

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 and extend packing shed to form dwelling and associated works (revised scheme).

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

APPLICANT: Mr & Mrs A C Rogers

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: 10/04/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 05/02/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: The Drawing Room - 171/D1A, D2A, D3, D4, D5 & D6.
Environment Guernsey Ltd Biodiversity Statement dated January 2024

Application Ref: FULL/2024/0176

Property Ref: J010590000

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 earth banks forming the north and east boundaries of the domestic land shall be constructed in accordance with the Environment Guernsey Biodiversity Statement dated January 2024 and positioned as revised and updated by plan number 171/D2A, prior to the first occupation of the hereby approved dwelling or completion of the development whichever is the sooner.

Reason - In the interests of visual amenity and to prevent the encroachment of domestic uses onto the agricultural land.

5.The landscaping scheme shall be fully completed/implemented in accordance with the Environment Guernsey Biodiversity Statement dated January 2024 and as revised and updated by plan number 171/D2A, in the first planting season following the first occupation of the hereby approved dwelling 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 - In the interests of visual amenity and biodiversity

6.The oil tank and concrete paths labelled 3 and 7 on plan number 171/D1A and all ancillary materials shall be removed from the site prior to the first occupation of the hereby approved dwelling or completion of the development whichever is the sooner.

Reason - In the interests of visual amenity and to ensure an effective and efficient

use of land.

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

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

Expiry Date: This permission will cease to have effect on 10/04/2027 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

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/2024/0176
Property Ref: J010590000
Valid date: 05/02/2024
Location: Le Clos Vinery Rue Des Marettes St. Martin Guernsey GY4 6JH
Proposal: Convert and extend packing shed to form dwelling and associated works (revised scheme).

Applicant: Mr & Mrs A C Rogers

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 earth banks forming the north and east boundaries of the domestic land shall be constructed in accordance with the Environment Guernsey Biodiversity Statement

dated January 2024 and positioned as revised and updated by plan number 171/D2A, prior to the first occupation of the hereby approved dwelling or completion of the development whichever is the sooner.

Reason - In the interests of visual amenity and to prevent the encroachment of domestic uses onto the agricultural land.

5. The landscaping scheme shall be fully completed/implemented in accordance with the Environment Guernsey Biodiversity Statement dated January 2024 and as revised and updated by plan number 171/D2A, in the first planting season following the first occupation of the hereby approved dwelling 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 - In the interests of visual amenity and biodiversity

6. The oil tank and concrete paths labelled 3 and 7 on plan number 171/D1A and all ancillary materials shall be removed from the site prior to the first occupation of the hereby approved dwelling or completion of the development whichever is the sooner.

Reason - In the interests of visual amenity and to ensure an effective and efficient use of land.

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

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

OFFICER'S REPORT

Site Description:

The application site comprises a former horticultural site measuring approximately 2.08 hectares. The site has recently largely been cleared of glass with only a few remnants remaining including a packing shed in the south-west corner and concrete paths. The site is largely bounded to the north, east and partly to the south by

agricultural or undeveloped land, some of which is currently covered by glasshouses. The western section of the site is bounded by Rue des Marettes and the south-west section is bounded by a neighbouring residential property and a hotel. The site is accessed via a tarmacked track onto Rue des Marettes. The site is located Outside of the Centres.

Relevant History:

21/01/2022 – FULL/2021/1885 – Application refused to convert outbuilding to dwelling and associated landscaping.

Existing Use(s):

Agriculture use class 28

Brief Description of Development:

Planning permission is requested to convert and extend a former packing shed to create a 2 bedroom dwelling.

The application is accompanied by a structural report and a Biodiversity Statement.

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

Policy OC1: Housing Outside of the Centres

Policy OC5(B): Agriculture Outside of the Centres – outside the Agriculture Priority Areas

Policy GP1: Landscape Character and Open Land

Policy GP8: Design

Policy GP9: Sustainable Development

Policy GP15: Creation and Extension of Curtilage

Policy GP16(A): Conversion of Redundant Buildings

Policy GP17: Public Safety and Hazardous Development

Policy IP6: Transport Infrastructure and Support Facilities

Policy IP7: Private and Communal Car Parking

Policy IP9: Highway Safety, Accessibility and Capacity

Representations:

None

Consultations:

The Office of Environmental Health and Pollution Regulation, 14/02/2024

"I have reviewed the proposed plans for the conversion extension of a former packing shed to form dwelling at the above site. I have some concerns about the potential for contaminated land to be present within the development site.

