

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 agricultural land (Use Class 28) to extend existing storage and distribution use (Use Class 22(a)); laying of grid force.

LOCATION: Former Grande Marais Fish Farm, Les Grands Marais, Vale.

APPLICANT: Bailiwick Management Services

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: 19/01/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 07/02/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Landscaping Plan 1837.02.01B.

Application Ref: FULL/2023/0317

Property Ref: C002730000

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 whatsoever shall begin until an updated landscaping scheme, including those details specified below, has been submitted to and agreed in writing by the Authority:

- i) a construction specification for the laying of the gridforce surfacing;
- ii) amended details of tree and other planting within the landscape buffer adjacent to the north boundary, including planting schedules noting the species, sizes, numbers and densities of plants.

Reason - To make sure that a satisfactory landscaping scheme for the development is agreed, in order to ensure that the proposed surfacing is easily reversible and would appropriately manage surface water, to help assimilate the development into its surroundings, to provide a buffer to the adjoining Area of Biodiversity Importance; to offset biodiversity impacts and in the interest of neighbour amenity.

5. The landscaping scheme shall be fully completed, in accordance with the details agreed on the approved plan and updated under the terms of the above condition, prior to the first use of the extended storage area hereby approved. 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 the appearance of the completed development is satisfactory, to help assimilate the development into its surroundings, to provide a buffer to the adjoining Area of Biodiversity Importance; to offset biodiversity impacts and in the interest of neighbour amenity.

6. If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until a method statement to identify, risk assess and address the unidentified contaminants, has been submitted to and agreed in writing by the Authority. Any subsequent works shall be

carried out only in accordance with the conclusions and recommendations contained in the agreed report.

Reason - To make sure that the site, when developed, is free from contamination, in the interests of public health and safety.

7. The premises shall be used only for purposes falling within Storage/Distribution Use Class 22 a), for the storage or parking of motor vehicles, and for no other purpose including any other purpose in Storage/Distribution Use Class 22 of the Land Planning and Development (Use Classes) Ordinance, 2017, or in any provision equivalent to that Use Class in any Ordinance revoking or re-enacting that Ordinance.

Reason - Permission has been granted on the basis that the use will be limited to that outlined above. Any other use is likely to result in additional impacts which would need to be separately assessed against the relevant planning policy considerations.

8. No vehicular movements nor any loading or unloading of vehicles shall take place on the site except between 0800 hours and 1800 hours on Mondays to Fridays, and 0800 hours and 1300 hours on Saturdays, and not at any time on Sundays, Bank 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. Vehicles stored at the site shall not be stacked.

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

10. No activities associated with the storage use hereby approved shall take place in the planted area along the north boundary of the extended storage area, designated as a landscape buffer zone, or within the planted areas detailed to the west or east of that storage area, as marked on drawing 1837/02.01/B.

Reason - To define the permission for the avoidance of doubt and to ensure the retention of the specified planted areas.

11. The extended site area hereby approved shall not be used for any industrial purpose whatsoever.

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

Expiry Date: This permission will cease to have effect on 18/01/2027 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

In respect of Condition 11, an 'industrial purpose' is as defined within the Land Planning and Development (Use Classes) Ordinance, 2017.

For the avoidance of doubt, the sale, or display for sale or hire, of any motor vehicles at the site may comprise a change of use requiring a formal application for planning permission.

For the avoidance of doubt, this permission confers no consent for any alterations to any streams or ditches that may be present at the site. Any such work would be subject to separate planning consent.

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/2023/0317
Property Ref: C002730000
Valid date: 07/02/2023
Location: Former Grande Marais Fish Farm Les Grands Marais Vale
Guernsey
Proposal: Change of use of agricultural land (Use Class 28) to extend
existing storage and distribution use (Use Class 22(a)); laying
of grid force.
Applicant: Bailiwick Management Services

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. No development whatsoever shall begin until an updated landscaping scheme, including those details specified below, has been submitted to and agreed in writing by the Authority:

- i) a construction specification for the laying of the gridforce surfacing;
- ii) amended details of tree and other planting within the landscape buffer adjacent to the north boundary, including planting schedules noting the species, sizes, numbers and densities of plants.

