

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: Change of use of agricultural land to domestic garden (1,700sqm), demolish existing dwelling, erect replacement dwelling and associated works.

LOCATION: Kings Crest, Les Effards Road, St. Sampson.

APPLICANT: Mr & Mrs Tatton

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: 20/11/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 23/04/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Lovell Ozanne & Partners Ltd. - 10582 S1 - 01A, 03A, 08, 12A, 13, 14, 15, 17 and -18.
Sustainability Report (Appendix V), Biodiversity Statement (Appendix iii)

Application Ref: FULL/2024/0739

Property Ref: B009690000

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. No development, including site works, shall begin on site until details of existing and proposed levels, including ground levels, finished floor levels of the approved building and a number of sections across the site (these sections to extend to land and buildings adjoining the application site), have been submitted to and agreed in writing by the Authority. The development shall be carried out only in accordance with the details agreed under the terms of the above condition.

Reason - To make sure that the development is carried out in a way which is in character with its surroundings.

5. No development shall begin on site until a Construction Environmental Management Plan (CEMP) to include:

- I. the timings of works with particular regard to demolition works (glasshouse and dwellinghouse) and site clearance with consideration for any impacted wildlife
- II. a management plan/regime for the retained habitats within the red line site boundary
- III. A control plan for the removal of German Ivy (*Delairea odorata*), to prevent it from spreading and following strict biosecurity principles to ensure it does not spread,

has been submitted to and approved in writing by the Authority. The development shall be carried out in accordance with the approved CEMP.

Reason - In the interests of protecting existing ecological features on the site, protecting natural habitats which support associated wildlife and in the interests of biodiversity proposals in line with the aims of the Strategy for Nature SPG.

6. 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.

7. 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.

8. Prior to the commencement of any work in connection therewith a landscaping scheme, developed based on the approved Biodiversity Statement (Appendix iii)), to include those details specified below, shall be submitted to and agreed in writing by the Authority:

- i) the treatment proposed for ground surfaces, to incorporate the extent of lawned areas outside the main garden area
- ii) the treatment proposed for hard areas, to incorporate permeable paving, having regard to the existing extent of hardstanding on site;
- ii) full details of tree and hedge planting;
- iii) planting schedules, noting the species, sizes, numbers and densities of plants;
- iv) all existing trees, hedges, other landscape features and hardstanding areas, indicating clearly those to be removed;
- v) Details of any walls, fences or other means of enclosure proposed to the north, east and west boundaries of the proposed domestic curtilage.

Reason - To help assimilate the development into its surroundings and in the interests of biodiversity enhancements to accord with the Strategy for Nature SPG.

9. 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 the dwelling hereby approved 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 help assimilate the development into its surroundings and in the interests of biodiversity enhancements to accord with the Strategy for Nature SPG.

10. Prior to the commencement of any work in connection therewith, details of the proposed solar panels shall be 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 that the panels contribute to the overall design of the building and would not have an adverse impact on the character of the area.

11. The development hereby permitted shall be constructed in accordance with the details set out in the Sustainability Report (Appendix v) and in accordance with the details shown on the approved plans regarding solar panels and electric vehicle charging points. There shall be no occupation of the dwelling hereby approved until the approved solar panels and charging points have been installed and made operational.

Reason - In the interests of sustainable development.

12. Prior to the first occupation of the dwelling hereby approved the existing dwelling, currently known as Kings Crest, and the glasshouse shown on the approved plans as being removed, shall be demolished and all materials associated with both structures shall be removed from the site. The land on which the existing dwelling sits shall be re-instated so that it is capable of use as part of the domestic garden associated with the replacement dwelling hereby approved. The land where the glasshouse is cleared shall be re-instated so that it is capable of agricultural use. All demolition, clearance and remedial works shall be carried out within one year of the demolition works having commenced, or such other period as may be agreed beforehand in writing by the Authority.

Reason - To ensure that only one unit of residential accommodation is situated on this land which falls Outside of the Centres, in order to comply with the terms of this permission and the requirements of Policy GP13 for the replacement of an existing dwelling on a one for one basis and to comply with the requirements of Policy OC7 regarding the removal of redundant glasshouses.

