

THE LAND PLANNING AND DEVELOPMENT (GUERNSEY) LAW, 2005
AND THE LAND PLANNING AND DEVELOPMENT (GENERAL PROVISIONS)
ORDINANCE, 2007

NOTIFICATION OF GRANT OF PLANNING PERMISSION

PROPOSALS: Convert former Mirus Battery Mess to create 7 residential dwellings with associated works.

LOCATION: La Pointe Farm - Mirus Battery Mess, Rue Du Lorier, St. Saviour.

APPLICANT: Mr & Mrs K Gallichan

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: 16/04/2025

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 25/07/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Collas Crill - 1428-SK-00C, 01B, 02A, 03C, 04B & 06
Environment Guernsey Ltd - Landscaping Statement dated December 2024

Application Ref: FULL/2024/1134

Property Ref: E009180000

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.Prior to the commencement of works to the parking area, details of the bicycle storage units and the provision of step free access to all bicycle storage units shall be submitted to and agreed in writing by the Authority. No dwelling hereby permitted shall be occupied until the bicycle storage units and access to them has been completed in accordance with the agreed details.

Reason - To encourage the use of bicycles as an alternative to the car.

5.The landscaping scheme shall be fully completed, in accordance with the Environment Guernsey Ltd Landscaping Statement dated December 2024 and drawing 1428-SK-04B, 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 - In the interests of visual amenity and biodiversity.

6.No development, excluding demolition and site works, shall begin until details of the treatment proposed for all ground surfaces, including hard areas has been submitted to and agreed in writing by the Authority. The works shall then be completed in accordance with the agreed details.

In the interests of visual amenity and to limit adverse effects on the setting of the historic Battery Mess building.

7.No part of the development, hereby permitted, shall be occupied or used until details of any external lighting proposed for the site have been submitted to and agreed in writing by the Authority. Any lighting to be installed shall only be in accordance with the agreed details.

Reason - To make sure the level of lighting is not excessive in the interests of biodiversity.

8.No part of the development, hereby permitted, shall be occupied or used until details of the interpretation board for the Battery Mess including its siting, size and design, has been submitted to and agreed in writing by the Authority, and the board has been completed in accordance with the agreed details.

Reason - Permission has been granted because it is recognised that the building has historic interest and should be retained and restored. The proposal would prevent public access into the building and an interpretation board is required to ensure that the proposal results in the public being able to recognise and appreciate the history and importance of the building and its surroundings.

9.Vehicles associated with the dwellings shall not at any time park on the communal garden or the track to the west of (in front of) the dwellings as indicated on drawing 1428-SK-04B.

In the interests of visual amenity and to limit adverse effects on the setting of the historic Battery Mess building.

10.The timber post and rail fencing indicated on drawing 1428-SK-04B shall be installed prior to the first occupation of any part of the development.

Reason - To prevent the encroachment of domestic uses onto the adjacent agricultural land.

11.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, shed, outbuilding, glasshouse, pergola or other garden structure and domestic fuel container (other than any hereby expressly permitted) shall be erected, constructed or placed forward of the west (front) elevation of the hereby approved dwellings.

Reason - In view of the sensitive nature of the site, the erection of such structures as 'exempt development' may have an adverse visual impact. This condition is imposed to make sure that any proposals can be properly considered.

12. Notwithstanding the provisions of the Land Planning and Development (Exemptions) Ordinance, 2023 (or any other Ordinance replacing or re-enacting that Ordinance), no external wall, roof, window, door, porch, extension or chimney stack shall be altered, erected, installed or replaced on any of the hereby approved dwellings.

Reason - In view of its historic importance, alterations and extensions as 'exempt development' may have an adverse impact on the character and historic importance of the building. This condition is imposed to make sure that any proposals can be properly considered.

13. Notwithstanding the provisions of the Land Planning and Development (Exemptions) Ordinance, 2023 (or any other Ordinance replacing or re-enacting that Ordinance), no hard-surfacing shall be created, laid or installed on the grass communal garden.

