

THE LAND PLANNING AND DEVELOPMENT (GUERNSEY) LAW, 2005

AND SECTION 19 OF THE LAND PLANNING AND DEVELOPMENT (GENERAL PROVISIONS) ORDINANCE, 2007

NOTIFICATION OF REFUSAL OF PLANNING PERMISSION

PROPOSALS: Erect signage to north-west and south-west boundary fence.

LOCATION: Guernsey Recycling Group Ltd, Bulwer Avenue, St. Sampson.

APPLICANT: Guernsey Recycling Group Ltd

I refer to the application referred to below received as valid on 22/02/2023 regarding the above proposals as described more fully in the application and drawings referred to below.

Date of refusal of permission: 14/06/2023

Drawing Nos: G E Le Friec - 2304 / 1

Application Ref: FULL/2023/0324

Property Ref: B001710000

The Development & Planning Authority has decided to refuse your application under the provisions of section 16 of the Land Planning and Development (Guernsey) Law, 2005 for the following reasons:-

1. The proposal has been submitted as an alternative to the previously proposed soft landscape planting, the implementation of which is a requirement of condition 8 of planning permission FULL/2018/2916, approved in April 2018. The submission suggests that planting in this area would fail due to the condition of the soil and light issues. However, expert advice has been received during the course of the application which confirms that there are many species of plants which thrive in such dry shady areas. A list of suitable plants is contained in the planning application report.

Adding flat two-dimensional panels (even with a mural of plants painted on) does not give the benefits of the natural planting that was originally proposed and conditioned. In this instance, and given the advice that has been obtained, the proposal in this application does not represent an acceptable or appropriate design solution and does not comply with Island Development Plan Policy GP8 – Design.

OTHER REMARKS:-**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, against a decision to refuse an application for planning permission or outline planning permission to the Planning Tribunal on the merits. 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.

Copy of representations made

In reaching this decision the Development & Planning 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 to the Authority under section 11 will be included with this decision in accordance with section 19 of the Ordinance.

A J ROWLES

Director of Planning
Planning Service



PLANNING APPLICATION REPORT

Application No: FULL/2023/0324
Property Ref: B001710000
Valid date: 22/02/2023
Location: Guernsey Recycling Group Ltd Bulwer Avenue St. Sampson
Guernsey GY1 3EE
Proposal: Erect signage to north-west and south-west boundary fence.
Applicant: Guernsey Recycling Group Ltd

RECOMMENDATION - Refusal with Reasons:

REASONS FOR REFUSAL

1. The proposal has been submitted as an alternative to the previously proposed soft landscape planting, the implementation of which is a requirement of condition 8 of planning permission FULL/2018/2916, approved in April 2018. The submission suggests that planting in this area would fail due to the condition of the soil and light issues. However, expert advice has been received during the course of the application which confirms that there are many species of plants which thrive in such dry shady areas. A list of suitable plants is contained in the planning application report.

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OFFICER'S REPORT

Site Description:

The site used by 'Guernsey Recycling Group Ltd' is located to the southeast of Bulwer Avenue and northeast of Longue Hougue, forming a corner site. There is a large warehouse along the northwest boundary and other outbuildings along the southwest boundary. There are other industrial yards to the northeast, southeast and across the road to the northwest. Across the road to the southwest are a few residential properties amongst a wooded area. The site is located in the St Sampson Main Centre Outer Area, a Key Industrial Area, a Harbour Action Area and a Major Hazards Public Safety Zone as defined in the Island Development Plan.

Relevant History:

FULL/2022/2159 – Erect signage to northwest boundary fence – Withdrawn January 2023.

FULL/2018/2916 - Change of Use to Use Class 27: Storage, sorting, processing etc. of waste and construct new warehouse building and storage – Approved April 2018.
Landscaping scheme approved 27/08/2019.

Existing Use(s):

Industrial Use Class 27: Waste.

Brief Description of Development:

Erect signage to the northwest and southwest boundaries. The signage would be panels painted green with a nature scene painted on the top, including bees, butterflies and beetles. The signage is proposed in lieu of a natural landscape screen which formed a requirement of part of the conditional approval of FULL/2018/2916 (details above).

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

MC10: Harbour Action Areas
GP8: Design
GP9: Sustainable Development
GP17: Public Safety and Hazardous Development
IP2: Solid Waste Management Facilities

Representations:

None

Consultations:

La Société Guernesiaise were consulted to enquire whether any plants would be able to be planted in the areas specified on the Landscaping scheme submitted on the 27/08/2019, to corroborate the applicant's justification for the application. The following plants were suggested as appropriate within this fairly dry shaded area, probably with poor soil, given their hardy characteristics:

- Ornamental ivies (ground cover)
- Vinca minor (ground cover)
- Dryopteris ferns (2-3ft)
- Japanese Anemone (2-3ft)
- Spotted Laurel – Aucuba japonica (shrub)
- Hydrangea macrophylla (shrub)
- Bare-root Sliver Birch (tree) (small stock 40-60cm will establish more readily)
- Liquidamber (tree)

Summary of Issues:

The appropriateness of erecting signage to the fence on balance to the planting scheme approved in 2019 as part of the previous application FULL/2018/2916.

Assessment against:

1 - Purposes of the law.

The objectives of the Law, as set out in Section 1(2), have been considered and this forms part of the assessment of policy issues as set out in 2 below.

2 - Relevant policies of any Plan, Subject Plan or Local Planning Brief.

The application FULL/2018/2916 was approved on the 4th April 2019, with two conditions regarding the landscaping scheme. By August 2019 a landscaping scheme had been submitted and was approved on the 27th August 2019.

Since that time no planting has been carried out.

In June 2020, the enforcement team were made aware that Condition 8 of the 2018 application, remained outstanding in terms of implementation. Contact was made with the applicant where commitment was forthcoming to carry out the planting but noting that the limited area and location made planting difficult and unsustainable. No planting has since taken place and on-going enforcement proceedings have continued.

The application has been submitted as an alternative option to natural planting, on the basis that it is not possible to find species suitable within this location or planting area due to the condition of the soil and light issues.

However, consultation with La Société Guernesiaise has been undertaken during the course of the application and advice given is that there are many species of plants which thrive in dry shady areas, and natural landscaping would be more appropriate.

The area is predominantly industrial with many large buildings and hard landscaping, which in visual amenity terms is very harsh and unnatural. These areas can look bleak and can be very dusty. Natural planting helps to soften the visual harshness and can lessen the impact of the surrounding built environment.

The reason for the planting initially was to help screen the size of the large warehouse behind and that reason still exists. Plants move, are three dimensional and can sometimes help with air quality, depending on the species. Using planting helps to enliven the area with movement as well as softening the built environment.

Adding flat two-dimensional panels (even with a mural of plants painted on) does not give the benefits of the natural planting that was originally conditioned. In this instance, and given that advice has been obtained stating that planting could be successful in this

area, the proposal in this application is recommended for refusal, and the planting should be implemented as previously conditioned.

3 - General material considerations set out in the General Provisions Ordinance.

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. Where relevant the issues are considered in section 2 above.

4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).

The proposal would have no impact on Protected Buildings, Trees or Monuments or on SSS's.

Date: 14/06/2023