

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 existing buildings, change of use of agricultural land to domestic garden, erect 3 dwellings with associated works and alterations to vehicle access and field access.

LOCATION: Keithley Vinery, Rue Sauvage, St. Sampson.

APPLICANT: Mr B Blondel

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: 21/06/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 29/04/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Mark Frampton & Co - 2022 / 636 / 12D, 15A & 16.

Application Ref: FULL/2024/0731

Property Ref: B01780B000

Conditions and reasons:-

1. All development authorised by this permission must be carried out and must be completed in every detail in accordance with the written application, plans and drawings referred to above. No variations to such development amounting to development may be made without the permission of the Authority under the Law.

Reason - To ensure that it is clear that permission is only granted for the development to which the application relates.

2. The development hereby permitted shall be begun within 3 years from the date of grant of this permission.

Reason - This condition reflects section 18(1) of the Land Planning and Development (Guernsey) Law, 2005 which states that planning permission ceases to have effect unless development is commenced within 3 years of the date of grant (or such shorter period as may be specified in the permission).

3. The development hereby permitted and all the operations which constitute or are incidental to that development must be carried out in compliance with all such requirements of The Building (Guernsey) Regulations, 2012 as are applicable to them, and no operation to which such a requirement applies may be commenced or continued unless (i) plans relating to that operation have been approved by the Authority and (ii) it is commenced or, as the case may be, continued, in accordance with that requirement and any further requirements imposed by the Authority when approving those plans, for the purpose of securing that the building regulations are complied with.

Reason - Any planning permission granted under the Law is subject to this condition as stated in section 17(2) of the Land Planning and Development (Guernsey) Law, 2005.

4. (i) No development shall commence on site (including demolition and site works) until there has been submitted to and approved in writing by the Authority:

(a) A desktop study documenting all the previous and existing land uses of the site and adjacent land in accordance with national guidance as set out in Land Contamination Risk Management (LCRM) and BS10175:2001+A2:2017 - Investigation of Potentially Contaminated Sites - Code of Practice;

and unless otherwise agreed in writing by the Authority,

(b) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS10175;

and, unless otherwise agreed in writing by the Authority,

(c) a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring.? Such scheme shall include nomination of a competent person to oversee the implementation of the works.

(ii) If determined to be required the development hereby permitted shall not be occupied or brought into use until there has been submitted to the Authority verification by a competent person approved under the provisions of subsection (i)c of this condition that any remediation scheme required and approved under the provisions of subsection (i)c of this condition has been implemented fully in accordance with the approved details (unless varied with the written agreement of the Authority in advance of implementation).? Unless otherwise agreed in writing by

the Authority such verification shall comprise:

- a) as built drawings of the implemented scheme;
- b) photographs of the remediation works in progress;
- c) certificates demonstrating that imported and/or material left in situ is free from contamination.

Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under subsection (i) c. of this condition.

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

5. Prior to the commencement of any work in connection therewith, details of lighting to serve the access road along the south and west site boundaries 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 lighting shall thereafter be retained and maintained as such.

Reason - The information provided with the application does not include full details of the proposed lighting. This condition is imposed to make sure that the development does not result in nuisance from lighting to adjoining residential neighbours and having regard to the impact of lighting in open areas where the harm to wildlife can be greater.

6. Prior to the commencement of any work in connection therewith details of all areas of hardstanding (patios, access road, parking and pavements) have been submitted to and agreed in writing by the Authority. The development shall be carried out only in accordance with the agreed details.

Reason - The information provided with the application does not include full details of the proposed feature(s). This condition is imposed to make sure the development does not have any adverse impact on the character of the area and having regard to sustainable design.

7. No occupation of any dwelling hereby approved shall take place until such time as the access roadway, parking and turning facilities to serve it, shown on the approved plans, have been fully completed in accordance with the details approved under condition 6 above.

Reason - To make sure that there is a satisfactory level of residential amenity for the occupiers of the new houses.

8. Notwithstanding the details of the bike barns submitted, prior to the occupation of the dwelling to which it relates details of the position, size, height and external appearance of a cycle store/shed shall be submitted to and agreed in writing by the Authority. No part of development hereby permitted shall be occupied until the

agreed cycle store to serve that dwelling has been fully implemented.

