a total gross internal floor area of 50m², and a total volume of 165.8m³.

The footprint of the redevelopment scheme (the subject of this report) proposes a total area of 72.3m² representing an increase of 7% and the total gross internal floor area will equate to 56.8m² representing a 12.4% increase. The volume of the proposed building equates to 200.4m³ representing a 20% increase in volume when compared to the original approved conversion scheme. When considering whether the redevelopment scheme is “*broadly the same floorspace and volume*” as a general rule an increase of up to 20% is usually considered to be acceptable.

There is no requirement in the policy text for the new scheme to be of the same height, form, design or positioning on site as the existing building, provided that any such changes are acceptable under the remaining policy criteria which is assessed below. The proposal however will be of similar form and scale to the conversion scheme.

Considering the above, the proposal does not represent a significant increase in either floorspace or volume and overall the scheme complies with this criterion of the policy.

- c) *where the existing building makes a particular positive contribution to the character of an area the replacement building would make an equal or enhanced contribution to the character of that area*

The existing building is not highly visible from outside the site and does not make a particular positive contribution to the character of the area.

Irrespective of the contribution that the existing building makes to the character of the area, Policy GP8 requires that a proposal achieves a good standard of design, which respects the character of the local built environment or open landscape concerned.

In this case, the proposed building would follow a similar footprint to the previous approved conversion scheme but would be re-positioned further within the site to the east. The form and materials proposed are however consistent with the surrounding built form, and the building would be centrally positioned within the approved domestic garden area for the scheme and given its single storey form of limited height, would have limited additional impact on the character of the area.

- d) *it can be demonstrated that the new building can be constructed in such a way as to significantly enhance its sustainable design*

As detailed above, the application has been supported by information relating to sustainable development and in relation to Policy GP9, setting out that the proposed materials are largely recyclable should the building ever be demolished, the insulation, light, ventilation, glazing, drainage and access will meet/exceed the Building (Guernsey) Regulations, 2012. Furthermore the building has been relocated in a more sustainable position within the site to create a dual aspect scheme with

the principal windows bedroom, lounge and kitchen all facing south to maximise solar gain.

The information states that solar panels have been explored as a possible sustainable enhancement however given the flat roof nature of the scheme, these would be required to be situated on a framing system which would affect and harm the visual character and design of the building. As an alternative, the applicant intends to install an air source heat pump in an appropriate location and of a size that would constitute Exempt development. The scheme also proposes an electric vehicle charging point.

Considering the above the scheme satisfactorily demonstrates significant enhancements to sustainable design in accordance with criterion d. and Policy GP9. This is a matter and the implementation of such enhancements can also be managed by condition.

e) *it can be demonstrated that the new building can be constructed in such a way as to not have any unacceptable adverse impacts on the landscape character or openness of an area*

The conversion scheme considered under Policy GP16(A) included the same extent of curtilage as is now proposed. There is no change as part of this redevelopment scheme. The impact of the development on the landscape character is assessed elsewhere in this report and is therefore also satisfied in relation to Policy GP15. Policy GP1 is also relevant in relation to the impact on open and undeveloped land.

Whilst there is open land surrounding the site, the building itself would be located adjacent to the northern boundary of the site. On the opposite side of the northern boundary permission has recently been granted to erect a new agricultural building to be used in connection with the use of the site as allotments (ref: FULL/2023/2210). In assessing that application, its effect on the openness of the surrounding area was not considered to be an issue. Furthermore, the site is also well screened from public vantage points within the surrounding area and the proposal would not impact on openness in any views. The proposed earthbank and hedging along the south and west boundaries of the curtilage would effectively delineate the extent of domestic garden, preventing further encroachment into the open land and providing landscape enhancement. An access has been maintained in the northeast corner of the site that is suitable for agricultural vehicles and will provide access for such vehicles to farm the remainder of the field if required. The property has also been setback from the northern boundary sufficient distance so as not to impede access for these vehicles.

The proposed development would not have an unacceptable adverse impact on the openness of the area and complies with Policy GP16(B) criterion e).

As part of the application a biodiversity statement has been submitted which proposes a wildflower meadow in a large proportion of the southeast corner of the

site. Details of additional planting, landscaping and biodiversity enhancements have been provided, Although the site is not situated in an Area of Biodiversity Importance (GP15 criterion b.) in line with the States' Strategy for Nature, 2020, which has been adopted as Supplementary Planning Guidance, an application involving the change of use of agricultural land to domestic garden must demonstrate environmental benefits in respect of biodiversity that will be incorporated should planning permission be granted. The level of information is considered satisfactory to address the Strategy for Nature and its implementation can be controlled by planning condition.

- f) *it can be demonstrated that the new building can be constructed in such a way as to not have any increased impacts on the amenities or reasonable enjoyment of occupiers of neighbouring properties and the surrounding area*

This matter is considered in more detail below with regard to Policy GP8 of the Island Development Plan.

As outlined above, the siting of the building will not result in harm to the openness and character of the area. The proposed dwelling does represent a good standard of architectural design that respects the local built environment as set out in more detail above. The scheme accords with Policy GP8 criteria a) and c) of the Island Development Plan.

The erection of a single-storey dwelling on the site does not represent multi-storey development that represents the most efficient and effective use of land however, the existing building is single-storey and the submitted scheme does, in all other respects, meet the aims of Policy GP8. Furthermore, creating a multi-storey building in this case could have a negative impact on the design of the development (in order to meet the floorspace and volume requirements of Policy GP16(B)) and could have a greater impact on the landscape character and openness of the surrounding area.

The nearest neighbouring residential property is situated circa 60m southwest of the site and the proposal would therefore not harm residential amenity. The external space provided to serve the dwelling would be generous and offer an attractive outlook from the dwelling. Overall, the proposed dwelling would provide an adequate living environment, in accordance with Policy GP8(d) and Annex I: Amenities having regard to the health and well-being of occupiers of the development with regard to sunlight/daylight and amenity space.

The single-storey nature of the development is such that the accommodation is on a single level without stepped access and has open plan living and accessible bedrooms and bathrooms and an accessible parking area. The accommodation could be used in a different way to that shown on the application drawings and the property could also be extended in the future. Overall, the scheme therefore demonstrates accessibility to and within the building for people of all ages and abilities, offering flexible and adaptable accommodation that can respond to people's needs over time.

Policies IP7 and IP9 relate to private car parking and highway safety, accessibility and capacity respectively. The scheme proposes adequate off-road parking to serve the development along with on-site turning to enable vehicles to turn and exit the site in a forward gear. The proposed dwelling, having regard to the conversion scheme, will not result in an intensification in the use of the access nor an unacceptable increase in traffic on the local roads. The access onto the local road network is satisfactory with regard to road safety and the scheme therefore accords with the requirements of Policies IP7 and IP9 of the Island Development Plan.

The application has been accompanied by a Waste Management Plan setting out information relating to the recycling and disposal of waste arising from demolition on the site. It is concluded that further information in connection with a Site Waste Management Plan can be controlled by planning condition and therefore Policy GP9 has been satisfied in this respect.

Turning to the change of use of agricultural land to domestic garden, the area of land proposed for garden has not altered from the approved conversion scheme and was considered to meet the aims of Policy GP15. There has been no change in the submission nor the policies against which the proposal must be considered and therefore the conclusion regarding the use of land remains unchanged.

In view of the above it is recommended planning permission is granted for the proposed development.

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: 21/02/2024

