

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: Relocate and alter existing potting shed and erect bus shelter to layby to east boundary.

LOCATION: Grow Limited, Les Petits Quartiers, Coutanchez, St. Sampson.

APPLICANT: Grow Limited

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: 23/03/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 17/11/2021 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Paul Vaudin & Associates - 21-004-01I & 12A
States of Guernsey - TS124/01
Commutaports - 3411

Application Ref: FULL/2021/2486

Property Ref: B01361B000

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.

Expiry Date: This permission will cease to have effect on 22/03/2025 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/2021/2486
Property Ref: B01361B000
Valid date: 17/11/2021
Location: Grow Limited Les Petits Quartiers Coutanchez Coutanchez St.
Sampson Guernsey GY2 4GE
Proposal: Relocate and alter existing potting shed and erect bus shelter
to layby to east boundary.

Applicant: Grow Limited

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.

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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.

OFFICER'S REPORT

Brief Description of the site:

The application site comprises a former commercial vinery, which has been utilised by Grow Ltd for charitable purposes since the early 1980s. The site is accessed on its south boundary from Verte Rue, a one-way lane, and is located Outside of the Centres and is the subject of no other designation under the Island Development Plan. The site adjoins residential properties to the north, east and west.

The site is currently being redeveloped in accordance with recent permissions listed below.

Relevant History:

FULL/2021/1173 - Variations to plans previously approved to demolish glasshouses and outbuildings, erect replacement glasshouses and 1 & 2 storey buildings, create new and alter existing vehicular access and create parking area - Increase floor area, install external staircase, solar panels and alterations to fenestration of Crew building, install solar panels and rooflights to Hospitality building and relocate glasshouse 1000mm to east.

Approved 19-08-2021

FULL/2020/1563 - Demolish glasshouses and outbuildings, erect replacement glasshouses and 1 & 2 storey buildings, create new and alter existing vehicular access and create parking area.

Approved 11-12-2020

Existing Use(s):

Sui Generis mixed use

Brief Description of Development:

This application proposes the renovation and relocation of an existing single-storey timber-frame building on the site for use as a potting shed, and the erection of a bus shelter to serve the previously approved lay-by.

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

OC2 – Social and Community Facilities Outside of the Centres

GP8 – Design

GP9 – Sustainable Development

IP6 – Transport Infrastructure and Support Facilities

Representations:

1 objection received from a neighbouring resident expressing concern about overlooking and overshadowing from the proposed potting shed as a result of its proximity to the site boundary.

Consultations:

None.

Summary of Issues:

- Principle of development
- Impact on neighbouring amenity

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 purposes of the Land Planning and Development (Guernsey) Law, 2005, are to protect and enhance, and to facilitate the sustainable development of, the physical environment of Guernsey.

The purposes of the Law are reflected in the Island Development Plan, the principal aim of which is to help maintain and create a socially inclusive, healthy and economically strong Island, while balancing these objectives with the protection and enhancement of Guernsey's built and natural environment and the need to use land wisely. Relevant policies will be addressed below in assessing the key issues.

Section 13 to Part IV of The Land Planning and Development (General Provisions) Ordinance, 2007, sets out a number of general material considerations, the following of which are considered to be relevant in this instance:

- (b) the character and quality of the natural and built environment which is likely to be created by the development,*
- (c) the appropriateness of the development in relation to its surroundings in terms of its design, layout, scale, siting and the materials to be used,*
- (d) the likely effect of the development on the character and amenity of the locality in question,*
- (e) the likely effect of the development on roads and other infrastructure, traffic and essential services,*

(i) the likely effect of the development on the reasonable enjoyment of neighbouring properties.

Principle of development

Relocation and renovation of an existing building for use as a potting shed would not introduce any new use, nor would it represent a material intensification of the existing use. As such this aspect of the proposed development is considered to be acceptable in principle in accordance with the provisions of Policy OC2.

Similarly, the provision of a bus shelter is supported under Policy IP6.

Impact on neighbouring amenity

The proposed potting shed would be positioned closer to the east site boundary than the previous glasshouse, and following the removal of a number of leylandii trees during 2021 will be more visible from neighbouring properties. As submitted, the inclusion of a number of windows in the east elevation facing towards those neighbouring properties was considered to increase the risk of overlooking and noise impacts.

The application has subsequently been amended to omit windows and doors from the east elevation, with additional natural light provided from a number of roof lights. Given existing boundary treatments (fences, walls, hedging) and replacement planting within the application site in place of the felled leylandii trees (holly bushes/trees), it is considered that this will mitigate against any such impacts to an acceptable degree.

Given that the potting shed building is of a single-storey only, it is not considered that there would be any materially harmful overshadowing or overbearing impact on neighbouring properties.

The application is therefore considered to comply with the aims and objectives of Policy GP8 as it relates to neighbouring amenity.

Other matters

It is not considered that the potting shed or bus shelter would have any adverse impact on the character of the locality, on which basis they are considered to comply with the aims and objectives of Policy GP8 as it relates to architectural design.

The relocation and renovation of an existing building on the site is an inherently sustainable approach which accords with Policy GP9.

Conclusion

Notwithstanding the objection that has been received, it is recommended that planning permission be granted.

Date: 23-03-2022