Reason - In view of the sensitive nature of the site and the historic importance of the Battery Mess building, the creation, laying or installation of hard surfacing of the communal garden as 'exempt development' may have an adverse visual impact. This condition is imposed to make sure that any proposals can be properly considered.

14. No vehicles associated with the dwellings hereby approved shall access or egress from the site via Rue des Cinq Verges. Vehicles associated with the dwellings hereby approved shall only access or egress from the site via Rue du Lorier.

Reason - To prevent potential adverse impacts on the agricultural use of agricultural land within an Agriculture Priority Area.

Expiry Date: This permission will cease to have effect on 15/04/2028 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

The application site is located within an area of known archaeological importance and your attention is drawn to the provisions of the Island Development Plan, Annex VIII on Archaeological Assessment. It is desirable that access be granted to the States Archaeologist, Culture & Heritage Service, and that you contact them to gain advice or make arrangements for archaeological recording during any earth moving on the site. The Archaeology team can be contacted on 01481 220729 or 01481 220722, or mobiles 07781 102219 or 07911 721210.

Your attention is drawn to The Animal Welfare (Guernsey) Ordinance, 2012 and the need to comply with its provisions. The building is located in an area where bats or other wildlife may be roosting/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 you contact La Société Guernesiaise for advice or to arrange a site visit. La Société can be contacted by emailing 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/2024/1134
Property Ref: E009180000
Valid date: 25/07/2024
Location: La Pointe Farm - Mirus Battery Mess Rue Du Lorier
St. Saviour Guernsey
Proposal: Convert former Mirus Battery Mess to create 7 residential dwellings with associated works.
Applicant: Mr & Mrs K Gallichan

RECOMMENDATION - Grant: Planning Permission with Conditions:

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Reason - To encourage the use of bicycles as an alternative to the car.

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In the interests of visual amenity and to limit adverse effects on the setting of the historic Battery Mess building.

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Reason - To make sure the level of lighting is not excessive in the interests of biodiversity.

8. No part of the development, hereby permitted, shall be occupied or used until details of the interpretation board for the Battery Mess including its siting, size and design, has been submitted to and agreed in writing by the Authority, and the board has been completed in accordance with the agreed details.

Reason - Permission has been granted because it is recognised that the building has historic interest and should be retained and restored. The proposal would prevent public access into the building and an interpretation board is required to ensure that the proposal results in the public being able to recognise and appreciate the history and importance of the building and its surroundings.

9. Vehicles associated with the dwellings shall not at any time park on the communal garden or the track to the west of (in front of) the dwellings as indicated on drawing 1428-SK-04B.

In the interests of visual amenity and to limit adverse effects on the setting of the historic Battery Mess building.

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Reason - To prevent the encroachment of domestic uses onto the adjacent agricultural land.

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Reason - In view of the sensitive nature of the site, the erection of such structures as 'exempt development' may have an adverse visual impact. This condition is imposed to make sure that any proposals can be properly considered.

12. Notwithstanding the provisions of the Land Planning and Development (Exemptions) Ordinance, 2023 (or any other Ordinance replacing or re-enacting that Ordinance), no external wall, roof, window, door, porch, extension or chimney stack shall be altered, erected, installed or replaced on any of the hereby approved dwellings.

Reason - In view of its historic importance, alterations and extensions as 'exempt development' may have an adverse impact on the character and historic importance of the building. This condition is imposed to make sure that any proposals can be properly considered.

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14.No vehicles associated with the dwellings hereby approved shall access or egress from the site via Rue des Cinq Verges. Vehicles associated with the dwellings hereby approved shall only access or egress from the site via Rue du Lorier.

Reason - To prevent potential adverse impacts on the agricultural use of agricultural land within an Agriculture Priority Area.

