

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 (1,261sqm) to Storage and Distribution (Use Class 22), remove water tank, widen vehicle access, erect gates, earthbank and install hardstanding.

LOCATION: CDS Limited, Rue Des Pointes, St. Andrew.

APPLICANT: CDS Property Limited

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: 18/04/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 22/06/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: PF+A Limited: 5672-08/B1 Rev F & B2B.

Application Ref: FULL/2023/1005

Property Ref: K00208A001 + K002020000

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. Prior to any demolition a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Authority. Agreed details shall be carried out as approved unless otherwise agreed in writing by the Authority. At a minimum the following should be included:

I. A scheme of how the contractors will liaise with local residents to ensure that residents are kept aware of site progress and how any complaints will be dealt with reviewed and recorded (including details of any considerate constructor or similar scheme)

II. A scheme of how the contractors will minimise complaints from neighbours regarding issues such as noise and dust management, vibration, site traffic and deliveries to and from the site

III. Details of hours of construction including all associated vehicular movements

IV. Details of the construction compound

V. A plan showing construction traffic routes

The construction shall be carried out in accordance with the approved CEMP.

Reason - To ensure that the construction process is managed in such a way as to minimise adverse impacts on the amenity of the local area as far as possible.

5. (i) No development shall commence on site (including demolition and site works) until there has been submitted to and approved in writing by the Authority:

(a) A desktop study documenting all the previous and existing land uses of the site and adjacent land in accordance with national guidance as set out in Land Contamination Risk Management (LCRM) and BS10175:2001+A2:2017 - Investigation of Potentially Contaminated Sites - Code of Practice;

and unless otherwise agreed in writing by the Authority,

(b) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS10175;

and, unless otherwise agreed in writing by the Authority,

(c) a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such scheme shall include nomination of a competent person to oversee the implementation of the works.

(ii) If determined to be required the development hereby permitted shall not be occupied or brought into use until there has been submitted to the Authority verification by a competent person approved under the provisions of subsection (i)c of this condition that any remediation scheme required and approved under the provisions of subsection (i)c of this condition has been implemented fully in accordance with the approved details (unless varied with the written agreement of the Authority in advance of implementation). Unless otherwise agreed in writing by the Authority such verification shall comprise:

- a) as built drawings of the implemented scheme;
- b) photographs of the remediation works in progress;
- c) certificates demonstrating that imported and/or material left in situ is free from contamination.

Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under subsection (i) c. of this condition.

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.

Reason - To ensure that any contaminated land is dealt with appropriately.

6. Notwithstanding the information shown on drawing no. 5672-08B1 F, and the Biodiversity Statement, full details of tree and hedge planting setting out planting schedules, noting the species, sizes, numbers and densities of plants, and the position of the earthbank, shall be specified on a block plan (at an appropriate scale) and submitted to and agreed in writing by the Development & Planning Authority. The area of focus shall include the copse to the front (west) of the site, and on top of the approved earth bank as detailed in the Biodiversity Statement.

Reason - To ensure that the planting scheme is presented in a suitable manner that clearly shows the context of the site in order to accord with the Strategy for Nature Supplementary Planning Guidance.

7. The landscaping scheme, including the earthbank, shall be fully completed, in accordance with the details agreed under the terms of the above condition, in the first planting season following the installation of hardstanding, or the change of use being implemented, whichever is the sooner, 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 ensure that the biodiversity enhancement planting scheme is carried out in a suitable timeframe in order to accord with the Strategy for Nature Supplementary Planning Guidance.

8. No development shall take place until details of external lighting have been submitted to and approved in writing by the Authority. Any lighting scheme should include:

1. a statement of why the lighting is needed;
2. an indication of the proposed frequency of use of the lights and the hours of illumination;
3. two copies of an accurate plan showing the areas to be lit;
4. details of the number, location, height and colour of any lighting columns or other fixtures;
5. the type, number, mounting height and alignment of the luminaires and the beam angles and upward waste light ratio for each;
6. a diagram showing the predicted levels of illumination at the site boundaries;
7. a diagram showing the predicted vertical illumination affecting any adjacent dwellings.

The external sensor lighting shall be installed in accordance with the approved details and thereafter retained as such unless a variation is subsequently submitted to and approved in writing by Authority.

Reason - to protect the amenities of neighbouring residents.

9. Prior to installation of the approved gate and steel posts as shown on drawing no. 5672-08B1 F and 5672-08B2 B, full details including the materials and appearance shall be submitted to and agreed in writing by the Authority. The agreed details shall thereafter be implemented.

Reason - In the interests of visual amenity.

10. No vehicular movements, nor any loading or unloading of vehicles shall take place on the site except between the hours of 08:00 and 17:00 on Monday to Friday, and

08:30 and 11:30 on Saturdays, and not at any time on Sundays, Bank or Public Holidays.

Reason - to protect the amenities of neighbouring residents.