I have interrogated Guernsey Historic Maps, Historic Orthophotos and Cadastre Registry of Land to assess the historic use of the land. It is clear from the submitted application documents and from the historic records that the site was once used for commercial horticultural purposes. A record listed on the Cadastre register dated 1981 indicates that three large greenhouses that stood on the site were heated. Ordinance Survey Maps from 1938, 1963 and 1979 show a tank or tanks directly adjacent to the packing shed building, with no detail provided for the use of these tanks.

I have looked closely at the plan submitted showing the delineation of proposed curtilage and note it slightly overlaps where a large greenhouse once stood. Due to the potential for heated greenhouse to cause contaminated land issues and the unknown use of a tank or tanks located very close to the packing shed, I would recommend that the following condition is attached to any granted planning consent:

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

I would be grateful if this issue is considered during the determination of this application”.

Summary of Issues:

The main issues in deciding this application are:

1. The principle of the development.
2. Whether the existing building is of sound and substantial construction and is capable of conversion to a residential use without extensive alteration or rebuilding.
3. The impact of the development on the character and openness of the landscape.
4. The impact on the amenities of neighbouring residents.

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).**

Planning permission was refused in January 2022 (FULL/2021/1885) to convert the packing shed to a dwelling on account that the site was a horticultural site which once cleared would contribute positively to the wider area of open land, contrary to Policy OC7. Since this decision, the former glasshouses have been cleared and consequently the site is no longer considered a redundant glasshouse site and Policy OC7 is no longer applicable.

Policy OC1 provides scope for the conversion of existing redundant buildings to dwellings Outside of the Centres provided that specific criteria as set out in Policy GP16(A) are met.

The former horticultural use of the land has ceased, the glasshouses have been cleared and therefore it has been demonstrated that the building is no longer required for its last known purpose.

The structural report concludes that the building is of a robust structural timber frame and is capable of conversion into a habitable dwelling without significant or substantial structural works. Together with the extent of works proposed, the information submitted is sufficient to demonstrate that the existing building is of sound and substantial construction and is capable of conversion without extensive alteration or rebuilding.

The existing building is not of either architectural or historic interest and is not considered to be a building of character that makes a positive contribution to the character and appearance of the area. The size and nature of the proposed extension is modest. The site is bounded to the west by a neighbouring residential property and the south by a hotel. However, the positioning of fenestration and relationship with neighbouring properties is unlikely to result in any unacceptable adverse effects on the amenities of the neighbouring properties.

The application site is located in a semi-rural area characterised by built development of mainly residential properties situated in ribbons and clusters along the highways with areas of agricultural and undeveloped land providing a break between the pockets of built development. The application site predominantly comprises of agricultural/undeveloped land which forms part of a wider area of open land providing a break in the built development. However, the proposed dwelling and its associated domestic land is confined to the south-west corner of the site and the north and east boundaries align with and are well related to neighbouring properties. As a result, the proposal in effect rounds off the existing adjoining built development to the west and south, whilst retaining the openness and landscape character of the site as a whole. The proposed conversion of the building to a dwelling and its associated domestic land would have no unacceptable impacts on the character and openness of the landscape, in accordance with Policies GP1, GP15 and GP16(A).

The proposed dwelling would exceed minimum internal space standards as set out under the Building Regulations and the best practice minimum internal space

standards which are published on the Authority's website. The dwelling would have adequate daylight and privacy and would benefit from a generous provision of outdoor space and an attractive outlook over open land. The proposed dwelling would provide a satisfactory living environment.

The application is accompanied by a Biodiversity Statement. The measures proposed including the creation of an earth bank planted with a Hawthorn hedge along the domestic boundaries, tree planting, the creation of a wildflower meadow, the restoration of the agricultural land and the additional perimeter planting around the agricultural land will provide proportionate biodiversity enhancements, taking into account the size of the area of land involved.

To address the concerns raised by the Office of Environmental Health and Pollution Regulation regarding the potential for contaminated land, it is recommended that a condition is attached to the decision.

All material considerations as set out in the Land Planning and Development (Guernsey) Law, 2005 and the Land and Planning (General Provisions) Ordinance 2007 have been taken into account in the assessment of this application.

It is recommended that the application is approved.

Date: 10/04/2024