INFORMATIVES

The application site is located within an area of known archaeological importance and your attention is drawn to the provisions of the Island Development Plan, Annex VIII on Archaeological Assessment. It is desirable that access be granted to the States Archaeologist, Culture & Heritage Service, and that you contact them to gain advice or make arrangements for archaeological recording during any earth moving on the site. The Archaeology team can be contacted on 01481 220729 or 01481 220722, or mobiles 07781 102219 or 07911 721210.

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OFFICER'S REPORT

Site Description:

The site involves a former World War II Battery Mess comprising of a long single storey building located on the eastern section of the site. The site is bounded by open agricultural in all directions.

Access is gained from Rue Du Lorier to the south-west via a track which gives access to the existing dwelling and self-catering apartments at La Pointe Farm.

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

Relevant History:

06/06/2022 – FULL/2022/0598 – Permission granted for variation to condition 7 of previously approved plans (Ref: FULL/2011/2212) to alter and convert Battery Mess to self-catering accommodation (revised) - To allow the development to be completed and occupied in phases.

Sept 2019 to April 2020 – Pre-application advice regarding the change of use of self-catering units to residential units.

08/09/2011 – FULL/2011/2212 – Permission granted to alter and convert Battery Mess to self-catering accommodation (revised).

02/12/2010 – FULL/2010/0067 – Application refused to alter and convert existing Battery Mess to self-catering holiday accommodation and create parking area (part-retrospective).

Existing Use(s):

Vacant building currently under construction

Brief Description of Development:

Planning permission was originally sought to convert and alter the former Mirus Battery Mess to create 8 residential dwellings with associated works. Parking for unit 1 was proposed to the north of the building, with parking for units 2 to 8 to the south of the building.

During the course of consideration the application was deferred due to concerns about the impact of the development on the rural character of the area, the impact on the setting and historic significance of the mess building, the quality of the living environments, the impact on biodiversity and further information was requested about the structural integrity of the existing building.

In response revised plans were received and it is now proposed to convert the mess building into 7 dwellings, 2x one bedroom dwellings, 2x two bedroom dwellings, 1x three bedroom dwelling and 2x four bedroom dwellings. In addition, the parking area to the north of unit 1 has been omitted and further information was provided about the proposed biodiversity enhancements and the structural integrity of the existing building. The alterations to the mess building include the installation of additional doors and rooflights to the rear (east) elevation, the replacement of the roof with blue/black slate and the installation of timber fenestration and timber shutters.

The application is accompanied by a Landscaping Statement dated December 2024 and a Structural Report dated 29/01/2025.

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

Policy OC1: Housing Outside of the Centres

Policy OC5(A): Agriculture Outside of the Centres – within the Agriculture Priority Areas

Policy GP1: Landscape Character and Open Land

Policy GP7: Archaeological Remains

Policy GP8: Design

Policy GP9: Sustainable Development

Policy GP15: Creation and Extension of Curtilage

Policy GP16(A): Conversion of Redundant Buildings

Policy IP6: Transport Infrastructure and Support Facilities

Policy IP7: Private and Communal Car Parking

Policy IP9: Highway Safety, Accessibility and Capacity

Representations:

Two representations were received, main points as follows:

- One representation requests confirmation that vehicular access to the dwellings could not be created to Rue Des Cinq Verges, including construction traffic. Road safety concerns raised should access to the dwellings be provided via Rue Des Cinq Verges due to the resultant increase in traffic along the lane.
- A representation on behalf of La Société Guernesiaise highlights that the site is located in a relatively undeveloped landscape and that the application would lead to a range of environmental impacts such as increased visual and noise disturbance, loss of existing biodiversity and light pollution. La Société Guernesiaise recommend that an ecological assessment is undertaken to address the likely impacts of the proposed development.
- La Société Guernesiaise also highlight that buildings of this type can be used by roosting bats particularly when a property is located within a variable landscape with habitats such as farmland or woodland nearby. La Société Guernesiaise recommend that the buildings are inspected for current or recent use by bats and other wildlife by a suitably qualified person prior to any building works to reduce the risk of disturbing or destroying animals which are protected under the Animal Welfare Ordinance 2012. La Société Guernesiaise recommend that an informative note to highlight the above is included in the decision notice.

