

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 building, relocate and erect dwelling with associated works, erect vehicle and pedestrian gate.

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

APPLICANT: Mr & Mrs A C Rogers

This permission is granted under the terms of Sections 15 and 16 of the Land Planning and Development (Guernsey) Law, 2005 (the 'Law').

Date of Grant of Permission: 16/08/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 27/06/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: The Drawing Room: 171/E1, E2A, E3, E4, E5, E6, E7, E8, E12 & E13
The Drawing Room letter dated 20/06/2024
Environment Guernsey Ltd Biodiversity Statement dated January 2024

Application Ref: FULL/2024/1145

Property Ref: J010590000

Conditions and reasons:-

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

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

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

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

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

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

4. (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. The earth banks forming the north and east boundaries of the domestic land shall be constructed in accordance with the Environment Guernsey Biodiversity Statement dated January 2024 and positioned as revised and updated by plan number 171/E2A, prior to the first occupation of the hereby approved dwelling or completion of the development whichever is the sooner.

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

6. The landscaping scheme shall be fully completed/implemented in accordance with the Environment Guernsey Biodiversity Statement dated January 2024 and as revised and updated by plan number 171/E2A, in the first planting season following the first occupation of the hereby approved dwelling or completion of the development whichever is the sooner, or in accordance with a programme previously agreed in writing by the Authority. Any trees or plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by trees or plants of a size and species similar to those originally required to be planted.

Reason - In the interests of visual amenity and biodiversity.

7. The packing shed labelled 6 and the oil tank and concrete paths labelled 30 and 31 on plan number 171/E13 and all ancillary materials related to the former horticultural use of the site shall be removed from the site prior to the first occupation of the hereby approved dwelling or completion of the development whichever is the sooner.

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

8. The development shall not be occupied until the proposed thermal standards, solar panels, electric car charging point and all other sustainable design features set out in the Drawing Room letter dated 20/06/2024 under the section 'Design Features' have been installed/completed/made operational.

Reason - In the interests of sustainable development, these features having been proposed to address the requirements of Island Development Plan Policies GP16(B) and GP9.

Expiry Date: This permission will cease to have effect on 16/08/2027 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

With reference to condition 4 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>.

It is noted that any mobile crushing activity is required to be covered by a valid Air Pollution Licence and that The Office of Environmental Health and Pollution Regulation are required to be notified prior to any crushing activity.

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/2024/1145
Property Ref: J010590000
Valid date: 27/06/2024
Location: Le Clos Vinery Rue Des Marettes St. Martin Guernsey
GY4 6JH
Proposal: Demolish existing building, relocate and erect dwelling with
associated works, erect vehicle and pedestrian gate.

Applicant: Mr & Mrs A C Rogers

RECOMMENDATION - Grant: Planning Permission with Conditions:

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

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

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

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

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

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

4. (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. The earth banks forming the north and east boundaries of the domestic land shall be constructed in accordance with the Environment Guernsey Biodiversity Statement dated January 2024 and positioned as revised and updated by plan number 171/E2A, prior to the first occupation of the hereby approved dwelling or completion of the development whichever is the sooner.

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

6. The landscaping scheme shall be fully completed/implemented in accordance with the Environment Guernsey Biodiversity Statement dated January 2024 and as revised and updated by plan number 171/E2A, in the first planting season following the first occupation of the hereby approved dwelling or completion of the development whichever is the sooner, or in accordance with a programme previously agreed in writing by the Authority. Any trees or plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by trees or plants of a size and species similar to those originally required to be planted.

Reason - In the interests of visual amenity and biodiversity.

7. The packing shed labelled 6 and the oil tank and concrete paths labelled 30 and 31 on plan number 171/E13 and all ancillary materials related to the former horticultural use of the site shall be removed from the site prior to the first occupation of the hereby approved dwelling or completion of the development whichever is the sooner.

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

8. The development shall not be occupied until the proposed thermal standards, solar panels, electric car charging point and all other sustainable design features set out in the Drawing Room letter dated 20/06/2024 under the section 'Design Features' have been installed/completed/made operational.

Reason - In the interests of sustainable development, these features having been proposed to address the requirements of Island Development Plan Policies GP16(B) and GP9.

INFORMATIVES

With reference to condition 4 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>.

It is noted that any mobile crushing activity is required to be covered by a valid Air Pollution Licence and that The Office of Environmental Health and Pollution Regulation are required to be notified prior to any crushing activity.

OFFICER'S REPORT

Site Description:

The application site comprises a former horticultural site measuring approximately 2.08 hectares. The site has recently largely been cleared of glass with only a few remnants remaining including a packing shed in the south-west corner and concrete paths. The site is largely bounded to the north, east and partly to the south by agricultural or undeveloped land, some of which is currently covered by glasshouses. The western section of the site is bounded by Rue des Marettes and the south-west section is bounded by a neighbouring residential property and a hotel. The site is accessed via a tarmacked track onto Rue des Marettes. The site is located Outside of the Centres.

Relevant History:

10/04/2024 – FULL/2024/0176 – Permission granted to convert and extend packing shed to form dwelling and associated works (revised scheme).

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

Existing Use(s):

Agriculture use class 28

Brief Description of Development:

Planning permission is requested to demolish existing building and relocate and erect a 2 bedroom dwelling with associated works including erect vehicle and pedestrian gate.

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

Policy OC1: Housing Outside of the Centres

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

Policy GP1: Landscape Character and Open Land

Policy GP8: Design

Policy GP9: Sustainable Development

Policy GP15: Creation and Extension of Curtilage

Policy GP16(B): Conversion of Redundant Buildings

Policy GP17: Public Safety and Hazardous Development

Policy IP6: Transport Infrastructure and Support Facilities

Policy IP7: Private and Communal Car Parking

Policy IP9: Highway Safety, Accessibility and Capacity

Representations:

None

Consultations:

The Office of Environmental Health and Pollution Regulation, 25/07/2024

"I have reviewed the proposed plans for the demolition of an existing packing shed, erection of a new dwelling with associated works, and erection of a vehicle and pedestrian gate at the above site. There are two issues of concern that I must raise.