Reason - To make sure that a satisfactory landscaping scheme for the development is agreed, in order to ensure that the proposed surfacing is easily reversible and would appropriately manage surface water, to help assimilate the development into its surroundings, to provide a buffer to the adjoining Area of Biodiversity Importance; to offset biodiversity impacts and in the interest of neighbour amenity.

5. The landscaping scheme shall be fully completed, in accordance with the details agreed on the approved plan and updated under the terms of the above condition, prior to the first use of the extended storage area hereby approved. 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 the appearance of the completed development is satisfactory, to help assimilate the development into its surroundings, to provide a buffer to the adjoining Area of Biodiversity Importance; to offset biodiversity impacts and in the interest of neighbour amenity.

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

Reason - To make sure that the site, when developed, is free from contamination, in the interests of public health and safety.

7. The premises shall be used only for purposes falling within Storage/Distribution Use Class 22 a), for the storage or parking of motor vehicles, and for no other purpose including any other purpose in Storage/Distribution Use Class 22 of the Land Planning and Development (Use Classes) Ordinance, 2017, or in any provision equivalent to that Use Class in any Ordinance revoking or re-enacting that Ordinance.

Reason - Permission has been granted on the basis that the use will be limited to that outlined above. Any other use is likely to result in additional impacts which would need to be separately assessed against the relevant planning policy considerations.

8. No vehicular movements nor any loading or unloading of vehicles shall take place on the site except between 0800 hours and 1800 hours on Mondays to Fridays, and 0800 hours and 1300 hours on Saturdays, and not at any time on Sundays, Bank 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. Vehicles stored at the site shall not be stacked.

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

10. No activities associated with the storage use hereby approved shall take place in the planted area along the north boundary of the extended storage area, designated as a landscape buffer zone, or within the planted areas detailed to the west or east of that storage area, as marked on drawing 1837/02.01/B.

Reason - To define the permission for the avoidance of doubt and to ensure the retention of the specified planted areas.

11. The extended site area hereby approved shall not be used for any industrial purpose whatsoever.

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

INFORMATIVES

In respect of Condition 11, an 'industrial purpose' is as defined within the Land Planning and Development (Use Classes) Ordinance, 2017.

For the avoidance of doubt, the sale, or display for sale or hire, of any motor vehicles at the site may comprise a change of use requiring a formal application for planning permission.

For the avoidance of doubt, this permission confers no consent for any alterations to any streams or ditches that may be present at the site. Any such work would be subject to separate planning consent.

OFFICER'S REPORT

Site Description:

The application site is located to the north of, and is accessed from, Les Grands Marais, and is bounded by residential properties to the east and west, and open land to the rear of those properties and to the north. The site comprises an open yard to the south, including ancillary structures along the west boundary, and open land to the north.

The site is located Outside of the Centres in the Island Development Plan, and is not subject to any other special designations. The land to the north is designated as an Area of Biodiversity Importance, known as Le Grand Pre and is managed as a nature reserve.

Relevant History:

FULL/2017/2084 Change of Use of land from Agricultural Use Class 28 to Storage and Distribution Use Class 22. Approved 17/01/2018. This application permitted the front c68m of the site to be utilised as open yards, comprising an area of approximately 2839sqm, with the existing outbuildings located against the west boundary retained as a WC block and a workshop/storage shed. The rear part of the site was to be retained as open land and landscaped, with landscaping also provided along the east and west boundaries and across the site frontage. The permission was conditioned as follows:

Condition no	Condition summary	Condition status
4	Submission of details of use and layout of site	Information approved 30/05/2018, excepting service area which was approved 19/06/2018. Not implemented in accordance with approved details.
5	Provision of a detailed landscaping scheme	Discharged 30/05/2018.
6	Implementation of the landscaping scheme	South and east boundary planting implemented as approved. Planting to west boundary, internal bank and north of the site not implemented. Internal bank of poor construction, however details of construction did not form part of approved details.
7	Installation of acoustic fencing	Not implemented.
8	Clearance of the glasshouses and other structures	Information approved 22/02/2018, glasshouses cleared by 2019.
9	Limitation on hours of vehicular movements, loading and unloading	Ongoing.
10	No activities associated with storage or distribution to occur within landscape buffer zone	Ongoing.

11	3m height limitation on storage	Ongoing.
12	Exemptions removed for hardstanding, buildings and structures	Ongoing.
13	Implemented in accordance with approved Waste Management Plan	Verification report not submitted.

