ONLINE VERSION

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 part of vinery to create parking for 2 vehicles.

LOCATION: St Clair Nursery, Rue Des Pointues Rocques, St. Sampson.

APPLICANT: Mr J M Eborall

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: 14/09/2018

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 17/07/2018 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos:
Application Ref: FULL/2018/1884

Property Ref: B00750C000

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.This permission is given for a limited period of 1 year from the date hereof, expiring on 13 September 2019, by which time the use carried out under this permission shall be discontinued and the land will revert to its former authorised horticultural use to the satisfaction of the Development & Planning Authority.

Reason - The permission is granted to meet a declared short term need and/or because it is a development which by virtue of its nature and impact is considered to be unacceptable for any longer period.

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.The permission granted shall be personal to the applicant and on the applicant ceasing to occupy the premises, the use for which the permission is hereby granted shall be discontinued and the current use of the premises as horticultural shall be resumed.

Reason - The permission has been granted to the applicant on the basis of details set out in the application and subject to those restrictions and the previous/following conditions, is considered acceptable for a temporary period. The retention of the development for a further period would be unlikely to prejudice or inhibit the comprehensive development of the Allocated Housing Site.

5.The use hereby approved shall not be carried on otherwise than in strict accordance with the details set out in the letter accompanying the previous application, signed and dated by Mr J Eborall T/A Bag-it rubbish clearance on 29/01/15, and subsequent letters of 15 May 2015 and 15 June 2015 from John Eborall, which formed part of the previous planning application, and is for two vehicles only, on the area of hardstanding identified.

Reason - To define the permission for the avoidance of any doubt.

6.No vehicular movements nor any loading or unloading of vehicles shall take place on the site except between the hours of 0700 and 1800 on Monday to Friday and 0700 and 1200 noon on Saturdays and not at any time on Sundays, Bank or Public Holidays.

Reason - To protect the reasonable amenities of neighbouring residents.

7.The activities which take place on the site shall be retricted to the storage of items of inert waste only on, or within, the two parked vehicles, and to the movement of items of inert waste between the vehicles, as set out in Mr Eborall's letter of 15 June 2015, and no processing of any waste whatsoever (putrescible or inert) shall take place on this site, without the prior express permission of the Development & Planning Authority.

Reason - To define the permission for the avoidance of any doubt and to protect the reasonable amenities of neighbouring residents.

Expiry Date: This permission will cease to have effect on 12/09/2019 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-
Please note that the site of this application now forms part of an Allocated Housing Site within the Island Development Plan. It is unlikely that the present use can continue for more than ONE YEAR. You are therefore advised that you should begin to make preparations to find an alternative site for your business.

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

States of Guernsey
Planning Service

PLANNING APPLICATION REPORT

Application No:	FULL/2018/1884
Property Ref:	B00750C000
Valid date:	17/07/2018
Location:	St Clair Nursery Rue Des Pointues Rocques St. Sampson Guernsey
Proposal:	Change of use of part of vinery to create parking for 2 vehicles.
Applicant:	Mr J M Eborall

RECOMMENDATION - Grant: Planning Permission with Conditions:

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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. This permission is given for a limited period of 1 year from the date hereof, expiring on 13 September 2019, by which time the use carried out under this permission shall be discontinued and the land will revert to its former authorised horticultural use to the satisfaction of the Development & Planning Authority.

Reason - The permission is granted to meet a declared short term need and/or because it is a development which by virtue of its nature and impact is considered to be unacceptable for any longer period.

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. The permission granted shall be personal to the applicant and on the applicant ceasing to occupy the premises, the use for which the permission is hereby granted shall be discontinued and the current use of the premises as horticultural shall be resumed.

Reason - The permission has been granted to the applicant on the basis of details set out in the application and subject to those restrictions and the previous/following conditions, is considered acceptable for a temporary period. The retention of the development for a further period would be unlikely to prejudice or inhibit the comprehensive development of the Allocated Housing Site.

5. The use hereby approved shall not be carried on otherwise than in strict accordance with the details set out in the letter accompanying the previous application, signed and dated by Mr J Eborall T/A Bag-it rubbish clearance on 29/01/15, and subsequent letters of 15 May 2015 and 15 June 2015 from John Eborall, which formed part of the previous planning application, and is for two vehicles only, on the area of hardstanding identified.

Reason - To define the permission for the avoidance of any doubt.

6. No vehicular movements nor any loading or unloading of vehicles shall take place on the site except between the hours of 0700 and 1800 on Monday to Friday and 0700 and 1200 noon on Saturdays and not at any time on Sundays, Bank or Public Holidays.

Reason - To protect the reasonable amenities of neighbouring residents.

