

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 land from Agricultural (Use Class28) to Storage/Distribution (Use Class 22) - Variation to Condition 9 of previous permission (FULL/2016/2864) for temporary retention of existing storage building, permanent retention of shipping containers and alterations to acoustic fencing to south-east boundary.

LOCATION: Extension Vineries, Route Militaire, St. Sampson.

APPLICANT: Mr M Loveridge

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: 06/04/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 14/11/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Extract Plan 1 & Extract Plan 2 & 1:500 scaled block plan (date stamped received 14/11/2022)

Application Ref: FULL/2022/2245

Property Ref: B006920000

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 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.

3.The landscaping scheme, previously agreed through the discharge of conditions for application FULL/2016/2864, in Plan 5728/A/3e, shall be fully completed, in accordance with the details within this approved Plan, in the first planting season following the first occupation of any part of the site for its hereby approved use, 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, in order to help assimilate the development into its surroundings.

4.The proposed access point onto Route Militaire shall be carried out in accordance with the approved details shown on drawing ref: 5728/A/2 which was previously approved through the discharge of conditions for application FULL/2016/2864. The development shall be carried out only in accordance with the agreed details and the approved access shall be completed prior to the first occupation of any part of the site for its hereby approved use.

Reason - This condition is imposed to make sure that the access to the site is acceptable in the interests of highway safety.

5.Goods, equipment or materials stored on the site shall not be stacked or deposited to a height exceeding 3 metres at any time on any part of the site unless otherwise agreed beforehand in writing by the Authority.

Reason - To make sure that the use does not become unsightly and/or a source of annoyance to nearby residents.

6.The site shall be laid out in accordance with the details provided in the email dated 25/05/18 and as shown on the drawing reference: 5728/A/3e both submitted and previously approved through the discharge of conditions for application FULL/2016/2864. A plan showing the final layout of the site with each individual

yard/compound shown shall be submitted to the Authority once the site is fully occupied or within 3 years of the date of this permission whichever is the sooner. The site shall operate in accordance with the approved details unless any variation is agreed in writing by the Authority.

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 the site is appropriately laid out to limit the visual impact of the proposal on the surrounding area and on neighbouring amenity and to ensure that the individual yards/compounds remain available for small-scale storage activities in accordance with adopted planning policy.

7. The site shall not be used for the purpose of storage as hereby approved until such a time as all existing glasshouses and structures and all ancillary materials, works and structures have been removed from the site with the exception of:

- (i) The existing storage building, which shall be demolished and all ancillary materials removed from the site on or before the expiration of two years from the grant of this planning permission (on or by 06/04/2025); and
- (ii) The four existing shipping containers which may be permanently retained on the site to provide secure covered storage for individual compounds/tenants.

Reason - To make sure that the development takes the form originally permitted and to satisfy Policy OC7 of the Island Development Plan.

8. No use of the site, including any working on, delivery, removal or movement of goods, equipment or materials stored on the site shall be carried out other than between 0700 hours and 1900 hours on Mondays to Fridays, and 0800 hours and 1300 hours on Saturdays, and there shall be no working on Sundays or Public Holidays.

Reason - The premises are close to residential property and a limit on the use is needed to prevent a nuisance or annoyance to nearby residents.

9. Notwithstanding the provisions of the Land Planning & Development (Exemptions) Ordinance, 2007, no areas of hardstanding (other than any specifically approved as part of this permission), buildings or structures shall be erected or constructed without the prior written consent of the Authority.

Reason - To limit the visual impact of the proposal on the surrounding area and residential amenity.

10. The site shall not be first used for the purpose of storage as hereby approved until such time as the acoustic fencing has been erected in accordance with the approved details. The acoustic fencing shall thereafter be retained in perpetuity.

Reason - The premises are close to residential property and the acoustic fencing is needed to prevent a nuisance or annoyance to nearby residents.

11.A plan showing the exact location of each of the shipping containers allowed to be retained under condition 7 of this permission shall be submitted to and approved in writing prior to the first occupation of the individual compound they are intended to serve. The shipping containers shall be retained in the positions shown on the approved drawings unless the Authority has agreed to any variation in writing.

