

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 and extend outbuilding to create a dwelling and associated works.

LOCATION: Lahaina, Le Petit Marais, Vale.

APPLICANT: Mr & Mrs Hockey

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: 27/12/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 07/10/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: DRP Architecture - 3310 SK1-100, SK1-101 & SK1-102.

Application Ref: FULL/2024/1654

Property Ref: C002520000

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 any development at the site, details of supplementary planting to the south-west boundary of the site shall be submitted to and agreed in writing by the Authority, including planting schedules, noting the species, sizes, numbers and densities of plants and the agreed planting shall be fully completed. 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 provide a planting buffer to protect the amenity of adjoining residential property during construction works and following completion.

5.a) No landscaping in respect of the planting areas shown on the plans hereby approved shall begin until a landscaping scheme, to include those details specified below, has been submitted to and agreed in writing by the Authority:

- i) the treatment proposed for all hard surfaces, including the method of laying;
- ii) full details of tree and hedge planting; and
- iii) planting schedules, noting the species, sizes, numbers and densities of plants.

b) The landscaping scheme approved under a) above shall be fully completed, in accordance with the agreed details, in the first planting season following the first occupation of any part of the development or completion of development whichever is the sooner, or in accordance with a programme previously agreed in writing by the Authority. Any trees or plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by trees or plants of a size and species similar to those originally required to be planted.

Reason - To make sure that a satisfactory landscaping scheme for the development is agreed and implemented, in order to help assimilate the development into its surroundings.

6. Prior to installation, details of the cycle store hereby approved shall be submitted to and agreed in writing by the Authority. No part of the development hereby approved shall be occupied until the agreed scheme has been fully implemented. The provision for cycles shall be retained at all times.

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

Expiry Date: This permission will cease to have effect on 27/12/2027 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

Effect of planning permission:

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

- (1) Planning permission ceases to have effect unless the development permitted by it is commenced within a period of three years immediately following the date on which it is granted (or such shorter period as may be specified in the permission).
- (2) Planning permission enures for the benefit of the land concerned and of every person for the time being having an interest in it.
- (3) Any conditions subject to which planning permission is issued are enforceable in accordance with the provisions of Part V of the Law.
- (4) Planning permission for the erection of a building is only permission to use it for the purpose specified in the permission or, subject to any restriction so specified, for any other purpose for which it is designed.
- (5) Planning permission is only permission to carry out the development specified in it (subject to any conditions so specified), and does not imply the giving of any other approval or consent required under this Law or any other enactment or under any rule of law.

Right of appeal against planning decisions:

Your attention is drawn to the provisions of Section 68(1) of the Land Planning and Development (Guernsey) Law 2005, which provides a right of appeal, on the merits

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

Copy of representations made:

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

Other Remarks:

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

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

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

A J ROWLES

Director of Planning
Planning Service



PLANNING APPLICATION REPORT

Application No: FULL/2024/1654
Property Ref: C002520000
Valid date: 07/10/2024
Location: Lahaina Le Petit Marais Vale Guernsey GY3 5DJ
Proposal: Convert and extend outbuilding to create a dwelling and associated works.

Applicant: Mr & Mrs Hockey

RECOMMENDATION - Grant: Planning Permission with Conditions:

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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.

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b) The landscaping scheme approved under a) above shall be fully completed, in accordance with the agreed details, 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.

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

OFFICER'S REPORT

Site Description:

The application site is located behind the roadside development along the north-east side of Le Petit Marais and forms part of the domestic curtilage associated with the dwelling to the south, known as Lahaina. Access to the site is provided between Lahaina and the adjacent property to the west.

The land ownership extends to La Rochelle Road to the north-east, partially as domestic curtilage and partially as agricultural land and there is further access on to the agricultural land from that road.

The site is situated Outside of the Centres as defined in the Island Development Plan.

Relevant History:

PAPP/2007/3018 Permit to demolish packing shed and erect stables. Approved 15/01/2008

FULL/2021/2297 Permit for change of use of agricultural land to domestic garden (3400sqm) – retaining the northernmost section (in use as a sand school) as agricultural land. Approved 16/12/2021. Implemented.

Existing Use(s):

Residential Use Class 1

Brief Description of Development:

Permission is sought to convert and extend the stable building at this site to form a one bed dwellinghouse. The dwelling would be accessed via the existing access to the south-west, with parking provided to the north-east of the dwelling. A shed would be provided for cycle and other storage. The site would be enclosed by hedge and tree planting.

A Structural Condition Report has been provided from Dorey Lyle & Ashman and is dated 25/09/2024. The report makes the following points:

- Stable block constructed c2009, designed by a specialist timber frame company;
- The stable is duo pitched timber framed unit covered with shiplap exterior cladding and Onduline roofing, constructed off a concrete base slab;

- The slab and foundations are adequate to support the existing and proposed uses;
- The structure can be considered as structurally stable for its current use. As part of a conversion for residential purposes it would be beneficial to enhance the lateral stability of the building through installation of additional diagonal roof bracing and upgraded ply sheathing to the walls.
- The timber elements are appropriately sized for the size of the building and loadings applied. Additional strengthening would however be required to support residential conversion, through installing additional timbers adjacent to existing.