Reason - The information provided is not considered satisfactory and provision for covered and secure cycle parking should be made to provide occupiers of the development with the opportunity to travel by alternative modes of transport to the private car whilst having regard for the character and appearance of the locality.

9. Prior to the commencement of any work in connection with the construction of the three dwellings hereby approved the existing boiler house, packing shed, glasshouses and all other ancillary buildings shall be demolished, as shown to be demolished on the approved plans (2022/636/12D). Prior to the first occupation of any dwelling hereby approved all ancillary materials, works and structures resulting from the demolition work shall be removed from the site.

Reason - To make sure the development takes the form hereby permitted and complies with Policies OC1, GP16(A) and GP16(B) of the Island Development Plan.

10. a) Prior to the commencement of any work in connection therewith a landscaping scheme, to include those details specified below, shall be submitted to and agreed in writing by the Authority:

i) planting schedules, noting the sizes, numbers and densities of all areas of plants/trees shown on the approved site plan 2022/636/12D and 2022/636/16; and

ii) all existing trees, hedges and other landscape features, indicating clearly those to be removed.

b) The landscaping scheme shall be fully completed, in accordance with the details agreed under the terms of the above condition, 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 a landscaping scheme for the development is agreed, in order to help assimilate the development into its surrounding and to provide biodiversity enhancements in line with the adopted Strategy for Nature SPG.

11. The earthbanks hereby approved to define the extent of domestic garden hereby approved shall be constructed in accordance with the details shown on drawing 2022/636/16 prior to the dwelling to which the bank relates being first occupied.

Reason - To ensure that the extent of domestic garden and retained agricultural land is clearly defined.

12. 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 1.2m high (other than those expressly approved under this permission) shall be erected, constructed or placed along the outermost north and east boundaries of the domestic gardens 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.

13. The access road hereby approved, including provision for access to agricultural land as show to be served from the access road, on the approved plans shall be maintained to make provision for access to these areas of agricultural land in perpetuity.

Reason - In order to maintain access to the retained areas of agricultural land in order to facilitate its use for agricultural purposes.

14. 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.

15. The development hereby permitted shall be constructed in accordance with the details set out in the Sustainability Statement on drawing 2022/636/15A and in accordance with the details shown on the approved plans regarding permeable/SUDS hardstanding.

Reason - In the interests of sustainable design having regard to Policy GP9: Sustainable Development.

Expiry Date: This permission will cease to have effect on 21/06/2027 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

For the purposes of condition 5, any lighting scheme should include:

1. a statement of why the lighting is needed;
2. an indication of the proposed frequency of use of the lights and the hours of illumination;
3. two copies of an accurate plan showing the areas to be lit;
4. details of the number, location, height and colour of any lighting columns or other fixtures;
5. the type, number, mounting height and alignment of the luminaires and the beam angles and upward waste light ratio for each;
6. a diagram showing the predicted levels of illumination at the site boundaries;
7. a diagram showing the predicted vertical illumination affecting any adjacent dwellings.

The Authority does not recognise all of the land outlined red on the submitted plan(s) as forming the domestic curtilage associated with three dwellings hereby approved.

Your attention is drawn to The Animal Welfare (Guernsey) Ordinance, 2012 and the need to comply with its provisions. The existing building may be used by bats or other wildlife for roosting and nesting and measures may therefore need to be taken (including consideration of the timing of the works) to ensure that any protected species present are not impacted by the works. It is recommended that the site is inspected accordingly prior to any building works. Attention is also drawn to the environmental impact of light pollution on many types of wildlife which can be particularly problematic when introduced into a landscape such as this, where existing sources of artificial light are relatively sparse, avoidable light pollution and its effects on the natural environment and associated wildlife, particularly bats. External lighting should be avoided or kept to a minimum. It is recommended that you contact La Société Guernesiaise for advice or to arrange a site visit. La Société can be contacted on 07781 166924 or email info@societe.org.gg.