Expiry Date: This permission will cease to have effect on 20/11/2027 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

With reference to condition 7 a desktop study shall be the very minimum standard accepted. Pending the results of the desktop study, the applicant may have to satisfy the requirements of criteria (b) and (c) of that condition, however, this will all be confirmed in writing.

The phased risk assessment should be carried out also in accordance with the procedural guidance and UK policy.

The site is known to be or suspected to be contaminated. Please be aware that the responsibility for the safe development and secure occupancy of the site rests with the developer.

It is strongly recommended that in submitting details in accordance with the above

condition that the applicant has reference to Land Contamination risk management available at <https://www.gov.uk/guidance/land-contamination-risk-management>.

Your attention is drawn to The Animal Welfare (Guernsey) Ordinance, 2012 and the need to comply with its provisions. The site is located in an area where wildlife may be nesting/roosting 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 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.

In relation to the landscaping conditions attached to this permission it is recommended that you have regard to:

- a) the extent of new lawned areas outside the main garden area which could result in the loss of existing grassland habitats;
- b) the species of tree, hedge and other planting which could reduce disturbance to existing wildlife and habitats but also contribute to the biodiversity enhancement proposals required by the Strategy for Nature SPG; and
- c) the extent of the developed landscape compared to the existing site in order to keep hard landscaping to a minimum with a net increase overall being limited in the interests of limiting harm to existing habitats and in relation to providing sustainable development in line with Policy GP9.

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/2024/0739
Property Ref: B009690000
Valid date: 23/04/2024
Location: Kings Crest Les Effards Road St. Sampson Guernsey GY2 4YN
Proposal: Change of use of agricultural land to domestic garden (1,700sqm), demolish existing dwelling, erect replacement dwelling and associated works.
Applicant: Mr & Mrs Tatton

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. No development, including site works, shall begin on site until details of existing and proposed levels, including ground levels, finished floor levels of the approved building and a number of sections across the site (these sections to extend to land and

buildings adjoining the application site), have been submitted to and agreed in writing by the Authority. The development shall be carried out only in accordance with the details agreed under the terms of the above condition.

Reason - To make sure that the development is carried out in a way which is in character with its surroundings.

5. No development shall begin on site until a Construction Environmental Management Plan (CEMP) to include:

- I. the timings of works with particular regard to demolition works (glasshouse and dwellinghouse) and site clearance with consideration for any impacted wildlife
- II. a management plan/regime for the retained habitats within the red line site boundary
- III. A control plan for the removal of German Ivy (*Delairea odorata*), to prevent it from spreading and following strict biosecurity principles to ensure it does not spread,

has been submitted to and approved in writing by the Authority. The development shall be carried out in accordance with the approved CEMP.

Reason - In the interests of protecting existing ecological features on the site, protecting natural habitats which support associated wildlife and in the interests of biodiversity proposals in line with the aims of the Strategy for Nature SPG.

6. 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.

7. 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.

8. Prior to the commencement of any work in connection therewith a landscaping scheme, developed based on the approved Biodiversity Statement (Appendix iii)), to include those details specified below, shall be submitted to and agreed in writing by the Authority:

- i) the treatment proposed for ground surfaces, to incorporate the extent of lawned areas outside the main garden area
- ii) the treatment proposed for hard areas, to incorporate permeable paving, having regard to the existing extent of hardstanding on site;
- ii) full details of tree and hedge planting;
- iii) planting schedules, noting the species, sizes, numbers and densities of plants;
- iv) all existing trees, hedges, other landscape features and hardstanding areas, indicating clearly those to be removed;
- v) Details of any walls, fences or other means of enclosure proposed to the north, east and west boundaries of the proposed domestic curtilage.

Reason - To help assimilate the development into its surroundings and in the interests

of biodiversity enhancements to accord with the Strategy for Nature SPG.

9. 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 the dwelling hereby approved 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 help assimilate the development into its surroundings and in the interests of biodiversity enhancements to accord with the Strategy for Nature SPG.

10. Prior to the commencement of any work in connection therewith, details of the proposed solar panels shall be 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 that the panels contribute to the overall design of the building and would not have an adverse impact on the character of the area.