Consultations:

None

Summary of Issues:

The main issues in deciding this application are:

1. The principle of the development.
2. Whether the existing building is of sound and substantial construction and is capable of conversion to a residential use without extensive alteration or rebuilding.
3. The impact of the development on the character and setting of the existing building.
4. The impact of the development on the character and openness of the landscape.
5. Road safety and traffic management

Assessment against:

- 1 - Purposes of the law.**
- 2 - Relevant policies of any Plan, Subject Plan or Local Planning Brief.**
- 3 - General material considerations set out in the General Provisions Ordinance.**
- 4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).**

Planning permission was granted in 2011 to alter and convert the mess building to create 9 self-catering units. Since the grant of permission works have commenced on site and units 7, 8 and 9 are nearing completion. The permission therefore remains extant.

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

The building has had no use since World War II when it was a mess for the Mirus Battery and consequently it is accepted that the building is redundant. The site is located Outside of the Centres and consequently there are no specific requirements for the mix and type of the proposed dwellings.

The structural report advises that the building is of solid block walls which do not seem to have degraded to any noticeable degree and will be capable of carrying the revised loading from the proposed first floor and upgraded roof coverings. The ground floor slab throughout is generally a ground bearing slab of 200mm thickness and the absence of structural settlement of the slab and perimeter walls corroborate that the foundations and ground conditions have the capacity to adequately support the building and the associated loadings equivalent to a domestic dwelling. Sections of the ground floor slab above 2 basements have exposed steel joists which have corroded and will require further strength capacity checks to assess the extent of remedial works necessary, with the potential that the floors will need replacing above these basements. Overall, the structural report concludes that *“the building is of sound and substantial construction and has the capacity to be converted to a*

domestic dwelling. Some minor additional strengthening measures are required to fully stabilise the roof and stiffen the 1st floor, which can easily be integrated within the proposed conversion scheme and as part of the ongoing works associated with the 2012 conversion plans, without altering the fabric of the building”.

Works have commenced under the previous permission to convert the mess building to self-catering units, including the installation of a slate roof, windows and doors to the southern 1/3 of the building and the installation of internal timberwork to create the first floor. The previous permission therefore remains extant. The information submitted indicates that the building has not deteriorated since the previous permission in 2011 and is generally in a better structural condition following the commencement of works. The structural report concludes that the building is capable of conversion into dwellings without significant or substantial structural works and alterations. The proposed alterations to the building remain similar to the previously approved scheme. Taking into account the previous permission which has commenced and remains extant, the information submitted is sufficient to demonstrate that the existing building is of sound and substantial construction and is capable of conversion without extensive alteration or rebuilding.

The existing building is not a protected building but it is of historic interest due to its World War II origins. Reports submitted with the previously approved scheme (FULL/2011/2212) provided comprehensive information about the historic importance of the building both within and beyond the Island and this was given considerable weight for the previously approved scheme. The proposed external alterations to the building remain similar to the previously approved scheme and would retain the original form of the building with only limited alterations to fenestration and the replacement of the roof. To ensure that the form and historic interest of the building is retained it is recommended that exemptions rights for alterations and extensions to the building are removed. The revised proposal which has confined car parking to the south of the building would minimise the impact on the setting of the building. An interpretation board providing information about the history and importance of the building and where it can be viewed from is proposed at the entrance to the site onto Rue Du Lorier. Whilst there would be no specific public access to the mess building, the interpretation board could help to enhance and preserve the historic interest of the area. Overall the proposal is unlikely to have any significant adverse effects on the character of the historic building.