As can be seen above, the current use of the site does not fully comply with all of the conditions attached to the permission.

An Immunity Certificate was however issued to the current owner of the site upon purchase, dated 29/06/2021, and it would not therefore be possible to pursue implementation of Conditions 4 (relating to site layout), 6 (relating to landscaping), 7 (relating to acoustic fencing) or 13 (relating to Site Waste Management Plan) of the previous permission.

The ongoing requirements set out in Conditions 9 (limiting hours of activity), 10 (relating to parking to the west of the site), 11 (relating to height of the storage) and 12 (removing exemption rights) however remain applicable to the operation of the site.

Existing Use(s):

Storage & Distribution Use Class 22
Agricultural Use Class 28

Brief Description of Development:

Permission is sought under this application to extend the storage area to encompass the land to the north, which would be laid with gridforce. A 6m landscape buffer is proposed along the north boundary and hedges would be planted/borders formed along the east and west boundaries, and the earthbank which divides the extended storage area from the existing.

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

- S1 Spatial Policy
- S4 Outside of the Centres

- OC3 Offices, Industry, Storage and Distribution Outside of the Centres
- GP1 Landscape Character and Open Land
- GP5 Protected Buildings
- GP8 Design
- GP9 Sustainable Development
- IP9 Highway Safety, Accessibility and Capacity

Strategy for Nature Supplementary Planning Guidance

Representations:

Two letters of representation received, raising the following points:

- Notwithstanding the perimeter landscaping, the proposal is reducing green space which should be preserved;
- The development will extend to the boundary with the Grands Pre nature reserve, and will disturb wildlife;
- Additional noise disturbance, particularly at weekends, when vehicle engines are run, whilst stationary, for long periods of time;
- Additional large construction vehicles using the narrow lane to access the site;
- Request that, if approved, hours of operation are limited;
- The site notice was not appropriately displayed.

Consultations:

Guernsey Water note all streams/douits should be kept as existing.

The Office for Environmental Health and Pollution Regulation comments on the current application as follows:

The department would be concerned about potential for noise nuisance to arise from activities on the site due to the proximity to neighbouring residential properties. To protect neighbouring properties, recommend that the following condition is applied.

- No vehicular movements nor any loading or unloading of vehicles shall take place on the site except between the hours of 08:00 and 18:00 on Monday to Friday and 08:00 and 13:00 on Saturdays and not at any time on Sundays, Bank or Public Holidays.

Concerns that activity on this site could spread and have a negative impact upon neighbouring properties. Recommend that the following condition is applied:

- No activities associated with storage or distribution shall take place in the area designated as a landscape buffer zone, and marked on the plans dated December 2022 drawing number 02.01A.

Concerns that the site may contain potentially contaminated land due to the previous uses. The application suggests that there is to be very little excavation taking place as part of this development. We would be grateful if the application could be provided with the following information.

- 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 Planning Services a method statement to identify, risk assess and address the unidentified contaminants, and obtained written agreement from the Department 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.

Traffic and Highway Services commented on the previous application for change of use at this site as follows:

A site visit has been carried out by the Traffic and Highways Services Officer, and the following observations made.

The site is situated on the Les Grande Marais, Vale. The road is classified as a Neighbourhood Road as defined in the Traffic Hierarchy. Both roads have a 25mph speed limit past the site. Therefore, a recommended sightline of 33m would apply.

Using a datum of 2.4m from the carriage way, the 7.1m access enables sightlines of 17m in the direction of oncoming traffic (Bordel Lane) and 30m in the direction of approaching traffic. THS note that the scalloping of the site's boundary walls down to 900mm on either side of the access will improve the existing sightlines of 7m in the direction of oncoming traffic and 16m in the direction of approaching traffic. Should the walls be scalloped as indicated on the plans supplied with the application, the existing trees within the site's boundary are the limiting factor of the visibility splay.

The application proposes changes of use from Agricultural Use Class 28 to Storage and Distribution Class 22. THS does not have data that relates to the site's vehicle movements in either its existing use, or when the site was operated as a Koi Fish Farm. THS is therefore unable to accurately estimate or comment on the frequency, type or time of vehicle movements and any likely traffic movements that would result, should this application be successful. THS note that the Grande Marais is a lightly trafficked road, with the carriageway width of 5m at the site's access point, enabling vehicles to exit the site without crossing to the other side of the road.