Drawing from the structural report and the proposed plans, the following works would be required to support the conversion:

- Construct 5.8m² extension to north-east of building to form bathroom;
- Strengthening of roof and wall timbers and installation of ply sheathing;
- Replace Onduline roof with standing seam zinc;
- South-east elevation:
 - o Infill lower sections of existing apertures and install windows to 2no openings;
 - o Install new windows in existing apertures to 2no openings;
 - o Replace stable door with new.
- Installation of insulation within wall and roof frame and over floor;
- Removal of existing and installation of new internal partitions.

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

OC1	Housing Outside of the Centres
GP1	Landscape character and open land
GP8	Design
GP9	Sustainable Development
GP16(A)	Conversion of redundant buildings
IP6	Transport Infrastructure and Support Facilities
IP7	Private and Communal Car Parking
IP9	Highway Safety, Accessibility and Capacity

Supplementary Planning Guidance: Strategy for Nature

Representations:

One letter of representation received raising the following points:

- A residential property, 6m from neighbouring property, will be far more intrusive on the amenity of the neighbouring property than the existing use;
- There will be increased vehicle movement, via a driveway adjoining neighbouring property that previously only accessed agricultural land;

- Only part of the boundary wall is tall, the remainder is only 1m high with minimal landscaping;
- Whilst the proposed occupiers may be quiet, there is no way to control potential future occupiers or potential future extension of the dwelling;
- Request that, if approved, conditions be applied limiting the use, size and location of the dwelling and that a substantial hedge be required along the boundary with neighbouring property.

Consultations:

None undertaken.

Summary of Issues:

Principle of development;

Whether the building is of sound and substantial construction and capable of conversion without extensive alteration or rebuilding;

Impacts on the character of the area;

Impacts on landscape character and openness;

Provision of biodiversity enhancements and soft landscaping;

Impacts on neighbour amenity;

Sustainable design.

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).**

Conversion of the existing building (GP16(A))

a. It is demonstrated that the building is no longer required or capable of being used for its current or last known purpose;

The stables are not currently used for the stabling of horses, and there is no intention on the part of the owner to acquire further horses or other livestock. The stables are located within the domestic curtilage of the adjacent dwellinghouse and could serve an alternative ancillary function in association with that dwellinghouse, however there are other outbuildings at the site which could service any other external storage required for the land ownership.

b. the conversion will result in the establishment of either residential, social and community, industrial, storage and distribution, convenience retail in coastal locations in accordance with Policy OC4, visitor accommodation or office use or provide facilities for outdoor formal recreation or informal leisure and recreation uses;

The proposal would result in the establishment of a residential use.

c. the existing building is of sound and substantial construction and is capable of conversion without extensive alteration or rebuilding;

The building as it stands would comprise 30sqm of internal floor space, and would therefore be just adequate for single person one bed accommodation under the Building Regulations.

The Structural Engineer's Report submitted as part of the application confirms that the existing building is of sound and substantial construction for its last known purpose.

The alterations proposed as part of the application are outlined under the Brief Description of Development above and, cumulatively, are not considered to comprise extensive alteration or rebuilding.

d. the proposals would have no adverse impacts on the special interest of a protected building and that such interest is appropriately and proportionately preserved and, where possible, enhanced;

There are no protected buildings at the site. There are two protected buildings located at the junction of Grande Rue and Le Petit Marais to the south-east, however these will not be impacted upon by the proposed development.

e. the proposals would have no unacceptable impacts on the contribution a building of character makes to the character and appearance of the area;

The existing building is not of particular character, being of utilitarian appearance, and further consideration against this criterion would not be required.

The requirements of Policy GP8 (Design) however go further than this criterion, and require a development to achieve a good standard of design which makes an efficient and effective use of land and respects the character of the local built environment, whilst providing soft and hard landscaping where this reinforces local character and mitigates the impacts of the development.

The principle of reuse of a redundant building is to make an efficient use of land.

The application site is located behind the roadside development to the north-east of Le Petit Marais and is therefore largely screened in views from that road.

Intervening landscaping and built form also screens the site from Grande Rue to the east and La Rochelle Road to the north. The site is however visible from La Rochelle Road to the north-east, across the open land falling within the same ownership. The proposed development would retain the building substantially as existing, with only a limited elongation of the existing form proposed, and this work would not alter the impact of the building in these views. The proposal would therefore respect the character of the local built environment.

Tree and hedge planting are proposed to the north and east boundaries of the curtilage associated with the new dwelling, details and implementation of which could be managed by planning condition. Such planting would further screen the site from public view and mitigate any impacts arising in those views. Whilst the erection of fencing along the boundaries could result in some visual impacts, exemption rights for the erection of fencing were not removed from the previous application for the change of use of the land and it is not considered reasonable to remove such rights now.