The mess building is bounded by open agricultural land in all directions and the introduction of vehicles and domestic activity will have an adverse effect on the rural character of the area. By limiting the alterations to the form of the building, confining car parking to the south of the building and the proposed landscaping which will help to soften and partially screen domestic activities and elements, the proposal is unlikely to have any additional adverse on the rural character of the area than the previously approved scheme for self-catering units. However, to limit the potential impact of parking and domestic activities on the rural character of the area and on the setting of the building, it is recommended that conditions are applied to ensure that no vehicles associated with the domestic use are parked on the area to

the west of (in front of) the mess building and the communal grassed garden is retained as such and no structures or hard surfacing are installed.

There is an expectation that a dwelling would be served by an associated area of domestic land. In this respect the proposed area of domestic land is confined to an existing raised terrace immediately surrounding the mess building, a communal garden to the west of the mess building and to the east of an existing track, and an area to the south of building to be used for parking and bin storage. The size and siting of the proposed domestic land is proportionate to the size and nature of the proposed dwellings, it is similar to the associated curtilage for the previously approved self-catering units, it would not unduly project into the wider area of open and undeveloped land and its size and siting would not result in an unacceptable loss of agricultural land within the Agriculture Priority Area. To ensure that the domestic uses do not encroach on or adversely affect the use of the remaining adjacent agricultural land, it is recommended that the proposed post and rail fences are installed and access via Rue Des Cinq Verges is prohibited for vehicles associated with the dwellings, these can be dealt with by condition. The proposed conversion of the building to 7 dwellings and its associated domestic land is unlikely to have any unacceptable adverse impacts on the character and openness of the landscape or result in the unacceptable loss of agricultural land within an Agriculture Priority Area, in accordance with Policies GP1, GP15 and GP16(A).

Parking for 13 vehicles is indicated for 7 dwellings which is acceptable for the size and nature of the dwellings proposed. Sheds are provided for each dwelling which have the potential to provide secure and covered bicycle storage. However, access to the sheds is via steps which would not be suitable. There would appear to be sufficient space to provide an alternative step free access to the sheds, details of which can be requested by condition. Access to the dwellings would be via a long narrow track and utilising an access onto Rue Du Lorier with limited visibility. Rue Du Lorier is classified as a Neighbourhood and Country Road where the functional emphasis is primarily one of access to individual properties and provision for vulnerable road users. Due to the low traffic flows along Neighbourhood and Country Roads, the control of frontage activities is not important and a greatly relaxed regime of traffic management is permissible. In this case, the access to the dwellings would be no worse than the previously approved scheme for the self-catering units and due to the nature of the highway, the deficiencies noted with the access are unlikely to result in any significant road safety or traffic management concerns.

The proposed dwellings all substantially exceed the Guernsey Technical Standards minimum internal space standards and exceed the best practice minimum internal space standards which are published on the Authority's website. All of the proposed dwellings are dual aspect and would benefit from adequate levels of daylight and sunlight. The revised layout of the development achieves an adequate level of privacy for all units. All of the dwellings have access to small gardens. Whilst the private gardens are limited in size and quality, a communal open space is indicated

to the west of the building and all dwellings have an attractive rural outlook. Overall the proposed dwellings are likely to provide an adequate living environment.

The mess building is bounded by open agricultural land in all directions and the modest increase in the intensification of use of the existing access via La Pointe Farm is unlikely have any significant adverse effects on the amenities of neighbouring residents.

The revised application is supported by a landscaping statement dated December 2024. The measures proposed including the creation of an earth bank planted with a Hawthorn hedge along the north boundary of unit 1, hedging to the boundaries of the domestic properties, fruit tree planting, management details of the field to the west, tree planting to the north and west boundaries of the field to the west and the installation of bird and bat boxes will provide proportionate biodiversity enhancements, taking into account the size of the area of land involved. The landscaping statement also states that external lighting will be kept to a minimum.

To address the comments raised on behalf of La Société Guernesiaise regarding the disturbance of wildlife, it is recommended that a note is attached to the decision notice to make the applicant aware of the potential issues with disturbing animals which are protected under the Animal Welfare Ordinance 2012.

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

It is recommended that the application is approved.

Date: 15/04/2025