Effect of planning permission:

Section 18 of the Land Planning and Development (Guernsey) Law, 2005 ('the Law') defines the effect of the planning permission hereby granted, namely:

(1) Planning permission ceases to have effect unless the development permitted by it is commenced within a period of three years immediately following the date on which it is granted (or such shorter period as may be specified in the permission).

(2) Planning permission enures for the benefit of the land concerned and of every person for the time being having an interest in it.

(3) Any conditions subject to which planning permission is issued are enforceable in accordance with the provisions of Part V of the Law.

(4) Planning permission for the erection of a building is only permission to use it for the purpose specified in the permission or, subject to any restriction so specified, for any other purpose for which it is designed.

(5) Planning permission is only permission to carry out the development specified in it (subject to any conditions so specified), and does not imply the giving of any other approval or consent required under this Law or any other enactment or under any rule of law.

Right of appeal against planning decisions:

Your attention is drawn to the provisions of Section 68(1) of the Land Planning and Development (Guernsey) Law 2005, which provides a right of appeal, on the merits against a decision to grant planning permission subject to conditions (except a building condition), to the Planning Tribunal, which is independent of the States of Guernsey. An appeal to the Planning Tribunal under section 68 of the Law against this decision must be made before the expiry of the period of six months beginning with the date on which the Authority made this decision. The official Appeal Notice Forms are available on the States of Guernsey website at www.gov.gg/planningpanel and must be completed with all enclosures in multiples as requested and received within the six months deadline.

Copy of representations made:

In reaching this decision the Authority took into account any written consultations made under Section 11(1) of the Land Planning and Development (General Provisions) Ordinance, 2007 ('the Ordinance'). A copy of any consultation responses made under section 11 will be included with this decision in accordance with section 19 of the Ordinance.

Other Remarks:

Please note that any work which abuts or affects the public highway requires prior approval by Traffic and Highway Services. Please contact Traffic & Highway Services (highways@gov.gg) for further advice. You must also ensure that any access/es to the development are constructed to meet the existing road/footway levels in accordance with their requirements.

This document is not a Building Licence and confers no approval under the Building Regulations.

A separate Building Control Licence may be required and it is the responsibility of the developer to ensure that ALL necessary consents are obtained and that any pre-commencement conditions are discharged prior to development being commenced.

A J ROWLES

Director of Planning
Planning Service



PLANNING APPLICATION REPORT

Application No: FULL/2024/0731
Property Ref: B01780B000
Valid date: 29/04/2024
Location: Keithley Vinery Rue Sauvage St. Sampson Guernsey GY2 4WN
Proposal: Demolish existing buildings, change of use of agricultural land to domestic garden, erect 3 dwellings with associated works and alterations to vehicle access and field access.
Applicant: Mr B Blondel

RECOMMENDATION - Grant: Planning Permission with Conditions:

1. All development authorised by this permission must be carried out and must be completed in every detail in accordance with the written application, plans and drawings referred to above. No variations to such development amounting to development may be made without the permission of the Authority under the Law.

Reason - To ensure that it is clear that permission is only granted for the development to which the application relates.

2. The development hereby permitted shall be begun within 3 years from the date of grant of this permission.

Reason - This condition reflects section 18(1) of the Land Planning and Development (Guernsey) Law, 2005 which states that planning permission ceases to have effect unless development is commenced within 3 years of the date of grant (or such shorter period as may be specified in the permission).

3. The development hereby permitted and all the operations which constitute or are incidental to that development must be carried out in compliance with all such requirements of The Building (Guernsey) Regulations, 2012 as are applicable to them, and no operation to which such a requirement applies may be commenced or continued unless (i) plans relating to that operation have been approved by the Authority and (ii) it is commenced or, as the case may be, continued, in accordance with that requirement and any further requirements imposed by the Authority when approving those plans, for the purpose of securing that the building regulations are complied with.

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and unless otherwise agreed in writing by the Authority,

(b) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS10175;

and, unless otherwise agreed in writing by the Authority,

(c) a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring.? Such scheme shall include nomination of a competent person to oversee the implementation of the works.