11. No deliveries shall be received at or despatched from the site outside the hours of 0800 and 1800 hours on Mondays to Fridays, and 0800 and 1300 hours on Saturdays, and there shall be no deliveries or despatches at any time on Sundays or public holidays.

Reason - to protect the amenities of neighbouring residents.

12. Open storage shall be limited to the area defined on drawing no. 5672-08B1 F and to a height not exceeding two metres.

Reason - To make sure that the use does not become unsightly in the interests of visual amenity.

13. For the avoidance of doubt, the hereby approved delivery/turning area located to the side (north) of the building, behind the approved gate and steel posts shall be finished in permeable brick paving.

Reason - To reduce surface water runoff in the interests of sustainable design.

14. Noise associated with plant and machinery incorporated within the development shall be controlled such that the Rating Level, measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 5 dB(A) below the existing LA90 background noise level, including low frequency tones. Rating Level and existing background noise levels shall be determined as per the guidance provided in BS 4142:2014.

Reason - This condition is attached in the interests of protecting the amenities of neighbouring residents.

15. The premises to which this permission relates shall be used for the storage of building materials and for no other purpose whatsoever, including any other in Storage and 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 - The permission is limited to the specific use applied for and subject to such restriction can be met on site without unacceptable harm to other interests.

Expiry Date: This permission will cease to have effect on 18/04/2027 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

With reference to Condition 5 a desktop study shall be the very minimum standard accepted. Pending the results of the desktop study, the applicant may have to satisfy the requirements of criteria (b) and (c) of that condition, however, this will all be confirmed in writing.

The phased risk assessment should be carried out also in accordance with the procedural guidance and UK policy.

The site is known to be or suspected to be contaminated. Please be aware that the responsibility for the safe development and secure occupancy of the site rests with the developer.

It is strongly recommended that in submitting details in accordance with the above condition that the applicant has reference to Land Contamination risk management available at <https://www.gov.uk/guidance/land-contamination-risk-management>.

Your attention is drawn to the Animal Welfare (Guernsey) Ordinance 2012 and the 2020 Strategy for Nature, and the need to comply with their provisions. The trees to be felled may be used by nesting birds or other wildlife. You are therefore requested to undertake the works outside of the main bird breeding season (March-July inclusive). If it is considered essential to remove the trees during the breeding season, it is recommended that you contact La Societe Guernesiaise so that the site can be inspected prior to the works to ensure that any protected species present are not impacted by the works. La Société can be contacted on 07781 166924 or email societe@cwgsy.net.

Effect of planning permission:

Section 18 of the Land Planning and Development (Guernsey) Law, 2005 ('the Law') defines the effect of the planning permission hereby granted, namely:

- (1) Planning permission ceases to have effect unless the development permitted by it is commenced within a period of three years immediately following the date on which it is granted (or such shorter period as may be specified in the permission).
- (2) Planning permission enures for the benefit of the land concerned and of every person for the time being having an interest in it.
- (3) Any conditions subject to which planning permission is issued are enforceable in accordance with the provisions of Part V of the Law.

(4) Planning permission for the erection of a building is only permission to use it for the purpose specified in the permission or, subject to any restriction so specified, for any other purpose for which it is designed.

(5) Planning permission is only permission to carry out the development specified in it (subject to any conditions so specified), and does not imply the giving of any other approval or consent required under this Law or any other enactment or under any rule of law.

Right of appeal against planning decisions:

Your attention is drawn to the provisions of Section 68(1) of the Land Planning and Development (Guernsey) Law 2005, which provides a right of appeal, on the merits against a decision to grant planning permission subject to conditions (except a building condition), to the Planning Tribunal, which is independent of the States of Guernsey. An appeal to the Planning Tribunal under section 68 of the Law against this decision must be made before the expiry of the period of six months beginning with the date on which the Authority made this decision. The official Appeal Notice Forms are available on the States of Guernsey website at www.gov.gg/planningpanel and must be completed with all enclosures in multiples as requested and received within the six months deadline.

Copy of representations made:

In reaching this decision the Authority took into account any written consultations made under Section 11(1) of the Land Planning and Development (General Provisions) Ordinance, 2007 ('the Ordinance'). A copy of any consultation responses made under section 11 will be included with this decision in accordance with section 19 of the Ordinance.

Other Remarks:

Please note that any work which abuts or affects the public highway requires prior approval by Traffic and Highway Services. Please contact Traffic & Highway Services (highways@gov.gg) for further advice. You must also ensure that any access/es to the development are constructed to meet the existing road/footway levels in accordance with their requirements.

This document is not a Building Licence and confers no approval under the Building Regulations.

A separate Building Control Licence may be required and it is the responsibility of the developer to ensure that ALL necessary consents are obtained and that any pre-commencement conditions are discharged prior to development being commenced.