In light of the above, there are some road safety concerns in relation to the application due to the sub-standard oncoming sightline, it is noted however, that the sightline is greatly improved from the existing sightline. There are no traffic management grounds to oppose application.

Summary of Issues:

Whether the development:

- is of a scale and form that respects the character of the surrounding area;
- would adversely affect or detract from the amenities of the existing surrounding uses;
- would jeopardise highway safety and the free flow of traffic on the adjoining highway;
- would have any negative visual or amenity impacts;

- includes an appropriate soft landscaping scheme;
- would impact on the setting of a protected building.

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 Strategic Land Use Plan and Spatial Policies of the Island Development Plan set out a direction to concentrate the majority of new development in the Main Centres and Main Centre Outer Areas and to protect and manage the built and natural environment Outside of those Centres. Both Plans however identify a need to balance the protection of the physical environment Outside of the Centres with the need to offer flexibility for development and change in less sensitive areas, through policies that facilitate a viable rural economy and enable small business development, such as those requiring workshops, secure storage or open yards, where appropriate.

The Island Development Plan therefore makes provision for the introduction and extension of these small-scale activities in certain specified circumstances through the provisions of Policy OC3 (Offices, Industry and Storage and Distribution Outside of the Centres).

In respect of proposals to extend existing uses, as at the application site, the pre-facing text to that policy states; *“Proposals to extend, alter or redevelop existing industrial, storage and distribution or office uses located Outside of the Centres will be supported where the proposals would have no adverse effect on the amenities of neighbouring occupiers, would not adversely affect highway safety and the free flow of traffic and where the development respects the scale and character of the surrounding area. In the event that an industrial, storage and distribution or office activity increases in scale to the extent where significant additional land, buildings or extensions are required, the Island Development Plan will expect the relocation of the activity to a suitable site within one of the Centres. This will ensure small sites Outside of the Centres remain available for small scale activities and will ensure the Island Development Plan remains in conformity with the direction provided within the Strategic Land Use Plan”.*

At the application site, the existing land in storage use comprises an area of approximately 2839sqm (2200sqm excluding landscape buffer), with the area proposed for change of use under this application comprising approximately 1624sqm (c1100sqm excluding landscaping), representing a c60% (c50% excluding landscaping) increase over the existing storage area and resulting in a cumulative area of approximately 4463sqm (c3300sqm excluding landscaping).

Whilst a 50%-60% increase in land area cannot be considered inconsequential, it is noted that this would represent the whole of the site area and the robust site boundaries would tend to limit further expansion. There is no defined threshold for small scale businesses or open yards within the Plan, and the overall scale of the site must therefore be considered in the context of the considerations set out in the first part of the quoted text. These considerations form the policy criteria of OC3, and are addressed individually below.

i) The development is of a scale and form that respects the character of the surrounding area and would not adversely affect or detract from the amenities of existing surrounding uses especially with regard to noise, vibration, smell, fumes, smoke, soot, ash, dust or grit;

The surrounding area is characterised by domestic scale residential development, generally arranged in ribbon formation along the roadsides, interspersed with and backing onto open land. There are however five commercial premises/yards in the immediate area, Whiteway Motors located c150m to the west at a size of c600sqm, Shorts Business Park located c120m to the east at a size of c3000sqm (with the open yard component limited to c1177sqm), a workshop located to the north-east of Shorts Business Park at a size of 259sqm, East Coast Construction Ltd located c270m to the south-east at a size of c1800sqm and the States of Guernsey yard associated with the quarry c200m to the east at a size of c1000sqm.

Whilst the total area of the expanded storage use at the application site would exceed the size of these other uses, the expanded area is located to the rear of the existing storage area and would be of negligible visual impact in views from Les Grands Marais to the south. The use would project beyond the development to the west and east of the site, towards the open land to the north, which is a publicly accessible nature reserve. There is however a robust area of planting on the nature reserve site, adjacent to the boundary with the application site, and views towards the site from the reserve are limited to a small section of footpath immediately to the north-east of the site. The provision of a robust landscape buffer as proposed along the north boundary, and particularly in the north-east corner, would prevent any significant visual impacts in views from the north. Taking into account the location of site extension, the limited visibility of it, and the landscape buffers proposed, the proposal would not have an unacceptable impact on the character of the area to the south or the open landscape to the north.

