

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 with associated works and relocation of vehicle access (revised scheme).

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

APPLICANT: Mrs & Mrs M C Elliott

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: 30/04/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 25/03/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: 2222 4B, 5B, CS

Application Ref: FULL/2024/0474

Property Ref: G00232B000

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 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.

5.The landscaping scheme shall be fully completed, in accordance with the details shown on the approved plans 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 - For biodiversity interest and to help assimilate the development into its surroundings.

6.The dwelling hereby approved shall not be occupied or used until the cycle storage has been provided in accordance with the approved plans.

Reason - To make sure that convenient provision is made for cyclists and to encourage

the use of alternative modes of transport.

7. Notwithstanding the provisions of the Land Planning and Development (Exemptions) Ordinance, 2023 (or any other Ordinance replacing or re-enacting that Ordinance), no gate, fence, wall or other means of enclosure more than 0.9m high (other than earth banks) shall be erected, constructed or placed along the south, west and north boundaries of the domestic garden hereby approved.

Reason - In view of the location of the site in relation to wider areas of open and undeveloped land, the erection of such structures as 'exempt development' may have an adverse impact on the character and appearance of the locality. This condition is imposed to make sure that any proposals can be properly considered.

8. The development hereby permitted shall be constructed in accordance with the details shown on the approved plan (4B) including solar panels. There shall be no occupation of the dwelling until the solar panels have been installed and made operational.

Reason - In the interests of sustainable development.

9. Notwithstanding the provisions of the Land Planning and Development (Exemptions) Ordinance, 2023 (or any other Ordinance replacing or re-enacting that Ordinance), no porches or extensions shall be erected to any elevation of the the dwelling hereby approved.

Reason - In view of the location of the site in relation to wider areas of open and undeveloped land, the erection of such structures as 'exempt development' may have an adverse impact on the character and appearance of the locality. This condition is imposed to make sure that any proposals can be properly considered.

Expiry Date: This permission will cease to have effect on 30/04/2027 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/2024/0474
Property Ref: G00232B000
Valid date: 25/03/2024
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: Mrs & Mrs M C Elliott

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 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.

5. The landscaping scheme shall be fully completed, in accordance with the details shown on the approved plans 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 - For biodiversity interest and to help assimilate the development into its surroundings.

6. The dwelling hereby approved shall not be occupied or used until the cycle storage has been provided in accordance with the approved plans.

Reason - To make sure that convenient provision is made for cyclists and to encourage the use of alternative modes of transport.

7. Notwithstanding the provisions of the Land Planning and Development (Exemptions) Ordinance, 2023 (or any other Ordinance replacing or re-enacting that Ordinance), no gate, fence, wall or other means of enclosure more than 0.9m high (other than earth banks) shall be erected, constructed or placed along the south, west and north boundaries of the domestic garden hereby approved.

Reason - In view of the location of the site in relation to wider areas of open and undeveloped land, the erection of such structures as 'exempt development' may have an adverse impact on the character and appearance of the locality. This condition is imposed to make sure that any proposals can be properly considered.

8. The development hereby permitted shall be constructed in accordance with the details shown on the approved plan (4B) including solar panels. There shall be no occupation of the dwelling until the solar panels have been installed and made operational.

Reason - In the interests of sustainable development.

9. Notwithstanding the provisions of the Land Planning and Development (Exemptions) Ordinance, 2023 (or any other Ordinance replacing or re-enacting that Ordinance), no porches or extensions shall be erected to any elevation of the the dwelling hereby approved.

Reason - In view of the location of the site in relation to wider areas of open and undeveloped land, the erection of such structures as 'exempt development' may have an adverse impact on the character and appearance of the locality. This condition is imposed to make sure that any proposals can be properly considered.

INFORMATIVES

OFFICER'S REPORT

Site Description:

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

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

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

Relevant History:

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

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.