11. The development hereby permitted shall be constructed in accordance with the details set out in the Sustainability Report (Appendix v) and in accordance with the details shown on the approved plans regarding solar panels and electric vehicle charging points. There shall be no occupation of the dwelling hereby approved until the approved solar panels and charging points have been installed and made operational.

Reason - In the interests of sustainable development.

12. Prior to the first occupation of the dwelling hereby approved the existing dwelling, currently known as Kings Crest, and the glasshouse shown on the approved plans as being removed, shall be demolished and all materials associated with both structures shall be removed from the site. The land on which the existing dwelling sits shall be re-instated so that it is capable of use as part of the domestic garden associated with the replacement dwelling hereby approved. The land where the glasshouse is cleared shall be re-instated so that it is capable of agricultural use. All demolition, clearance and remedial works shall be carried out within one year of the demolition works having commenced, or such other period as may be agreed beforehand in writing by the Authority.

Reason - To ensure that only one unit of residential accommodation is situated on this land which falls Outside of the Centres, in order to comply with the terms of this permission and the requirements of Policy GP13 for the replacement of an existing dwelling on a one for one basis and to comply with the requirements of Policy OC7

regarding the removal of redundant glasshouses.

INFORMATIVES

With reference to condition 7 a desktop study shall be the very minimum standard accepted. Pending the results of the desktop study, the applicant may have to satisfy the requirements of criteria (b) and (c) of that condition, however, this will all be confirmed in writing.

The phased risk assessment should be carried out also in accordance with the procedural guidance and UK policy.

The site is known to be or suspected to be contaminated. Please be aware that the responsibility for the safe development and secure occupancy of the site rests with the developer.

It is strongly recommended that in submitting details in accordance with the above condition that the applicant has reference to Land Contamination risk management available at <https://www.gov.uk/guidance/land-contamination-risk-management>.

Your attention is drawn to The Animal Welfare (Guernsey) Ordinance, 2012 and the need to comply with its provisions. The site is located in an area where wildlife may be nesting/roosting 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 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.

In relation to the landscaping conditions attached to this permission it is recommended that you have regard to:

- a) the extent of new lawned areas outside the main garden area which could result in the loss of existing grassland habitats;
 - b) the species of tree, hedge and other planting which could reduce disturbance to existing wildlife and habitats but also contribute to the biodiversity enhancement proposals required by the Strategy for Nature SPG; and
 - c) the extent of the developed landscape compared to the existing site in order to keep hard landscaping to a minimum with a net increase overall being limited in the interests of limiting harm to existing habitats and in relation to providing sustainable development in line with Policy GP9.
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OFFICER'S REPORT

Site Description:

Kings Crest is a detached, hipped roof bungalow with tiled roof and brickwork exterior. An area of agricultural land is situated to the north of the existing triangular residential plot. A number of glasshouses remain on this land.

Les Effards Road is characterised by frontage residential development. There is a substantial area of open and undeveloped land to the north, east and west of the existing agricultural land that is the subject of the application. The land itself is not highly publicly visible from any surrounding public roads or vantage points.

The site is located Outside of the Centres as designated in the Island Development Plan.

Relevant History:

Pre-application advice was sought in this case.

The curtilage of the existing dwelling has been defined by the Planning Service.

Existing Use(s):

01 dwellinghouse
28 agriculture

Brief Description of Development:

The application relates to the demolition of the existing dwelling, Kings Crest, a hipped roof bungalow, and for the change of use of an area of agricultural land to domestic garden on land to the north of the existing triangular residential plot. Agricultural land would be retained, wrapping around the proposed northern section of curtilage with an agricultural field retained to the east of the site.

The scheme then relates to the construction of a two and a half storey mono-pitched roof dwelling (with mezzanine rooms in roofspace) with curved, timber clad exterior and solar panels to the roof on the land that is the subject of the change of use application. The existing dwelling would be demolished and land fronting Les Effards Road used as domestic garden.

The application was deferred during the assessment of the proposals for matters relating to the clearance of glasshouse and other structures, the arrangement of the proposed curtilage with encroachment onto agricultural land, further information relating to biodiversity enhancements to address the Strategy for Nature SPG and sustainable design to be further addressed.