(ii) If determined to be required the development hereby permitted shall not be occupied or brought into use until there has been submitted to the Authority verification by a competent person approved under the provisions of subsection (i)c of this condition that any remediation scheme required and approved under the provisions of subsection (i)c of this condition has been implemented fully in accordance with the approved details (unless varied with the written agreement of the Authority in advance of implementation).? Unless otherwise agreed in writing by the Authority such verification shall comprise:

a) as built drawings of the implemented scheme;

b) photographs of the remediation works in progress;

c) certificates demonstrating that imported and/or material left in situ is free from contamination.

Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under subsection (i) c. of this condition.

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

5. Prior to the commencement of any work in connection therewith, details of lighting to serve the access road along the south and west site boundaries 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 lighting shall thereafter be retained and maintained as such.

Reason - The information provided with the application does not include full details of the proposed lighting. This condition is imposed to make sure that the development does not result in nuisance from lighting to adjoining residential neighbours and having regard to the impact of lighting in open areas where the harm to wildlife can be greater.

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Reason - The information provided with the application does not include full details of the proposed feature(s). This condition is imposed to make sure the development does not have any adverse impact on the character of the area and having regard to sustainable design.

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Reason - To make sure that there is a satisfactory level of residential amenity for the occupiers of the new houses.

8. Notwithstanding the details of the bike barns submitted, prior to the occupation of the dwelling to which it relates details of the position, size, height and external appearance of a cycle store/shed shall be submitted to and agreed in writing by the Authority. No part of development hereby permitted shall be occupied until the agreed cycle store to serve that dwelling has been fully implemented.

Reason - The information provided is not considered satisfactory and provision for covered and secure cycle parking should be made to provide occupiers of the development with the opportunity to travel by alternative modes of transport to the private car whilst having regard for the character and appearance of the locality.

9. Prior to the commencement of any work in connection with the construction of the three dwellings hereby approved the existing boiler house, packing shed, glasshouses and all other ancillary buildings shall be demolished, as shown to be demolished on the approved plans (2022/636/12D). Prior to the first occupation of any dwelling hereby approved all ancillary materials, works and structures resulting from the demolition work shall be removed from the site.

Reason - To make sure the development takes the form hereby permitted and complies with Policies OC1, GP16(A) and GP16(B) of the Island Development Plan.

10. a) Prior to the commencement of any work in connection therewith a landscaping scheme, to include those details specified below, shall be submitted to

and agreed in writing by the Authority:

i) planting schedules, noting the sizes, numbers and densities of all areas of plants/trees shown on the approved site plan 2022/636/12D and 2022/636/16; and

ii) all existing trees, hedges and other landscape features, indicating clearly those to be removed.

b) The landscaping scheme shall be fully completed, in accordance with the details agreed under the terms of the above condition, 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 a landscaping scheme for the development is agreed, in order to help assimilate the development into its surrounding and to provide biodiversity enhancements in line with the adopted Strategy for Nature SPG.

11. The earthbanks hereby approved to define the extent of domestic garden hereby approved shall be constructed in accordance with the details shown on drawing 2022/636/16 prior to the dwelling to which the bank relates being first occupied.

Reason - To ensure that the extent of domestic garden and retained agricultural land is clearly defined.

12. 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 1.2m high (other than those expressly approved under this permission) shall be erected, constructed or placed along the outermost north and east boundaries of the domestic gardens 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.

13. The access road hereby approved, including provision for access to agricultural land as shown to be served from the access road, on the approved plans shall be maintained to make provision for access to these areas of agricultural land in perpetuity.

Reason - In order to maintain access to the retained areas of agricultural land in

order to facilitate its use for agricultural purposes.

14. 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.

15. The development hereby permitted shall be constructed in accordance with the details set out in the Sustainability Statement on drawing 2022/636/15A and in accordance with the details shown on the approved plans regarding permeable/SUDS hardstanding.

Reason - In the interests of sustainable design having regard to Policy GP9: Sustainable Development.

INFORMATIVES

For the purposes of condition 5, any lighting scheme should include:

1. a statement of why the lighting is needed;
2. an indication of the proposed frequency of use of the lights and the hours of illumination;
3. two copies of an accurate plan showing the areas to be lit;
4. details of the number, location, height and colour of any lighting columns or other fixtures;
5. the type, number, mounting height and alignment of the luminaires and the beam angles and upward waste light ratio for each;
6. a diagram showing the predicted levels of illumination at the site boundaries;
7. a diagram showing the predicted vertical illumination affecting any adjacent dwellings.