Hard landscaping would be limited to an extension of the existing driveway in gravel and the creation of a small parking space in permeable paving, together with pathway access to the building. Whilst the extent of driveway could be limited through the re-positioning of the parking area to the south of the building, it is noted that this would bring the parking area closer to the neighbour property and, in light of the representation received, it is considered preferable to retain the surfacing as proposed. It is also noted, from previous applications and the site visit, that the site is prone to water logging and the formation of the driveway may provide an opportunity to manage this issue.

The proposed scheme would therefore achieve a good level of design, which would not have any adverse impacts on the character of the area, in accordance with Policy GP8 (Design).

f. the conversion and any ancillary development associated with it can be implemented without having any unacceptable adverse impacts on the character and openness of the landscape;

As noted above, the proposal would not significantly alter the scale or form of the existing building, and would not therefore result in any adverse impacts on the character and openness of the landscape.

The land is already recognised as domestic curtilage and could therefore be used for domestic purposes without restriction. Whilst the proposal would result in an intensification of use, including the provision of parking on the land, the site is set on the periphery of the open land to the north, adjacent to the built up area to the south, and the proposed planted boundaries, whilst encroaching into an open area, would in fact screen the developed area to the south in views across the open land and would enhance the landscape in those views.

g. the conversion would not require more than modest extension to the existing building for it to be achieved;

The application proposes a 5.8m² extension, and comprises c20% of the enclosed footprint of the building. The proposed extension is not therefore of such scale as to form a significant part of the new unit, nor would it create a new building. The extension can therefore be considered modest for the purpose of this policy.

h. the proposal would have no unacceptable adverse impacts on the amenities and enjoyment of neighbouring properties and the surrounding area.

The application site comprises domestic land, and there will not be a change in the use of the land as a result of the current application. The proposal would however result in an intensification of use, through the creation of an additional dwelling at the site. The creation of a single dwellinghouse, in an area characterised by residential properties both to the south and east of the site, would not give rise to significant additional impacts in terms of the use itself or the additional domestic traffic. It is however acknowledged that the south boundary of the site is not robust and, to maintain the privacy of and provide a buffer to the adjacent property in that direction it is recommended that additional planting is required along that boundary by planning condition.

It is noted that, if the current application is approved, there is a policy gateway for demolition and rebuild of the dwelling and, either following conversion or rebuild, for subsequent extension and alteration, either through planning application or under the Land Planning and Development (Exemptions) Ordinance, as amended, 2023. Development permitted under the Exemptions Ordinance is limited, amongst other reasons, to minimise impacts on neighbouring property and it is not considered reasonable or necessary to remove exemption rights in respect of the converted dwelling in this case. In respect of other work requiring planning permission, the Authority has a duty to consider any application properly made, and the right to make such an application cannot be withheld by planning condition. Any such application would however be considered in light of the material considerations of the law, and planning policy, both of which require consideration to be given to the amenity of neighbouring property.

Other matters

Residential amenity, road safety and parking provision

The proposed new unit would provide c36m² of internal floor space which fails to meet the UK's DCLG best practise space standards (of 50m² for a one bed, 2 person dwelling), but would slightly exceed the requirements of the Guernsey Technical Standards for a 2 person, one bed dwelling. Outlook from the dwelling would be limited, with a single aspect towards the driveway associated with the property, however the fenestration would face south-east and the property would be provided with well sized and good quality external amenity space. Overall the proposed

dwelling could provide a good living environment, in accordance with Policy GP8(d) and Annex I: Amenities.

The proposal for a single additional dwellinghouse would not result in significant additional vehicle movements on the adjacent highway. The access point as existing achieves good visibility and is set away from the junction to the east. The proposal would not give rise to any road safety concerns, in accordance with Policy IP9.

The proposed parking provision is appropriate to serve a dwelling of the size proposed, and there appears to be sufficient space to allow for turning on site, in accordance with the requirements of Policy IP7. Cycle storage is shown in a detached shed, however no elevations have been provided. Details and installation of such storage can however be controlled by condition.

Sustainability, accessibility and adaptability

In terms of accessibility to and within the building and the provision of flexible accommodation, opportunities are limited given the small scale of the building, however the accommodation is provided over a single level, with level access, in accordance with the requirements of Policy GP8.

In respect of sustainable design approaches, it is noted that the development will meet the requirements of the Building Regulations, primarily through upgrade of the thermal efficiency of the building. The constraints involved in a conversion scheme do limit the options for incorporating sustainable features, such as the orientation of the building and, in this case, the submitted information would be sufficient to address the requirements of GP9. All new surfacing is proposed to be permeable and details can be controlled by condition.

Conclusion

Overall it is considered that the proposal would accord with the purposes of the Law, material considerations and relevant planning policies.

Consequently it is recommended that the application be approved, subject to the conditions set out above.

Date: 23/12/2024