Reasons - This condition is imposed to make sure that the shipping are appropriately located within the site so as not to harm the visual character or appearance of the surrounding area or cause harm to the amenities of neighbouring properties.

Expiry Date: This permission will cease to have effect on 05/04/2026 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted to the Authority a method statement to identify, risk assess and address the unidentified contaminants, and obtained written agreement from the Authority for the works to continue. Any subsequent works shall be carried out only in accordance with the conclusions and recommendations contained in the agreed report.

Should any fixed plant, machinery or external lighting be required then this would require the grant of a separate planning permission by the Authority.

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/2022/2245
Property Ref: B006920000
Valid date: 14/11/2022
Location: Extension Vineries Route Militaire St. Sampson Guernsey
Proposal: Change of Use of land from Agricultural (Use Class28) to Storage/Distribution (Use Class 22) - Variation to Condition 9 of previous permission (FULL/2016/2864) for temporary retention of existing storage building, permanent retention of shipping containers and alterations to acoustic fencing to south-east boundary.

Applicant: Mr M Loveridge

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 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.

3. The landscaping scheme, previously agreed through the discharge of conditions for application FULL/2016/2864, in Plan 5728/A/3e, shall be fully completed, in accordance with the details within this approved Plan, in the first planting season following the first occupation of any part of the site for its hereby approved use, 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, in order to help assimilate the development into its surroundings.

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Reason - This condition is imposed to make sure that the access to the site is acceptable in the interests of highway safety.

5. Goods, equipment or materials stored on the site shall not be stacked or deposited to a height exceeding 3 metres at any time on any part of the site unless otherwise agreed beforehand in writing by the Authority.

Reason - To make sure that the use does not become unsightly and/or a source of annoyance to nearby residents.

6. The site shall be laid out in accordance with the details provided in the email dated 25/05/18 and as shown on the drawing reference: 5728/A/3e both submitted and previously approved through the discharge of conditions for application FULL/2016/2864. A plan showing the final layout of the site with each individual yard/compound shown shall be submitted to the Authority once the site is fully occupied or within 3 years of the date of this permission whichever is the sooner. The site shall operate in accordance with the approved details unless any variation is agreed in writing by the Authority.

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 the site is appropriately laid out to limit the visual impact of the proposal on the surrounding area and on neighbouring amenity and to ensure that the individual yards/compounds remain available for small-scale storage activities in accordance with adopted planning policy.

7. The site shall not be used for the purpose of storage as hereby approved until such a time as all existing glasshouses and structures and all ancillary materials, works and structures have been removed from the site with the exception of:

(i) The existing storage building, which shall be demolished and all ancillary materials removed from the site on or before the expiration of two years from the grant of this planning permission (on or by 06/04/2025); and

(ii) The four existing shipping containers which may be permanently retained on the site to provide secure covered storage for individual compounds/tenants.

Reason - To make sure that the development takes the form originally permitted and to satisfy Policy OC7 of the Island Development Plan.

8. No use of the site, including any working on, delivery, removal or movement of goods, equipment or materials stored on the site shall be carried out other than between 0700 hours and 1900 hours on Mondays to Fridays, and 0800 hours and 1300 hours on Saturdays, and there shall be no working on Sundays or Public Holidays.

Reason - The premises are close to residential property and a limit on the use is needed to prevent a nuisance or annoyance to nearby residents.

9. Notwithstanding the provisions of the Land Planning & Development (Exemptions) Ordinance, 2007, no areas of hardstanding (other than any specifically approved as part of this permission), buildings or structures shall be erected or constructed without the prior written consent of the Authority.

Reason - To limit the visual impact of the proposal on the surrounding area and residential amenity.

10. The site shall not be first used for the purpose of storage as hereby approved until such time as the acoustic fencing has been erected in accordance with the approved details. The acoustic fencing shall thereafter be retained in perpetuity.

Reason - The premises are close to residential property and the acoustic fencing is needed to prevent a nuisance or annoyance to nearby residents.