Residential properties are located to the west and east, and across the road to the south, of the existing storage area. The position of the proposed extended use relative to those properties, together with the provision of additional planting to the boundaries of the extended area, would be likely to limit additional impacts on the amenity of those properties. The extent of impact would however depend very much on the nature of the proposed use, as differing forms of storage could have significantly different impacts. Furthermore, under the provisions of the Land Planning and Development (Exemptions) Ordinance, 2023, the use of the land could be changed to light industry, falling within Use Class 24, without the need for

planning permission. The current use of the site is for a builder's store, utilising the building remaining on the site and a limited part of the open yard; for the storage of RV camper vans; and for the storage of overspill vehicles from the nearby garage. The current proposal is stated to be for the extension of the storage of RV campervans, a use which would have very limited impacts on neighbour amenity, as would the storage of other motor vehicles, such as in association with the adjacent garage, provided the use is simply for the storage of those vehicles and no works are undertaken to those vehicles on site. To ensure that any impacts on neighbouring properties are minimised, it is therefore recommended that the use of the site is limited to within Use Class 22a), for the storage and parking of motor vehicles, and an additional condition is applied preventing any industrial activity at the site, including any which might otherwise be considered ancillary to the storage use.

The limitation of the use of the extended site area as recommended above would limit any intensification of use of the existing site, i.e. through vehicle movements across the site, and, taking into account the low number of vehicle movements stated to be associated with the specified extended use (as outlined under *ii*) below), there would be no justification to require the erection of acoustic fencing or the creation of additional planting buffers along the boundaries of the existing storage area, as might have been necessary were a more intrusive or intensive use proposed on the extended area.

The land to the north of the application site is a nature reserve designated as an Area of Biodiversity Importance, and is described within the Review of Areas of Biodiversity Importance, 2019, as one of the largest wetland complexes to the north of the Island. The site is noted to be dominated by reeds, with areas of open water, dense scrub and woodland. The application site is not located within that designated area and the policies and statutory duties relevant to that designation do not therefore apply to this application. The current proposal would however extend the storage use towards the ABI, reducing the distance buffer, with potential for increased impacts in terms of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit, particularly if the use of the site was unconstrained. Restriction of the use of the site as outlined above, to within Use Class 22a), would however limit the potential impacts arising from the site. Any such impacts would be further mitigated by the retention of a 6m landscape buffer along the north boundary, and advice has been provided by Environment Guernsey to ensure that planting densities within that area are appropriate to provide a genuinely effective buffer, a matter which can be controlled by condition. Provided the use of the extended area is limited to the specified uses, and the landscape buffer is implemented in accordance with the Environment Guernsey recommendations, it is considered that the proposal would not adversely affect the adjacent ABI wetland. Any potential for impacts on water courses which drain into the wetland areas in the ABI, such as pollution of water runoff, would be controlled under separate legislation.

Overall it is considered that, provided the proposed extension of the existing storage use is limited to Use Class 22a), that no industrial activity is permitted on the

extended site and that an appropriate landscape buffer is specified and implemented, the proposal would accord with the requirements of i).

ii) The development will not jeopardise highway safety and the free flow of traffic on the adjoining highway;

There are no constraints on the existing storage area in terms of the type or number of vehicles which could access the site. Whilst no concerns were raised in respect of traffic management as part of the consideration of the previous application, the site is located on a Neighbourhood Road as designated within the Road Hierarchy, and there are concerns regarding the potential impacts which could arise from vehicle movements associated with a further 50% increase in the usable land area, without restriction.

As noted above, the applicant has however stated that the extended storage area would be for storage of RV camper vans, the typical movements of which are 4 per year per van. The applicant states that the area would be capable of storing c20 vans, representing 80 movements per year (less than 0.4 movements per working day). This would represent a very low number of vehicle movements. It is also noted that part of the site is used for overspill storage of vehicles associated with a nearby garage. This use would also be likely to result in a low number of vehicle movements, and in a very limited part of the road network. Limiting the use of the extended storage area to these specific uses, as recommended above, would overcome any potential concerns relating to the capacity of the surrounding road network which might arise from an unrestricted use of the extended area.