The Authority does not recognise all of the land outlined red on the submitted plan(s) as forming the domestic curtilage associated with three dwellings hereby approved.

Your attention is drawn to The Animal Welfare (Guernsey) Ordinance, 2012 and the need to comply with its provisions. The existing building may be used by bats or other

wildlife for roosting and nesting and measures may therefore need to be taken (including consideration of the timing of the works) to ensure that any protected species present are not impacted by the works. It is recommended that the site is inspected accordingly prior to any building works. Attention is also drawn to the environmental impact of light pollution on many types of wildlife which can be particularly problematic when introduced into a landscape such as this, where existing sources of artificial light are relatively sparse, avoidable light pollution and its effects on the natural environment and associated wildlife, particularly bats. External lighting should be avoided or kept to a minimum. It is recommended that you contact La Société Guernesiaise for advice or to arrange a site visit. La Société can be contacted on 07781 166924 or email info@societe.org.gg.

OFFICER'S REPORT

Site Description:

Keithley Vinery, Rue Sauvage is a vinery site located behind frontage residential development to the east of Rue Sauvage. Access to the site is between two residential properties and runs along the southern site boundary before bearing north to an area of hardstanding to the south of existing glasshouses that are not in active use and to the east and south of the packing shed and boiler house. Land to the south and west of the glasshouses and associated buildings is open and undeveloped land where redundant glasshouses have largely been cleared.

The site is identified in the Island Development Plan as being Outside of the Centres and a redundant vinery site.

Relevant History:

Pre-application advice was sought in this case.

FULL/2018/0520 - Convert packing shed and boiler house to a dwelling including raising the ridge of the boiler house and replacing the lean-to packing shed roof with a flat roof including roof lantern, demolition of associated structures and the formation of domestic curtilage and parking – granted

FULL/2020/2313 - Demolish outbuildings and erect a dwelling – granted

FULL/2023/0225 - Install replacement substation with GRP enclosure – granted

FULL/2023/1094 - Extend, alter and subdivide horticultural building to create 3 dwellings, alterations to vehicle access and associated works and change of use of agricultural land to domestic garden – granted

Existing Use(s):

28 agriculture/horticulture

Brief Description of Development:

This application relates to the demolition of the existing buildings and the erection three detached dwellings, in a revised location, on the site, adjacent to the access roadway that runs along the south site boundary and which is shown to be resurfaced using permeable SUDs paving along the south boundary to the two field accesses (one existing and one proposed). The proposed domestic garden/curtilage would be situated to the north of each dwelling and would incorporate a small area of the existing building to be demolished. The glasshouses are shown to be cleared and the land returned to agriculture.

The properties are identical in their external appearance and internal layout being single-storey hipped, slate, roof dwellings with render, stone, zinc and brick exterior. Internally an open plan kitchen, living and dining room is proposed to the rear with bedroom and shower room to the front.

Each dwelling is shown to have its own vehicular access with parking/turning to the front. A metal frame, canvas style bike barn is proposed to serve each dwelling, situated to the west of each property.

The submission has been accompanied by a Site Waste Management Plan and a Sustainability Statement (drawing 15A) highlighting the significant level of glazing proposed for sunlight/daylight, passive solar energy and ventilation with high performance windows proposed. The scheme incorporates load bearing thermal insulation blocks and seeks to address the matter of air tightness. Reference is made to “allow for the installation” of solar panels but these do not form part of the package of sustainability measures proposed. The construction method proposed highlights the benefit of raft foundations for reduced excavation/waste disposal needs and why the concrete block and brick construction is considered sustainable.