11. A plan showing the exact location of each of the shipping containers allowed to be retained under condition 7 of this permission shall be submitted to and approved in writing prior to the first occupation of the individual compound they are intended to serve. The shipping containers shall be retained in the positions shown on the approved drawings unless the Authority has agreed to any variation in writing.

Reasons - This condition is imposed to make sure that the shipping are appropriately located within the site so as not to harm the visual character or appearance of the surrounding area or cause harm to the amenities of neighbouring properties.

INFORMATIVES

If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted to the Authority a method statement to identify, risk assess and address the unidentified contaminants, and obtained written agreement from the Authority for the works to continue. Any subsequent works shall be carried out only in accordance with the conclusions and recommendations contained in the agreed report.

Should any fixed plant, machinery or external lighting be required then this would require the grant of a separate planning permission by the Authority.

OFFICER'S REPORT

Brief Description of the site:

The application site is known as the former Extension Vinery site and is located on the west side of Route Militaire in St Sampsons. The site comprises a total area of 9,751m² (5 Verges, 38 Perch).

The site is accessed via a driveway to the east of the site onto Route Militaire.

Land uses in the vicinity of the site are residential properties to the northeast, east and south, with a neighbouring glasshouse site to the north and fields to the west, southwest and northwest.

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

Relevant History:

FULL/2016/2864	Change of use of land from Agricultural (Use Class 44) to storage and distribution (Use Class 30)	Granted
PAPP/2004/0115	Utilise land for skip business (retrospective).	Refused 16/04/2004

Existing Use(s):

Storage and distribution (Use Class 22)

Assessment: *(Tick as appropriate)*

no representation
accords with policy
within curtilage
design acceptable

☒
☒
☒
☒

visual amenity acceptable
no material neighbour impact
traffic not affected

☒
☒
☒

Policies considered most relevant:

Island Development Plan Policies:

OC3: Offices, Industry and Storage and Distribution Outside of the Centres;

OC7: Redundant Glasshouse Sites;

GP1: Landscape Character and Open Land;

GP8: Design;

GP9: Sustainable Development

Conclusion/Brief comment:

Conditional planning permission was granted on 22/03/2017 to change the use of the land from agricultural, to storage and distribution use. Condition 9 of the permission stated the following:

“The site shall not be first used for the purpose of storage as hereby approved until such time as all existing buildings, glasshouses and structures have been demolished and all ancillary materials, works and structures have been removed from the site.”

Since the grant of planning permission all the glasshouses have been demolished and all associated materials removed from the site. A layer of gravel has been laid out across the site and the boundary fencing and landscaped buffer (required by conditions 5 and 12) have been installed for much of the site, excluding a small area along the southern most section of the site.

A storage building associated with the former use of the site as a working vinery remains, together with four shipping containers.

Under this application, permission is sought to vary condition 9 of the original permission, to allow the temporary retention of the existing storage building for a two-year period (following the first use of the site for storage purposes), the permanent retention of the shipping containers and a minor variation of the previously approved landscaping scheme to omit a section of landscape bunding and reposition a section of the acoustic fencing.

For the purpose this report, each aspect is assessed in detail below.

Temporary retention of the existing storage building

The purpose of condition 9 was to ensure that the objective of Policy OC7, to clear the site of redundant glasshouses, buildings and structures was satisfied and to ensure that the development took the form of that applied for.

The applicant's agent has confirmed that the retention of the storage building for a two-year temporary period is required to enable the applicant to make alternative arrangements for the storage of the materials and items contained within the building, once the first use of the site for storage and distribution purposes commences.

The storage building is largely screened (with only parts of the roof visible) from view from public vantage points within the surrounding area, by the recently erected acoustic fencing and existing boundary screening. That said the existing building is in a dilapidated form and permanent retention of the building would go against the original purpose of the condition 9 of the permission and would be contrary to Policy OC7 of the IDP.

