

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: Variations to works previously approved to Install cladding to six pitched roofs (2 bays) of greenhouse, Install roller shutter door and doors and erect fence to east of glasshouses. Remove hedges to alter existing vehicular access (FULL/2021/0232) - Alter fenestration, erect additional security fencing and widen vehicle access to east boundary.

LOCATION: Petersfield Plant Centre, Les Reines, Forest.

APPLICANT: 4C Labs

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: 25/03/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 22/12/2021 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Evans Architecture - 1925 04.01D, 02B, 03, 04, 05, 06A, 07A & 08B

Application Ref: FULL/2022/0054

Property Ref: H000830000

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. Within six months of the date when use of the site for horticultural purposes ceases, or such other period previously agreed in writing by the Authority, the cladding, doors and fencing hereby permitted shall be removed from the site. The land shall be re-instated so that it is capable of agricultural use within one year of the cessation of such use, or such other period as may be agreed beforehand in writing by the Authority.

Reason - Permission for these structures has been granted only on the basis that they are required in association with the horticultural use of the land. There is no justification to retain the structures if there is no longer any horticultural use of the land.

5. No development comprising the erection of CCTV cameras and security lighting shall begin on site until precise details of these features have been submitted to and agreed in writing by the Authority. The development shall be carried out only in accordance with the agreed details.

Reason - The information provided with the application does not include full details of the proposed feature(s). This condition is imposed to make sure that where amounting to development the feature is of satisfactory design and does not have any adverse impact on the amenity of the area or of adjoining properties.

6. The width of the enlarged vehicular access shall not exceed a maximum of 4.5 metres. Within four weeks of the enlarged access being brought into use, the end(s) of the opening shall be finished off using materials and a method of construction which match the existing.

Reason - To secure the satisfactory appearance of the completed development.

Expiry Date: This permission will cease to have effect on 24/03/2025 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/2022/0054
Property Ref: H000830000
Valid date: 22/12/2021
Location: Petersfield Plant Centre Les Reines Forest Guernsey GY8 0JD
Proposal: Variations to works previously approved to Install cladding to six pitched roofs (2 bays) of greenhouse, Install roller shutter door and doors and erect fence to east of glasshouses.
Remove hedges to alter existing vehicular access
(FULL/2021/0232) - Alter fenestration, erect additional security fencing and widen vehicle access to east boundary.
Applicant: 4C Labs

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. Within six months of the date when use of the site for horticultural purposes ceases, or such other period previously agreed in writing by the Authority, the cladding, doors and fencing hereby permitted shall be removed from the site. The land shall be re-instated so that it is capable of agricultural use within one year of the cessation of such use, or such other period as may be agreed beforehand in writing by the Authority.

Reason - Permission for these structures has been granted only on the basis that they are required in association with the horticultural use of the land. There is no justification to retain the structures if there is no longer any horticultural use of the land.

5. No development comprising the erection of CCTV cameras and security lighting shall begin on site until precise details of these features have been submitted to and agreed in writing by the Authority. The development shall be carried out only in accordance with the agreed details.

Reason - The information provided with the application does not include full details of the proposed feature(s). This condition is imposed to make sure that where amounting to development the feature is of satisfactory design and does not have any adverse impact on the amenity of the area or of adjoining properties.

6. The width of the enlarged vehicular access shall not exceed a maximum of 4.5 metres. Within four weeks of the enlarged access being brought into use, the end(s) of the opening shall be finished off using materials and a method of construction which match the existing.

Reason - To secure the satisfactory appearance of the completed development.

OFFICER'S REPORT

Site Description:

Petersfield Plant Centre is situated Outside of the Centres and within the Agriculture Priority Area as designated in the Island Development Plan. There is a Conservation Area situated to the north.

Relevant History:

FULL/2021/0232 - Install cladding to six pitched roofs (2 bays) of greenhouse, Install roller shutter door and doors and erect fence to east of glasshouses. Remove hedges to alter existing vehicular access – Granted 25/03/2021

Existing Use(s):

The principal use of the site is for agricultural purposes within Use Class 28 (which includes horticulture) of the Land Planning and Development (Use Classes) Ordinance, 2017.

Brief Description of Development:

Variations to works previously approved to Install cladding to six pitched roofs (2 bays) of greenhouse, Install roller shutter door and doors and erect fence to east of glasshouses. Remove hedges to alter existing vehicular access (FULL/2021/0232) - Alter fenestration, erect additional security fencing and widen vehicle access to east boundary.

The application has been amended during consideration to reduce the width of the proposed widened vehicular access from 9m as originally proposed to 4.5m.

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

Island Development Plan Policies:

OC5(A): Agriculture Outside of the Centres – Within the Agriculture Priority Areas

OC6: Horticulture Outside of the Centres

GP1: Landscape Character and Open Land

GP8: Design

GP9: Sustainable Development

IP9: Highway Safety, Accessibility and Capacity

Representations:

Two letters of representation have been received, objecting to the application on the following principal grounds: -

- Additional traffic using the small Ruelle Tranquille;
- Request to widen access is alarming;
- The existing access opening is adequate for vehicles suitable for the lane – cars, tractors, small vans, but not large vans or lorries which are unsuitable to the small lane and pose a safety hazard to the many people who enjoy peaceful walks around the lanes;
- The plans seek to remove greenery and erect fencing, both of which are not in keeping with the area and would result in unacceptable loss of distinctive features which contribute to the wider landscape character and local distinctiveness of the site;
- The proposals and facilities represent a change from horticultural to commercial;
- Impact of proposed facilities on services; e.g. sewage collections and associated traffic.

Consultations:

The Office of Environmental Health and Pollution Regulation

I have reviewed the proposed plans for variations to the previously approved planning application, FULL/2021/0232, to alter fenestration, erect additional security fencing and widen vehicle access to the east boundary.

I do not wish to raise any objections to the proposals and I note from our records that the applicant has been in contact with the Bailiwick of Guernsey Cannabis Agency in relation to this site.

It is not clear from the submitted plans if any external lighting (security or other) or air handling units are to be installed at the site, but we would welcome consultation on these if plans are submitted in future.

Summary of Issues:

- Principle of the development proposed
- Impact on visual amenity and the character of the area
- Impact on the reasonable enjoyment of adjoining residents
- Traffic and highway safety

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 proposals remain ancillary or ordinarily incidental to the continued horticultural operation of the site, within Use Class 28. The principle of the development remains acceptable under IDP Policy OC6: Horticulture Outside of the Centres subject to removal of the proposed structures when no longer required, to avoid the potential of redundant glasshouses and ancillary structures remaining once the commercial horticultural operation on the site has ceased.

The current proposals are relatively limited, are acceptable in design terms and will not have any significant impact on the wider landscape character or the visual amenity of the area. The proposed fencing is of chain-link design, finished in black and is positioned behind existing hedges where possible. The application has been amended during consideration to reduce the width of the widened vehicular access from 9m as originally proposed to 4.5m. An access width of 9m was considered unacceptable and would have had a significant adverse impact on the character and amenity of the locality.

Subject to the amendment secured to reduce the proposed access width, and imposition of a condition regarding CCTV cameras and security lighting as previously, the proposals subject of this application would have no significant effect on residential amenity. The application does not include any air handling units.

The originally proposed increased access width of 9m would have had the potential to allow access to the site by large commercial vehicles. The amended width of 4.5m is proportionate to the horticultural use of the site and would not raise traffic or highway safety issues.

It is recommended that the application be approved, subject to conditions.

Date: 25/03/2022