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:

S1: Spatial Policy

S4: Outside of the Centres

OC1: Housing Outside of the Centres

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

OC7: Redundant Glasshouses Sites 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
GP16(B): Conversion of Redundant Buildings - Demolition and Redevelopment
IP6: Transport infrastructure and support facilities
IP7: Private and Communal Car Parking
IP9: Highway Safety, Accessibility and Capacity

Strategy for Nature SPG
Parking Standards and Traffic Impact Assessment SPG

Representations:

Three letters of representation from two households have been submitted raising the following points:

Principle

- It is expected that following the removal of glasshouses the land is reverted to agricultural land – not for housing

Traffic generation

- Rue Sauvage is a busy road and it will be difficult accommodate the extra vehicle movements

Other matters

- The land is low lying and often floods – new development will cause the water table to rise and could impact existing neighbouring properties especially having regard to forecast sea level rises
- Can services in the locality accommodate these new dwellings?
- This scheme could generate further proposals for greater development of this large site

Biodiversity

- the biodiversity measures proposed to satisfy the Strategy for Nature will be undeliverable if the new owners do not support them
- All mitigation measures should be for areas independent of any gardens
- Will the bank and vegetation proposed be protected?
- What future maintenance and management will be put in place?
- The reservoir should be assessed for its value to aquatic insects but with adaptations could be made into a wildlife asset which would be suitable mitigation under the Strategy for Nature
- the wildflower mix should not be imported, many Guernsey native species will not survive in a woodland setting, privet hedging should be the native variety and Purple Beech should be omitted and Fagus Sylvatica used instead

- Further advice should be sought regarding measures covered by the Strategy for Nature.

Consultations:

Office of Environmental Health and Pollution Regulation – highlight that there are a number of issues of concern. The department would be concerned about potential for contaminated land that would have arisen from the heated green houses on the site and a series of phased conditions and associated informative notes are therefore recommended.

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.

The comments received through the public consultation process regarding the reversion of glasshouse sites to open and undeveloped land following the clearance of glass is noted however, the principle of residential development has already been established through the previously approved conversion scheme. In relation to further development of the wider site for residential development, it should be noted that given the current land designations and location of the site, outside of any of the Centres, further residential development would be precluded by policy (OC1 which only permits residential development through the conversion of existing buildings or the subdivision of an existing dwelling).

Planning permission has previously been granted for the conversion of a redundant building on the site at Keithley Vinery. Policies OC1, OC5(B) 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 and boiler house, under application reference FULL/2023/1094 and so criterion a. of Policy GP16(B) has also been met. The principle of converting the building to three dwellings, 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). The submission outlines a comparison between conversion and new build development and refers to the IDP and “the use of sustainable building and construction techniques to achieve enhancements not possible through the conversion alone” along with highlighting how the development meets/exceeds the Building Regulations with large areas of glazing and good orientation for passive solar energy and natural ventilation.

The development would not be situated on the part of the site/within the footprint of the approved conversion scheme however, in relation to GP16(B) d. there are various factors that must be balanced in this case. This scheme would see built development less isolated and better related to existing built development in Rue Sauvage with the benefit of providing a single area of retained agricultural land, to the north of the proposed dwellings which is beneficial in terms of respecting the character of the locality and enhancement to the openness of the area. Taking these matters into account, in addition to the orientation of the buildings and sustainable construction techniques proposed the scheme would, on balance, accord with criterion d. (significant enhancement to sustainable design).

As proposed, it would not be necessary to demolish the existing boiler house and packing shed prior to work commencing on the dwellings now proposed. It is however, essential that the existing structures and glasshouses on the site are removed to ensure the development remains compliant with the IDP policies regarding development Outside of Centres and the description of development in this case, to demolish existing buildings. In this case therefore, it is reasonable to impose a condition requiring the boiler house and packing shed along with the glasshouses to be removed from the site prior to construction commencing on the new dwellings proposed.

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. The submission states that the floor area of the proposed buildings will be 20% more than the approved conversion scheme which complies with Policy GP16(B) when considering the overall floor area of the building approved to be converted rather than the varied floor areas of the approved conversion scheme. The redevelopment scheme does not therefore, exceed 20% of the floor area of the overall approved conversion scheme in accordance with Policy GP16(B).

The proposed volume has been calculated externally by the planning agent however, the Planning Service would take measurements internally (e.g. see the Land Planning and Development (Exemptions) Ordinance, 2023 regarding the floor/base area where it is set out that all necessary measurements are to be taken internally). Nonetheless, the volume of the existing and proposed development would comply with the requirements of Policy GP16(B).