7. The activities which take place on the site shall be retricted to the storage of items of inert waste only on, or within, the two parked vehicles, and to the movement of items of inert waste between the vehicles, as set out in Mr Eborall's letter of 15 June 2015, and no processing of any waste whatsoever (putrescible or inert) shall take place on this site, without the prior express permission of the Development & Planning Authority.

Reason - To define the permission for the avoidance of any doubt and to protect the reasonable amenities of neighbouring residents.

INFORMATIVES

Please note that the site of this application now forms part of an Allocated Housing Site within the Island Development Plan. It is unlikely that the present use can continue for more than ONE YEAR. You are therefore advised that you should begin to make preparations to find an alternative site for your business.

OFFICER'S REPORT

Site Description:

The application site relates to an area of land to the northern end of the St Clair Nursery vinery site.

The site is within a Main Centre Outer Area and a Conservation Area.
It is also an Allocated Housing site

Relevant History:

2005 – Unauthorised storage of skips on site. Subsequently removed.
2008 – Unauthorised skips and waste separation. Subsequently cleared.
2012 – Allegation of waste storage/separation, but no evidence.
2013 – Waste collection/recycling business investigated and compliance notice served
2014 – Appeal against compliance notice dismissed, and Compliance Notice upheld, subject to modified terms; vehicles to be removed and storage, transfer and sorting of waste to cease.
2015 – Change of use of part of vinery to create parking for two vehicles – approved for limited period of two years.
2017 – Change of use of part of vinery to create parking for two vehicles – approved for limited period of one more year.

Existing Use(s):

Vinery - Horticulture

Brief Description of Development:

This application is for an extension to the previous temporary permission to allow the parking for 2 lorries to continue.

The applicant has stated that everything remains the same as previously.

The previous application stated that sorting of rubbish is done as he goes along (i.e. at collection points) with no rubbish or bags ever put on the ground at the vinery. There is now only himself involved, and there will only be 1-2 movements of lorries per day, between the hours of 7am to 6pm, Monday to Friday and 7am to 12noon on Saturday.

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

MC5(B): Industry, Storage and Distribution use in Main Centres and Main Centre Outer Areas – outside of the Key Industrial Areas and Key Industrial Expansion Areas
MC2: Housing in Main Centres and Main Centre Outer Areas
GP4: Conservation Areas

Representations:

None

Consultations:

Environmental Health (previously)

Reviewed the proposed plans for the retrospective parking of two vehicles at the above address. Recommend the following condition is attached should this application be approved.

No vehicular movements nor any loading or unloading of vehicles shall take place on the site except between the hours of 0700 and 1800 on Monday to Friday and 0700 and 1200 noon on Saturdays and not at any time on Sundays, Bank or Public Holidays.

Summary of Issues:

Industrial use of horticultural land, effect on adjoining properties.

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).

The application site is a small part of a vinery site, which is still in use, but which is now an Allocated Housing Site within the Island Development Plan.

The parking or storage of motor vehicles on land would fall within Storage/Distribution Use Class 22. The sorting, treatment, baling, disposal or transfer of waste would fall within Industrial Use Class 27.

Island Development Plan policy MC5(B) states that proposals to redevelop, alter or extend existing industrial or storage and distribution uses will be supported where they would not have an unacceptable adverse impact on the amenities of the

surrounding uses. New uses must be achieved through the conversion of redundant buildings.

In this case the scale of the operation is very limited, one man and parking of two vehicles. The location is the northern end of a vinery site, on an area of unsurfaced roadway next to an old boiler shed and chimney. It does not detract from the general character and amenity of the area, nor have any effect on the Conservation Area.

The glasshouses on the site are being used for growing, and the parking of two vehicles would not prevent or interfere with this, so there would be no loss of horticultural activity.

The location of the lorries would be well away from residential properties, so any effects on adjoining properties is limited to any impact from the comings and goings of the vehicles to the site, where the site entrance is close to residential properties. If this remains limited in terms of the number and times of trips, as suggested by the applicant, then the impact is unlikely to be sufficient to justify rejection of the proposal.

The present use has existed for over three years, and no complaints have been received by the Authority over that time.

The site is now an Allocated Housing Site and a Development Framework is presently being prepared, to guide housing development of the land. If implemented, this would prevent the continuation of the existing horticulture use of the site, or the continuation of the storage of vehicles.

A first draft Development Framework was released for consultation in August 2017, and a revised draft has just been released in August 2018. It will therefore still be some time before an approved Development Framework is in place for the site, and then a planning application will need to be determined.

So, a further temporary permission, limited to another year, should ensure that the use would not inhibit the implementation of a Development Framework or prejudice the comprehensive development of the site for housing, in accordance with the Island Development Plan.

Recommend a limited temporary approval, subject to conditions, as above.

Date: 13/09/18