Under the previous application for change of use, Traffic & Highway Services observed poor sightlines from the access in both directions and noted this could be improved through reduction in height of the roadside wall to 900mm. Whilst the capping stones have been removed from the western section of wall, the wall remains slightly above 900mm, and no alterations have been undertaken to the eastern section of wall. Given the nature of the vehicles using the extended site area, the low speeds associated with the adjacent road and the fact that the wall height only slightly exceeds the THS standards, it is not however considered necessary to require alterations to the access as part of this application.

iii) The site will be laid out to achieve the most effective and efficient use of the land and the least negative visual and amenity impacts with buildings, materials, parking, access, and open storage areas designed to respect the character of the area;

The application is for an open storage area, which, for the reasons outlined above, will be limited to the storage or parking of motor vehicles. No details are provided of the method of laying of the proposed surfacing; however this matter can be controlled by condition. The height of any storage at the site would therefore be limited to the height of the vehicles, provided that the vehicles are not for any reason stacked (e.g. if the garage which currently stores cars at the site were to receive damaged vehicles for parts), and there would not be any further need to

limit the height of storage in the extended area. The site layout would maximise the potential use of the land, whilst minimising potential visual and amenity impacts through the provision of a robust landscaping buffer. Providing that conditions are applied to the decision preventing the stacking of vehicles, preventing storage within the landscape buffers, and requiring details where necessary (outlined below) and implementation of the landscaping scheme, there would be no significant additional visual and amenity impacts.

iv) The proposal includes details of an appropriate soft landscaping scheme, which will make a positive contribution to the visual quality of the environment and will sufficiently screen the activities on the site and mitigate impacts.

As part of the previous approval, the land which forms the subject of this application was to be rotovated and a wild flower meadow or reed bed established, with native tree planting undertaken. There is no evidence that this work has been undertaken, nor could it now be required, and the land is predominantly rough grassland with a poor-quality bank dividing the land from the existing storage area.

Whilst the loss of the open grassland would be unfortunate, particularly in respect of its value as a buffer zone to the adjacent ABI, it is not in itself identified as a habitat of conservation importance, and, as part of this application, a planted buffer zone, of higher biodiversity value, albeit much reduced in size, would still be retained along the north of the site. Additional planting would also be undertaken along the west and east boundaries of the extended storage area, and along the bank currently dividing the site. The species proposed have been updated on the revised plans to reflect the advice provided to the applicant by Environment Guernsey, however the density of planting has not been amended, although the letter from the applicant dated 03/01/2024 states the intention to implement that guidance.

On balance, there is sufficient provision within the submitted landscaping scheme to balance against the impacts associated with the extension of the proposed storage use in this case. The decision should however be conditioned to require full details of the planting scheme (i.e. for the planting specifications to be amended to reflect the size and type of stock and the planting densities set out within the Environment Guernsey email), and implementation of that planting scheme prior to the use of the land for storage.

A stream runs along the north and west boundaries of the site, on the adjacent land. On site it also appeared that there might be a stream/douit running along the east boundary, within the site area, however this could not be fully accessed at the time of the site visit. The stream/douit would however be located within the planted area along the east boundary, and not within the designated storage area, therefore a condition noting that no consent is conferred for alterations to any streams/douits would be sufficient to manage this issue. As noted above, further matters pertaining to management of water courses would be controlled under separate legislation.

Other matters

Relevant requirements set out under Policies GP1, GP8, GP9 and IP9 are addressed as part of the assessment set out above.

In respect of Policy GP5, the protected building to the east of the existing storage area is set away from the extended storage area proposed under this application, and the proposal would not result in any additional impacts on the setting of that building.

In relation to the site notice display, it appears likely that the notice was displayed appropriately but became displaced during adverse weather. The notice was re-displayed appropriately for an additional time period.

Conclusion

In light of the above, and subject to the conditions identified within the report, it is considered, on balance, that the proposals would have no adverse effect on the amenities of neighbouring occupiers, would not adversely affect highway safety and the free flow of traffic and would respect the scale and character of the surrounding area, and would accord with the purposes of the Law, material considerations and relevant planning policies. It is therefore considered that, although the increase in site area could be considered significant, the impacts arising from the extension are within the tolerances outlined in policy, and the extent of increase can legitimately be considered as a minor departure to paragraph 17.1.8 of the Plan under Section 12(2) of the Land Planning and Development (General Provisions) Ordinance, 2007.

Consequently it is recommended that the application be approved.

Date: 17/01/2024