The first is regarding reference in the Waste Management Plan to the crushing of concrete and masonry. It is not confirmed whether crushing will take place onsite, and I confirm that I am not raising an objection about onsite crushing, as the location of the site is not in a built-up residential area. However, I would like to highlight that it is this Office's requirement that any mobile crushing activity is covered by a valid Air Pollution Licence. As part of the licence conditions, this Office should be notified prior to any crushing activity.

The second is to confirm that I have concerns about the potential for contaminated land to be present within the proposed development site.

I have interrogated the States' Digimap system, including Guernsey Historic Maps, Historic Orthophotos and Cadastre Registry of Land, to assess the historic use of the site. It is clear from the historic records that the site as whole was once used for commercial horticultural purposes.

A record listed on the Cadastre register dated 1981 indicates that three large greenhouses that stood on the site were heated. Ordinance Survey Maps from 1938, 1963 and 1979 show a tank or tanks directly adjacent to the packing shed building, with no detail provided for the use of these tanks.

I understand that domestic curtilage was recently granted planning permission under application reference FULL/2024/0176, which also included a proposal to convert and extend the packing shed building to a domestic property. This office commented on that application and due to the positioning of the proposed domestic property, we recommended a condition regarding contaminated land.

I have looked closely at the block plan submitted showing the positioning of the proposed new dwelling, and I also note that orchard planting is proposed in the domestic garden. The domestic property proposed under the current application sits directly on part of the land where a greenhouse once stood, and the proposed orchard is directly adjacent. Whilst it is not known whether the greenhouse was heated, I am concerned that there is the potential for land contamination to be present, including contamination from metals, hydrocarbons and pesticides. Other sources of contamination could also be present.

I would advise that the applicant is made aware of these risks, and due to the historic location of heated greenhouses on the site and with the unknown use of a tank or tanks located very close to the packing shed, I recommend that the following condition is attached to any granted permission:

Please note this is one condition with multiple sub-sections:

(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.

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- 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.

Informative/Advice Notes

With reference to condition X 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>.

I would be grateful if this information and recommendation is considered during the determination of this application.

Please do not hesitate to contact me at the above address should you require any additional information regarding this matter”.

Summary of Issues:

The main issues in deciding this application are:

1. The principle of the development.
2. The impact of the development on the character and openness of the landscape.
3. The impact on the amenities of neighbouring residents.

Assessment against:

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

Planning permission was granted to convert and extend the packing shed to form a dwelling in April 2024 (FULL/2024/0176). As a result of this previous permission, Policy GP16(B) makes provision for the demolition and redevelopment of the previously approved dwelling to be considered.

The floor space and volume of the proposed dwelling is slightly smaller than the approved conversion scheme. The existing building is of no particular architectural merit and it does not make a positive contribution to the character of the area. The agent advises that the new dwelling will have significantly improved thermal values to exceed current Guernsey Technical Standards (with proposed thermal standards stated), the repositioning and orientation of the dwelling and the pattern of fenestration will maximise natural light and other sustainable design features include an electric car charging point, permeable paving and solar panels. The application is accompanied by a Waste Management Plan. The information submitted is sufficient to demonstrate that the proposed dwelling would be constructed to significantly enhance their sustainable design.

The repositioned dwelling would be more visible from the public highway to the north-west than the existing packing shed. However, the dwelling is similar in scale and design as the existing packing shed, it would align with and remain reasonably well related to the built development on the adjoining properties to the west and south, the proposed domestic curtilage remains the same as the previously approved scheme and the proposed dwelling would in effect round off the existing adjoining built development to the west and south, whilst retaining the openness and undeveloped landscape to the north and east. In addition, the repositioning of the dwelling does have benefits in terms of its sustainable design such as its ability to maximise natural light levels and it will improve the standard of the living environment, such as through improved outlook. Overall the repositioning of the proposed dwelling would not have a significant adverse effect on the character and openness of the landscape. Repositioning the dwelling away from the west boundary would also reduce the impact on the amenities of neighbouring residents. The

proposal accords with Policy GP16(B), subject to the demolition of the existing packing shed prior to completion or occupation of the new dwelling.

The proposed dwelling would exceed minimum internal space standards as set out under the Building Regulations and the best practice minimum internal space standards which are published on the Authority's website. The dwelling would have good daylight and privacy and would benefit from a generous provision of outdoor space and an attractive outlook over open land. The proposed dwelling would provide a satisfactory living environment.

The application is accompanied by a Biodiversity Statement. The agent confirms that all enhancements within the Biodiversity Statement will be implemented with the only revisions involving adjusting the placement of planting within the curtilage to accommodate the repositioning of the dwelling. The measures proposed including the creation of an earth bank planted with a Hawthorn hedge along the domestic boundaries, tree planting, the creation of a wildflower meadow, the restoration of the agricultural land and the additional perimeter planting around the agricultural land will provide proportionate biodiversity enhancements, taking into account the size of the area of land involved.

The Office of Environmental Health and Pollution Regulation raise concerns about the potential for contaminated land due to the siting of the proposed dwelling on land where a glasshouse previously stood. To address these concerns it is recommended that a condition is attached to the decision to require further investigations, testing and remedial works as necessary. In addition the Office of Environmental Health and Pollution Regulation requests that it is highlighted that a valid Air Pollution License is required to undertake any on site crushing of waste materials.

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

It is recommended that the application is approved.

Date: 14/08/2024