FULL/2023/2491 - Demolish building and erect dwelling with associated works and relocation of vehicle access (Revised Scheme) – refused – (not broadly the same volume as the approved conversion scheme with insufficient justification to demonstrate that the development would represent a significant enhancement to sustainable design to support the increased volume)

Existing Use(s):

28 agriculture

Brief Description of Development:

This second revised application relates to the demolition of the existing building and the erection of a dwelling, in a revised location, on the site, closer to the structure to be demolished than the earlier refused scheme and more accessible from the proposed parking area. The proposed dwelling is primarily one and a half-storeys with open plan living, kitchen and dining room and separate WC on the ground floor and a bedroom and bathroom room. The scheme now incorporates a single-storey lean-to in order to reduce the overall volume of the building. 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 drawings have been updated to specify the Building Control improvements in order to seek to address the previous reason for refusal relating to sustainable design.

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.

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.

Consultations:

Building Control - The proposed plans submitted for planning approval indicate for the replacement dwelling indicate that the U values are better than the minimum requirements set out in the Building (Guernsey) Regulations 2012.

The U values indicated by the agent and provided by Kingspan insulation overall would suggest that the U values for the roof, walls and floor have been greatly achieved. The minimum U value of glazing element in the new dwelling can also be met and be greatly improved if necessary. Further information and calculations would need to be provided by Kingspan regarding these improved U values.

SAP calculations/thermal calculations can provide greater flexibility for the design of the proposed dwelling; this method is not often used in Guernsey.

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. 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. This revised scheme now ensures that the floorspace and volume of the proposed development would comply with Policy GP16(B).

The orientation of the building and position of fenestration does not alter from the earlier refused scheme but the volume has now been reduced to an acceptable level. The scheme sets out the sustainability measures that will be incorporated into the development with more detailed information provided to demonstrate compliance with the current Building Regulations. Having regard to the additional information provided and the reduction in the volume of the building the revised location in combination with the further information is now satisfactory in order to demonstrate compliance with Policy GP16(B) relating to sustainable design.

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 and in this respect Policy GP16(B) criterion c) is satisfied.

The conversion scheme considered under Policy GP16(A) included the same extent of curtilage as is now proposed in accordance with Policy GP15. Whilst there is open land surrounding the site, the building itself would be located adjacent to the south site boundary, related to the established dwellings fronting Rue Du Planel and Route de Pleinmont. Furthermore, the site is well screened in public views and the proposal would not impact on openness in those views. The proposed planting around the proposed domestic curtilage would effectively delineate the extent of domestic garden, preventing further encroachment into the open land and providing landscape enhancement.

The Island Development Plan sets out that a development should have “no increased impact” on the character or openness of an area. The siting of the replacement dwelling, adjacent to the south boundary but largely screened from public view will

maintain the openness of the area. The proposed development would not have an unacceptable adverse impact on the openness of the area and complies with Policy GP16(B) criterion e) and Policy GP1. Given that the dwelling has been repositioned from the original conversion scheme it is now considered reasonable and necessary to remove exemption rights regarding extensions. To assess such proposals by way of a formal planning application will ensure that the development, into the future, does not have an unacceptable adverse impact on the wider open landscape.

A landscaping condition would address matters relating to biodiversity because, 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 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) remain acceptable having regard to the SPG.

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 primarily one and a half storey dwelling on the site represents multi-storey development and efficient and effective use of land for the purposes of Policy GP8 when balancing the requirements of Policy GP16(B) relating to floorspace and volume.

The siting and layout of the dwelling is such that it will not result in overshadowing, loss of sunlight/daylight or overlooking of any adjoining dwelling and therefore satisfactorily considers the health and well-being of neighbours of the development. 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.

The open plan ground floor accommodation is such that the ground floor would be accessible to all whilst the first floor would remain accessible by ambulant disabled. The accommodation could be used in a different way to that shown on the application drawings and the property could also be extended. 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 in accordance with Policy GP8.

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. Provision is also made for cycle parking in line with the aims of Policy IP6.

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.

In view of the above it is recommended permission is granted for the replacement dwelling proposed.

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: 25/04/2024