Revised plans have been submitted. The submission has been accompanied by a Planning Design Statement, Ecological Assessment, Visual Impact Assessment and Sustainability Report.

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

OC7: Redundant Glasshouse Sites Outside of the Centres
OC5(B): Agriculture Outside of the Centres – outside the Agriculture Priority Areas
OC1: Housing Outside of the Centres
GP8: Design
GP9: Sustainable Development
GP13: Householder Development
IP6: Transport infrastructure and support facilities
IP7: Private and Communal Car Parking
IP9: Highway Safety, Accessibility and Capacity

Strategy for Nature SPG

Representations:

La Societe Guernesiaise - remains concerned over the reclassification of agricultural land to domestic curtilage. However, as the Island Development Plan currently permits the consideration of such applications, we seek to optimize ecological gains in such cases wherever possible.

Comments on the revised submission (19/11/2024) –

We note that Environment Guernsey has provided an Ecological Assessment for the site and the proposals. We acknowledge that the site does not appear to currently support species-rich habitats although this could change if existing habitats were managed appropriately in the long term. However, it should be noted that the area is very close to St Sampson's Marais and a wider low-lying area stretching as far as Chateau des Marais and Les Coutanchez. Moth trapping has been conducted at another site in Les Effards over many years and has regularly trapped species that require wetter conditions. These species are rarely encountered elsewhere on the island. It may well be that any mitigation scheme should include the provision of some wet habitat, this could already exist on site.

The proposals to demolish the existing dwelling and build a new larger one to the north-west would have some impacts on the site and the surrounding area as it would potentially increase visual and noise disturbance. It would also likely create more light pollution.

The proposed site for the new house is currently a derelict greenhouse site so the loss of undeveloped land overall would be reduced, particularly if the site of the existing house is returned to green space.

At this stage, there are not sufficient details within the application to determine either the overall impacts or the likely success (or otherwise) of any remedial measures. We are aware that this may be provided in due course or may be

conditioned if the application is granted. This information would ideally include the following:

1. The extent of any lawned areas, particularly any outside of the main garden area (with the resulting loss of existing grassland habitats).
2. Full details of proposed new hedging, tree and shrub planting - important for providing screening and reducing various types of disturbance. The species used would also determine the associated wildlife.
3. Confirmation of the proposed extent of the developed landscape compared to the existing site. Ideally the hard landscaping would be kept to a minimum and any net increase overall would be small.
4. Confirmation of the management regimes for the wider site, including the retention/creation of wet ditches and boggy areas.
5. Consideration for other wildlife measures, such as nestboxes.
6. If permission is granted, timing for the work, in particular demolition and site clearance - and considerations for any impacted wildlife.
7. Confirmation of the proposals for the site of the existing house.

Consultations:

Office of Environmental Health and Pollution Regulation - have reviewed the proposed plans for Kings Crest and there is an issue of concern that must be raised. Due to the historic use of the site and there being multiple heated greenhouses and fuel tanks throughout the land parcel, concerns have been raised in relation to hydrocarbon ground contamination and for further contamination from the industrial use of the greenhouses, specifically but not limited to metals and pesticides that would have arisen from their use. With the above in mind, the OEHPR recommend a full contaminated land condition be applied to this application with associated informative notes.

Agriculture, Countryside and Land Management Services (ACLMS) – commented on the application as originally submitted:

The site of the proposed development is not designated as a Site of Special Significance (SSS) or an Area of Biodiversity Importance (ABI) within the IDP, although being in close proximity to two ABIs (Baubigny and Les Effards). Based on the information supplied we do not believe that the proposals will impact these ABIs. There will, however, be inherent biodiversity value in the site, especially the agricultural land north of the current dwelling which is largely semi-natural habitat and appears to contain important ecological features, such as hedgerows, mature trees and permanent grassland.

The application proposes to site a replacement dwelling within an area of land that partly comprises of a derelict greenhouse which appears to have developed to a dense scrub habitat (the preclearance baseline evident within the 2022 aerial photograph), and partly on an area of permanent grassland (it does not appear to have been cultivated for at least 12 years).

