

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 (Revised Scheme).

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 20/12/2023 regarding the above proposals as described more fully in the application and drawings referred to below.

Date of refusal of permission: 09/02/2024

Drawing Nos: 2222 / 4A, / 5A & / C.S.

Application Ref: FULL/2023/2491

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 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 volume. The scheme is therefore contrary to Policy GP16(B) criteria b. and d. 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/2023/2491
Property Ref: G00232B000
Valid date: 20/12/2023
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 (Revised Scheme).
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 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 volume. The scheme is therefore contrary to Policy GP16(B) criteria b. and d. of the Island Development Plan.

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 forms 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

FULL/2023/1448 - Demolish building and erect dwelling with associated works and relocation of vehicle access – refused (not broadly the same floor space and volume nor incorporating significant enhancements to sustainable design to support the increase to floor space and volume and substantial relocation of the dwelling and the undesirable spread of backland development into the surrounding open and undeveloped rural area)

Pre-application advice was sought in this case following the refusal of permission in 2023.

Existing Use(s):

28 agriculture

Brief Description of Development:

The revised application relates to the demolition of the existing building and the erection of a dwelling, in a revised location, on the site. The position of the dwelling as now proposed is further east on the plot, closer to the structure to be demolished and more accessible from the proposed parking area. The proposed dwelling is one and a half-storeys with open plan living, kitchen and dining room and separate WC 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 (sustainably sourced) to the exterior walls and a slate roof.

The submission has been accompanied by a Site Waste Management Plan and information relating to pre-fabricated construction to minimise waste, sustainable construction including airtight thermal insulation, solar panels, EV charging points, a water butt and SUDs compliant driveway. A timber cycle store is also shown to be provided. The scheme also highlights benefits of the proposal in relation to privacy, enhanced outlook, the east-west sun path and utilising existing hardstanding in relation to excess/new excavation.

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

It is noted that the elevation annotations shown on the application drawings are incorrect (2 x northwest and 2 x southeast elevations) but also that the building orientation is truer to the main compass points of north, south east and west. Furthermore, although the volume of the existing building is stated to be 118 cubic metres, the Planning Service has calculated the volume as being less, c.101.90 cubic metres. Although the revised drawings refer to a reduction in volume they also state that the percentage increase would not change from the previously refused scheme.

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 – commented on the previous proposal and highlighted that the building to be demolished could be used by bats and the environmental impacts of light pollution on wildlife. Both these matters can be addressed by way of an informative note on any permission granted. Comments were also provided regarding the biodiversity enhancement proposals associated with this, and other, development sites.

Two letters of representation have been submitted commenting on the application and raising the following points:

- There is an error relating to the legal boundaries and the position of the dwelling to be demolished
- It is unclear whether the proposed dwelling would be constructed right on the legal boundary or offset from the line of the existing shed
- Constructing on the legal boundary would not provide a legal right of access over the adjoining land for maintenance – this would be contrary to policy relating to sustainable construction as the building falls into disrepair
- Concerns exist regarding the previous reason for refusal about the dwelling being in the incorrect position on the site – the previous location was good
- Objections are raised regarding the scale of the development in relation to neighbouring properties in terms of privacy and overlooking
- The curtilage should have been defined in a different way – and this should be explained and justified further by the DPA
- The property will 'stick out like a sore thumb' – it will be in constant view from the neighbouring dwelling and cut out views towards the church
- The condition of the existing building is questionable despite the comments asserted by the applicant
- The building contains blue asbestos
- Glass has been mixed into the soil during the clearance of the site

Consultations:

None.

Summary of Issues:

The key issues in this case relate to the principle of the development, its position on the site, sustainable design measures and 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. Although the public consultation has raised queries regarding the condition of the existing building and the approved domestic garden these matters were fully assessed as part of the previous planning application for the conversion of the building, the principle of converting the building to a dwelling, with a proportionate garden area to serve it has been established and will not be revisited.

The IDP makes provision to relocate a structure on a site in connection with significant enhancements to sustainable design and having regard to impacts on the character (para. 19.17.14) and openness of an area. Furthermore, the IDP places an expectation on development proposals to comply with the current Building Regulations and Technical Standards (para. 16.1.6).

When considering applications in relation to Policy GP16(B) the development should be of broadly the same floor space 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 sustainability benefits in allowing a slight increase beyond this) and this has become a legitimate expectation of applicants and agents applying for developments under Policy GP16(B) of the IDP. The volume relates to the entirety of the internal building envelope whether incorporated into usable space, or such as here a void which could then be incorporated into usable floor space at a later date. As outlined elsewhere, the volume of the approved conversion scheme has been calculated as lower than indicated on the

application drawings but also that the proposed volume is slightly higher than shown on the submitted plans.

Overall, the scheme would represent a c. 20% increase in floor space and c. 25% increase in volume. The scheme proposes a significant increase in the volume of the proposed building but does provide a further explanation in relation to sustainability credentials associated with the development to off-set the increase in volume proposed.

The orientation of the building and position of fenestration does not alter from the earlier refused scheme. The scheme sets out the sustainability measures that will be incorporated into the development and how the scheme will meet the Building (Guernsey) Regulations to address Policy GP9, with SUDs indicated for hard surfaced areas in line with the previously approved scheme and some use of solar panels. The submission also addresses Strategy for Nature proposals in order to address Policy GP8 e. (hard and soft landscaping that would contribute to sustainable construction). The biodiversity proposals approved as part of the GP16(A) proposal, and re-confirmed as part of this application (including confirmation that work has commenced on this), do not fall to be considered against Policy GP9 or GP16(B) criterion d.

Although the sustainability information seeks to argue that the sustainability credentials should be justification enough to allow for the increased volume it is concluded that the development meets, but does not significantly exceed the Building Regulations and therefore does not represent a benefit in terms of Policy GP16(B) and its requirement to substantially enhance sustainable design. As a result, the sustainability credentials of the development are concluded to be 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 therefore the application is recommended for refusal.

Other Matters

Although rights of access have been raised as a potential issue this is a legal matter that cannot influence the assessment and determination of a planning application and concerns relating to the loss of a rural and church view are not a material planning consideration that can be considered in the assessment and determination of an application.

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: 09/02/2024

