

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: Demolition of existing glasshouse and erection of new greenhouse.

LOCATION: Majuga, La Rochelle Road, Vale.

APPLICANT: Miss T J Russell

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: 12/04/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 10/12/2021 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: A7 Design - 21-1293 PD/02A.

Application Ref: FULL/2021/2584

Property Ref: C00241A001

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. No development, except the clearing of the glasshouses, shall begin on site until precise details of the landscape planting have been submitted to and agreed in writing by the Authority, a scheme with areas for biodiversity enhancement identified shall include, but are not limited to details to include:

- Planting density
- Species
- Land management.

Reason - To ensure that the development provides adequate and appropriate biodiversity enhancements in line with the aims of the adopted Strategy for Nature, 2020.

5. The details hereby approved under condition 4 will be completed in the first planting season. 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 ensure that the development provides adequate and appropriate biodiversity enhancements in line with the aims of the adopted Strategy for Nature, 2020.

Expiry Date: This permission will cease to have effect on 11/04/2025 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

Please be aware of the Supplementary Planning Guidance note: Strategy for Nature, 2020 which can be found at www.gov.gg/planningpolicy. In line with this guidance, The Development & Planning Authority would encourage you to consider enhancing the biodiversity of the application site, for instance through the planting of trees, introduction of animal habitats etc. You are advised to contact La Société Guernesiaise for further information on the most appropriate method to maximise biodiversity of the land the subject of this application. La Société can be contacted on 07781 166924 or email societe@cwgsy.net.

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/2021/2584
Property Ref: C00241A001
Valid date: 10/12/2021
Location: Majuga La Rochelle Road Vale Guernsey GY3 5DN
Proposal: Demolition of existing glasshouse and erection of new greenhouse.
Applicant: Miss T J Russell

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 - To ensure that the development provides adequate and appropriate biodiversity enhancements in line with the aims of the adopted Strategy for Nature, 2020.

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Reason - To ensure that the development provides adequate and appropriate biodiversity enhancements in line with the aims of the adopted Strategy for Nature, 2020.

INFORMATIVES

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OFFICER'S REPORT

Brief Description of the site:

The property known as 'Majuga' is set back from and faces northeast onto La Rochelle Road. The adjoining semi is to the southeast and other residential dwellings to the northwest, and open land to the southwest. At present the dwelling and driveway run northeast to southwest to the agricultural land within the same ownership, which still houses two glasshouses, and runs northwest to southeast. The property is located Outside of the Centres and within a Conservation Area, but the agricultural land to which this permission relates is not within the Conservation Area.

The proposal was deferred to seek the re-siting of the glasshouse to the north east boundary and to seek a scheme for biodiversity enhancements.

Relevant History:

FULL/2021/1158 - Change of use of agricultural land to domestic garden (771sqm), demolish existing glasshouses and erect glasshouse, (part-retrospective) – Withdrawn July 2021.

Existing Use(s):

Residential use class 1: dwelling house.
Agricultural use class 28: Agriculture.

Assessment: *(Tick as appropriate)*

no representation	<table border="1"><tr><td>X</td></tr></table>	X
X		
accords with policy	<table border="1"><tr><td>X</td></tr></table>	X
X		
within curtilage	<table border="1"><tr><td>X</td></tr></table>	X
X		
design acceptable	<table border="1"><tr><td>X</td></tr></table>	X
X		

visual amenity acceptable	<table border="1"><tr><td>X</td></tr></table>	X
X		
no material neighbour impact	<table border="1"><tr><td>X</td></tr></table>	X
X		
traffic not affected	<table border="1"><tr><td>X</td></tr></table>	X
X		

Policies considered most relevant:

OC7: Redundant glasshouse Sites Outside of the Centres.
OC9: Leisure and Recreation Outside of the Centres
GP1 Landscape Character and Open Land
GP8: Design

Conclusion/Brief comment:

The application is for the demolition of the existing glasshouses and erection of a new 7.5m x 20m glasshouse for small scale use, which will be used by the owner and some nearby residents of a local care home as a form of leisure and recreation.

The existing glasshouses cannot be seen from any of the public highways but can be viewed from the public footpath which runs through Le Grande Pre Nature Reserve (which is designated an Area of Biodiversity Importance).

Under planning, horticultural premises, including redundant glasshouse sites and any ancillary structures, are treated as agricultural land and so, on clearance of the structures, the land is expected to revert to agricultural use. However, where sites are defined as redundant glasshouse site, as is the case in this instance, policy OC7 allows some specific forms of development to be permitted for another purpose where they are consistent with the policies of the Island Development Plan.

Outdoor formal recreation development and informal recreation and leisure use are uses which would be considered appropriate on redundant glasshouse sites, subject to the proposal satisfying Policy OC9: Leisure and Recreation Outside of the Centres. In this instance the existing glasshouses have been in use growing fruit and

vegetables on a domestic scale for a number of years, selling surplus to friends, and local residents from a 'hedge veg' box. The small business has now been approached by a local care home to provide some produce, with residents of the care home helping to nurture the growing produce.

Policy OC9 states that the Authority will support the provision of new, and enhancement of existing, outdoor formal recreation and informal recreation and leisure facilities and ancillary development located Outside of the Centres where development proposals are designed to meet a recognised demand, and, in visual and operational terms, are sensitive to the particular landscape character and location concerned.

This application will provide the provision of a new glasshouse, greatly reduced in size from the existing glasshouses. The proposed would allow an element of leisure and recreation use whilst removing the larger glasshouses. This allows the re-siting of the proposed glasshouse to be located closer to the rear residential boundary of the application site.

The site does not fall within an Agriculture Priority Area, and the visual impacts of the development will be mitigated by locating the glasshouse closer to the residential boundaries of ribbon development which runs along La Rochelle Road. The re-siting and reduction in size of the glasshouse would open up this area when viewed from Le Grand Pre Nature Reserve (designated Area of Biodiversity Importance) and allows for the planting of trees, hedges and other plants along the southwest part of the site which is adjacent to the open land (Dolphin Vinery).

A biodiversity plan has been submitted with some details of the amount of planting and where the trees and hedges are to be located. However, the planting scheme is not overly precise to ensure that the benefits of removing the redundant glasshouse to the wider open area are secured, but a condition added to the decision can ensure a comprehensive scheme is submitted and agreed before any works commence on site.

The design and size of the glasshouse is considered appropriate for the proposed purpose and is of a size and scale which is appropriate for the location. The proposals are considered to conform to the above policies of the Island Development Plan and grant of permission is recommended, subject to conditions.

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.

Recommendation:

Grant with Conditions



Date: 06/04/2022