A variation to condition 9 of the permission for temporary retention of the storage building to allow time to find alternative premises for those items stored is deemed to be both reasonable and acceptable and provided that the building is removed within a suitable timeframe (two years) would comply with the relevant policies of the IDP. Given that it would not be possible to monitor this site and may therefore prove difficult to ascertain when the site was first used for storage purposes, any variation to the condition should seek removal of the storage building within the expiration of two years from the grant of planning permission rather than first use of the site as applied for.

Permanent retention of the shipping containers

Two of the storage containers are located immediately to the west of the storage building with the remaining two grouped together along the western boundary of the site. The shipping containers are of a standard height and would be screened from public vantage points within the surrounding area by the acoustic fencing and by existing boundary screening. The containers are also below 3 metres in height and would therefore comply with the requirements of condition 7 of the original permission. Retention of the shipping containers would therefore not harm the character or appearance of the surrounding area.

It is not unreasonable to provide a facility for the secure storage of higher value equipment or perishable items/materials for the business operating from each individual compound, a principle that has been accepted at other similar sites used for open storage and distribution purposes, where permissions have been granted for the installation of shipping containers for such purpose.

The retention of the shipping containers would also avoid the unnecessary disposal of waste and reduce the need to construct new buildings or to otherwise provide additional secure, covered storage in the future and therefore complies with the sustainability objectives of the IDP contained in Policy GP9.

Considering the above, a variation to condition 9 of the permission to allow for the retention of the storage containers is acceptable. However, to ensure that the shipping containers are used in connection with the individual open storage compounds within the site and are appropriately located, it is recommended that an additional condition is included requiring that approval be sought for the siting of each container before the first occupation of the individual compound it is intended to serve.

Alterations to the acoustic fencing

In accordance with the requirements of the approved drawings and the original conditions of the permission, the acoustic fencing has been erected parallel to the access road and along the full extent of the eastern boundary of the site. All that remains to be constructed is a short section of fencing along the southernmost boundary.

As part of the approved scheme a landscaped buffer was to be installed between this short section of fencing and the boundary wall serving the rear garden areas currently known as 'The Chestnuts' and 'Capacasama'.

Under this application permission is sought for a variation, to omit this section of landscaped buffer and to extend the acoustic fencing along the east boundary to adjoin the southern boundary and to erect acoustic fencing panels on posts adjacent to and effectively increasing the height of the existing boundary wall to 3m.

Given the height of the existing boundary wall, that outbuildings are present along a large part of the southern boundary, the distance between the proposal and the main residential dwellings and that the garden areas that this boundary abuts do not form the principal external amenity areas for the neighbouring properties, the omission of the landscape buffer and the extension/relocation of the acoustic fencing would not cause undue harm to the amenities of the neighbouring properties, or on the visual character or appearance of the surrounding area.

Conclusion

Based on the above assessment it is recommended that permission is granted to vary condition 9 of the original permission (which under this decision will become condition 7) to read as follows:

"The site shall not first be used for the purpose of storage as hereby approved until such a time as all existing glasshouses and structures and all ancillary materials, works and structures have been removed from the site with the exception of:

- i. The existing storage building, which shall be demolished and all ancillary materials removed from the site on or before the expiration of two years from the grant of this planning permission (on or by 06/04/2025); and
- ii. The four existing shipping containers which may be permanently retained on the site to provide secure covered storage for individual compounds/tenants.

It is also recommended that an additional condition is included on the permission (to form condition 11) for the approval of the Authority to be sought for the siting of each shipping container allowed to be retained under condition 7 of the permission (as varied) before the first occupation of the individual compound it is intended to serve.

It is also recommended that the amendment to the original permission to omit the section of landscape buffer and to extend/alter the position of the acoustic fencing is granted.

For the purpose of this application, condition 2 of the original permission has been removed as in this instance the preparation works undertaken to the site are deemed to be the implementation of the permission and all pre-commencement conditions of the original permission have been discharged. The relevant conditions of this permission have also been altered to reflect the details submitted to discharge the conditions under the previous decision, for the avoidance of doubt and for clarity for the applicant.

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: 06/04/2023