Building within the open land to the north of the existing dwelling will likely result in detrimental impacts on biodiversity, due to both the direct habitat loss at the site of the new building (as described above), and the potential indirect impacts to the surrounding area resulting from the introduction of a built structure within currently undeveloped land (such as light and noise pollution).

the application doesn't include either an assessment of existing biodiversity value or an estimate of biodiversity loss, it is not possible to determine whether the development will result in an enhancement of biodiversity and further information should be requested and the applicant may wish to provide detail, if available, as to whether there is an intention to further offset ecological impacts in the area of contiguous, existing domestic curtilage which is to be vacated. The enhancement measures proposed, with the exception of the native hedging, are likely to have to be located on adjacent agricultural land, and not within the footprint of the area for which the change of use applies. This could be considered as 'offsite offsetting' and so the mitigations delivered beyond the domestic curtilage may be beyond the scope of the policy.

Comments on the revised scheme (18/11/2024):

ACLMS welcome the provision of an Ecological Assessment and note the findings and proposed mitigations within the report.

As outlined in the Ecological Assessment, the proposed development is likely to result in the direct loss of habitats, indirect disturbance to habitats in the long term (e.g., light and noise pollution), which aligns with the concerns set out in our original response.

The most expedient means of avoiding these impacts is to retain development within the existing development footprint. If, however, this is not possible and the Authority considers the proposal to re-site the dwelling acceptable, mitigations will be required to firstly reduce these impacts, and then to enhance the remaining site to offset them.

We also note that many of the proposed mitigations are not included within the submitted plans which we have been provided, (e.g., timings of works, and ongoing management of habitats on site) although the Authority may wish to secure these through a suitably worded condition and request that they are included within a CEMP.

Given the proposed loss of important ecological features (such as permanent grassland) and natural habitats which will support associated wildlife (such as dense scrub), the landscaping proposed in the Site Plan (native hedging and orchard expansion) is not sufficient to conclude that the scheme will lead to an enhancement in biodiversity.

Furthermore, and as noted in our original response, the landscaping scheme illustrates that the land applied for conversion to domestic curtilage will be either developed, paved, or set aside for a garden, therefore the enhancement measures proposed, with the exception of the native hedging, are located on adjacent agricultural land, and not within the footprint of the area for which the change of use applies. Whilst still within the red-line boundary, this would not result in an enhancement of the land converted to domestic curtilage and so the mitigations delivered beyond the domestic curtilage may be beyond the scope of the policy.

We acknowledge that the site is not within an Agriculture Priority Area, however we wish to note that the development within this field is designed such that the remainder of the field is unlikely to be used for commercial agriculture in the future.

Summary of Issues:

The key issues in this case relate to the change of use of agricultural land to domestic garden having regard to the wider open landscape concerned and given that this is a former glasshouse site, the siting, design and appearance of the replacement dwelling proposed and its impact on the character and appearance of the locality along with whether the scheme satisfactorily addresses the Strategy for Nature Supplementary Planning Guidance.

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.

Redundant glasshouse site

Within the Island Development Plan a 'Redundant glasshouse site' means: 'a glasshouse or glasshouses together with ancillary structures and land where the glass and ancillary structures are no longer required or capable of being used for their authorised purpose.'

There are two elements to this definition. First, there must be a clear indication that glasshouses are no longer required or capable of being used for their authorised purpose for a site to be considered a redundant glasshouse site. Second, the purpose of the policy is to secure improvements in the physical appearance and quality of the landscape. To be able to fulfil the purpose of the policy a redundant glasshouse site must be one where there is visible evidence of substantial superstructures remaining on the site, the clearance of which will have a positive impact on visual amenity and landscape quality and character.

Policy OC7 promotes the return of land into open agricultural use following the clearance of glasshouses and all ancillary structures in the first instance, where viable and practical and the Island Development Plan policies seek to maintain and protect large contiguous areas of agricultural land by prioritising agricultural use. Redevelopment of redundant glasshouse sites can only be supported where specific policy criteria have been satisfied.