The buildings have been positioned away from one another to avoid overshadowing and loss of light between properties and with principal fenestration to the north and south elevations along with secondary window to the living accommodation facing west and a bathroom window to the east.

The conversion scheme considered under Policy GP16(A) included the same extent of curtilage as is now proposed in accordance with Policy GP15. There is ribbon development on surrounding roads which limits views of the site and proposed development from the wider locality. The proposed development will relate to development in Rue Sauvage and small Clos developments such as Eureka Chalets, to the east. 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 dwellings, 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 development has been repositioned from the original conversion scheme it is now considered reasonable to consider whether exemption rights should be removed. It remains appropriate to include a condition relating to the outermost site boundaries adjoining the agricultural land in relation to high boundary fences and walls which could have a suburbanising effect on the locality and open land concerned.

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. Although the consultation process has highlighted that mitigation should be beyond the domestic garden areas this is not the intention of the SPG and the expectation is that biodiversity measures will be incorporated within proposed domestic garden areas.

The biodiversity proposals within the proposed areas of domestic garden are considered proportionate and acceptable having regard to the SPG. The further proposed planting around the field boundaries to create landscape buffers would further contribute towards biodiversity interest without undermining the agricultural function of the retained agricultural land. Although reference has been made through the representation process to the retention and reuse of the reservoir given that the landscaping proposals are deemed acceptable it would not be reasonable to

require this feature to be retained although it does remain open to the applicant/developer to do so.

The further concerns raised through the consultation process regarding the likelihood of biodiversity features within curtilage being provided and retained have been noted. The provision of landscaping in accordance with the approved plans would be controlled by planning condition as would their retention, for a period of 5 years, this can reasonably apply to both the planting within domestic gardens/residential curtilage area of the site and around the field boundaries as proposed through the application submission.

The proposed dwellings represent a good standard of architectural design that respect 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. Although the development does not provide multi-storey development when considering efficient and effective use of land single-storey buildings have limited impact in the wider area, to introduce one and a half-storey dwellings could also impact on design and whether the scheme would achieve a proposal of broadly the same floorspace and volume as the approved conversion scheme. With these factors in mind the proposal is considered to be satisfactory in terms of 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 and landscape impacts (GP1/GP16(B)/GP8).

The siting and layout of the dwellings is such that they will not result in overshadowing, loss of sunlight/daylight or overlooking of any adjoining dwelling or neighbouring properties within the development and therefore satisfactorily considers the health and well-being of neighbours of the development. The external space provided to serve each dwelling would be generous and offer an attractive outlook from the dwellings. Overall, the proposal 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 layout, hallway and door widths are such that the accommodation would be accessible to all. 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. Representations have indicated that the local road network could not accommodate the additional vehicle movements associated with the development however, this is an unrestricted agricultural/horticultural site that could require multiple and large vehicle movements daily and a residential use (in addition to a retained agricultural element) would not be inappropriate. Furthermore, the proposed replacement

dwellings, having regard to the approved conversion scheme, will not result in an intensification in the use of the access nor an unacceptable increase in traffic on the local roads in line with Policy IP9.

The proposed access onto the local road network reflects the access arrangement approved under the conversion scheme. This remains satisfactory with regard to road safety in accordance with the requirements of Policies IP7 and IP9 of the Island Development Plan. Although provision has been made for cycle storage, the temporary design/nature of this provision is not considered wholly satisfactory in design and appearance nor when considering the recently adopted guidance. The provision of suitable cycle storage can however, be managed by planning condition and as such the scheme complies with 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.

Concerns have been raised regarding flooding in the vicinity however, the area of hardstanding/roofs would be significantly less than the existing boiler house, packing shed and glasshouses in addition to existing areas of concrete/tarmac. Furthermore, paving around these new dwellings has been designed to be permeable (a matter that can be controlled by condition) the access driveway would be replaced with SUDS paving. The scheme has therefore, satisfactorily addressed the potential flood risk having regard to Policy GP9.

In view of the above it is recommended permission is granted for the development as proposed subject to appropriate planning conditions.

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: 20/06/2024