Since the 2022 aerial photograph two glasshouses have been removed from the site, exposing that the interior floor area of one had been laid as concrete. In this case a glasshouse superstructure (overgrown) is present on the site and is not being used for commercial horticulture. Therefore, this site qualifies as a redundant glasshouse site and Policy OC7 provides a gateway to consider development on this site. In this case, the proposal relates to the change of use of agricultural land to domestic garden which accords with criterion d.

The submission proposes to remove the remaining glasshouse but sets out that a number of ancillary structures on the retained agricultural land remain in active use and necessary. Policy OC7 does not require the demolition of structures where they remain useful and based on the information provided the retention of buildings, some within the proposed curtilage and others outside it, would be acceptable in this case (OC7 iv).

The site is not part of or adjacent to an Agriculture Priority Area therefore criterion a. is not applicable in this case. Criteria c., e., f., g. and h. are also not applicable as the proposal falls to be considered under criterion d. (creation and extension of curtilage).

The site sits within the Lowland Landscape, Lowland Hills, Lowland Escarpment Landscape Character (Annex V) with wetland landscape character areas to both the north and south of the Hougues character area in which the site sits. The Central Plain is to the southwest of this Lowland Hills area and the escarpment in which the application site sits forms a well-defined escarpment along the northern edge of the Central Plain. It has tended to be obscured, from surrounding roads, by ribbon development (since the 20th Century) and there is little public access to the Escarpment area with few roads traversing it. The application site is situated in an area of frontage ribbon development on Les Effards, with La Vieille Rue to the east, also flanked by frontage residential development and, Hougues Magues Lane, set away to the west but with a lack of built development on the eastern side of the road.

The site is substantially screened from public views and the revised submission is supported by a Visual Impact Assessment. Given the established site boundaries the proposed change of use of land would not undermine the wider landscape character or the openness of the area in accordance with criterion b. of OC7, GP15 and GP1. Furthermore, the established site boundaries and dwelling position, height and

design are such that it will not appear unduly obtrusive in the wider open landscape and accords with the aims of the IDP in this regard.

Subject to conditions relating to the clearance of the existing glasshouse structures and an informative note regarding the use of retained structures on agricultural land for agricultural purposes only the scheme accords with the requirements of Policy OC7.

Change of use of agricultural land to domestic garden

Policy OC5(B) makes provision for development resulting in the loss of land outside the Agriculture Priority Area where the proposal accords with all other relevant policies. Following revisions to the scheme in terms of the removal of a redundant glasshouse, information regarding the retained structures and the division of land it is concluded that the scheme would not undermine the functionality of the agricultural land. Planting on agricultural land does not, itself, amount to the material change of use of land. Although ACLMS have expressed concerns about whether the retained agricultural land would be used for commercial agriculture in the future the proposed development would not prevent this and there are no grounds on which to refuse the application on this basis.

The area of land has sought to retain a clear relationship with the existing dwelling/curtilage whilst retaining access to the agricultural land towards the east of the site. The site is not within an Agriculture Priority Area or Area of Biodiversity Importance. Although none of the boundaries for the proposed curtilage are currently defined this would be addressed through landscaping proposals and the application does not require any established boundary features to be removed in connection with the change of use of the land.

The Island Development Plan recognises there is a balance between protecting open and agricultural land and other legitimate uses Outside of the Centres. The designation of the Agriculture Priority Area represents the Island's most valuable agricultural area. In this instance, given that the land is outside of the Agriculture Priority Area, the balance would not be towards protecting this land for agricultural purposes.

With regard to the impact on neighbouring properties, the proposal involves a change of use of an area of land to be included and managed as part of the residential curtilage and given the location of the land in relation to neighbouring residential properties and that adequate boundary screening separates the land from the neighbouring properties, the proposed change of use would not of itself have an adverse impact on or affect their amenities.

It is considered that the change of use would accord with Policy GP15 a)- e) and provided that the proposal accords with all other relevant policies of the IDP, the principle of change of use to domestic curtilage is acceptable in this location.

As outlined elsewhere in this report the proposal would not impact on the wider landscape character or the openness of the area in accordance with Policy GP1.

As domestic garden normal householder exemption rights would apply and it is reasonable to consider whether it is necessary to remove any householder exemption rights in this case. In this case, boundary treatments would not be particularly visible from any public viewpoint although the proposed garden does abut open and undeveloped agricultural land where the introduction of high fences and walls could have an urbanising effect on the landscape character. On balance this matter can be addressed as part of the landscaping proposals for the site. Given existing structures to be retained there is no need to remove exemption rights regarding outbuildings and sheds. Any development on the area of existing curtilage would be forward of an elevation of the dwellinghouse that faces a highway and would not be exempt. On this basis it is not considered reasonable or necessary to remove other usual householder exemption rights.

Replacement dwelling

The application relates to the demolition of one dwelling and its replacement with one dwelling, which is not considered new housing. Replacement dwellings on a one for one basis must be assessed against Policy GP13 of the Island Development Plan, this is irrespective of the size of the existing or proposed replacement dwelling.

Policy GP13 sets out that a comparison should not be made between the impacts of the existing dwelling compared with the impact of the new and the Plan must balance public interest and individual choice but should protect and where possible enhance the built and natural environment. The site is in an area characterised by ribbon development along the road frontage, albeit Kings Crest is set further back in its frontage plot given the triangular nature of the land parcel. The site is in an area where development is varied in terms of its height and design and the location of the proposed dwelling, along with the consolidation of the proposed area of curtilage, would accord with Policy GP8 c. and respect the local built and open environment.

The design of the dwelling, with a shallow monopitched roof would help reduce its impact. There is no uniform design or palette of materials in the local area. The design and use of materials represent a good standard of design in accordance with the aims of Policy GP8.

The development considers the health and well-being of occupiers of the proposed dwelling and will offer accessible and flexible accommodation. The scheme will not result in overshadowing or unacceptable overlooking to any surrounding residential neighbours.

Access and parking arrangements are satisfactory for the proposed dwelling (IP7 and IP9) and there would be scope to provide secure and covered cycle parking within one of the retained buildings within the existing/proposed domestic garden/curtilage to satisfy the requirements of Policy IP6.

Strategy for Nature

In line with the States' Strategy for Nature, 2020, which has been adopted as Supplementary Planning Guidance, the Development & Planning Authority directed that from 1st September 2021 all applications involving the change of use of agricultural land to domestic garden must be accompanied by information demonstrating environmental benefits in respect of biodiversity that will be incorporated should planning permission be granted. The land is not within an Area of Biodiversity Importance and it is acknowledged that the scheme, as amended, where the entire area of land has been brought within the red line application site boundary, has sought to address the requirements of the Strategy for Nature.

Comments and concerns have been raised by both ACLMS and La Societe Guernesiaise about the information provided regarding the value of the existing land, impact of the development and proposed biodiversity enhancements. As all the land within the applicant's ownership and control falls within the application site boundary it is reasonable to consider the provision of landscaping for biodiversity enhancements both within and beyond the proposed domestic curtilage area.

The information provided to date provides a clear commitment to the Strategy for Nature, the matter of a detailed landscaping scheme which incorporates sufficient information to address the Strategy for Nature can be controlled by condition. Guidance and information can also be included in informative notes attached to the decision notice to assist the applicant in the preparation of a detailed landscaping scheme.

Sustainable Development

The Sustainability Report has sought to address initial concerns relating to sustainability credentials in this case. Reference is made to the inclusion of an air source heat pump, EV charging and solar panels are shown on the application drawings. The high-performance fabric and air-tightness of the proposed dwelling are also highlighted as being of benefit in terms of mechanical ventilation and heat recovery along with purge ventilation through opening windows/rooflights for cross ventilation. Information relating to LED lighting, the use of water butts, permeable paving, and soft landscaping to reduce localised flooding is also addressed. Subject to planning conditions the matter of sustainable design has been satisfactorily addressed.

Conclusions

In view of the above the proposed change of use of land and replacement dwelling proposals are considered acceptable, subject to appropriate planning conditions:

- Site levels
- Landscaping CEMP
- Site Waste Management Plan

- Contamination
- Landscaping details and implementation to secure biodiversity enhancements
- Details of solar panels
- GP9 sustainability measures
- Demolition of existing dwelling and greenhouse

Conditions relating to external materials/cladding are not deemed necessary given that this information is set out on the application drawings.

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: 19/11/2024