A J ROWLES

Director of Planning
Planning Service



PLANNING APPLICATION REPORT

Application No: FULL/2023/1005
Property Ref: K00208A001 + K002020000
Valid date: 22/06/2023
Location: CDS Limited Rue Des Pointes St. Andrew Guernsey
Proposal: Change of use of agricultural land (1,261sqm) to Storage and Distribution (Use Class 22), remove water tank, widen vehicle access, erect gates, earthbank and install hardstanding.
Applicant: CDS Property Limited

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. Prior to any demolition a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Authority. Agreed details shall be carried out as approved unless otherwise agreed in writing by the Authority. At a

minimum the following should be included:

- I. A scheme of how the contractors will liaise with local residents to ensure that residents are kept aware of site progress and how any complaints will be dealt with reviewed and recorded (including details of any considerate constructor or similar scheme)
- II. A scheme of how the contractors will minimise complaints from neighbours regarding issues such as noise and dust management, vibration, site traffic and deliveries to and from the site
- III. Details of hours of construction including all associated vehicular movements
- IV. Details of the construction compound
- V. A plan showing construction traffic routes

The construction shall be carried out in accordance with the approved CEMP.

Reason - To ensure that the construction process is managed in such a way as to minimise adverse impacts on the amenity of the local area as far as possible.

5. (i) No development shall commence on site (including demolition and site works) until there has been submitted to and approved in writing by the Authority:

(a) A desktop study documenting all the previous and existing land uses of the site and adjacent land in accordance with national guidance as set out in Land Contamination Risk Management (LCRM) and BS10175:2001+A2:2017 - Investigation of Potentially Contaminated Sites - Code of Practice;

and unless otherwise agreed in writing by the Authority,

(b) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS10175;

and, unless otherwise agreed in writing by the Authority,

(c) a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such scheme shall include nomination of a competent person to oversee the implementation of the works.

(ii) If determined to be required the development hereby permitted shall not be occupied or brought into use until there has been submitted to the Authority verification by a competent person approved under the provisions of subsection (i)c of this condition that any remediation scheme required and approved under the provisions of subsection (i)c of this condition has been implemented fully in accordance with the approved details (unless varied with the written agreement of the Authority in advance of implementation). Unless otherwise agreed in writing by the Authority such verification shall comprise:

a) as built drawings of the implemented scheme;

- b) photographs of the remediation works in progress;
- c) certificates demonstrating that imported and/or material left in situ is free from contamination.

Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under subsection (i) c. of this condition.

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.

Reason - To ensure that any contaminated land is dealt with appropriately.

6. Notwithstanding the information shown on drawing no. 5672-08B1 F, and the Biodiversity Statement, full details of tree and hedge planting setting out planting schedules, noting the species, sizes, numbers and densities of plants, and the position of the earthbank, shall be specified on a block plan (at an appropriate scale) and submitted to and agreed in writing by the Development & Planning Authority. The area of focus shall include the copse to the front (west) of the site, and on top of the approved earth bank as detailed in the Biodiversity Statement.

Reason - To ensure that the planting scheme is presented in a suitable manner that clearly shows the context of the site in order to accord with the Strategy for Nature Supplementary Planning Guidance.

7. The landscaping scheme, including the earthbank, shall be fully completed, in accordance with the details agreed under the terms of the above condition, in the first planting season following the installation of hardstanding, or the change of use being implemented, whichever is the sooner, 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 ensure that the biodiversity enhancement planting scheme is carried out in a suitable timeframe in order to accord with the Strategy for Nature Supplementary Planning Guidance.

8. No development shall take place until details of external lighting have been submitted to and approved in writing by the Authority. Any lighting scheme should include:

1. a statement of why the lighting is needed;
2. an indication of the proposed frequency of use of the lights and the hours of

illumination;

3. two copies of an accurate plan showing the areas to be lit;
4. details of the number, location, height and colour of any lighting columns or other fixtures;
5. the type, number, mounting height and alignment of the luminaires and the beam angles and upward waste light ratio for each;
6. a diagram showing the predicted levels of illumination at the site boundaries;
7. a diagram showing the predicted vertical illumination affecting any adjacent dwellings.

The external sensor lighting shall be installed in accordance with the approved details and thereafter retained as such unless a variation is subsequently submitted to and approved in writing by Authority.

Reason - to protect the amenities of neighbouring residents.

9. Prior to installation of the approved gate and steel posts as shown on drawing no. 5672-08B1 F and 5672-08B2 B, full details including the materials and appearance shall be submitted to and agreed in writing by the Authority. The agreed details shall thereafter be implemented.

Reason - In the interests of visual amenity.

10. No vehicular movements, nor any loading or unloading of vehicles shall take place on the site except between the hours of 08:00 and 17:00 on Monday to Friday, and 08:30 and 11:30 on Saturdays, and not at any time on Sundays, Bank or Public Holidays.

Reason - to protect the amenities of neighbouring residents.

11. No deliveries shall be received at or despatched from the site outside the hours of 0800 and 1800 hours on Mondays to Fridays, and 0800 and 1300 hours on Saturdays, and there shall be no deliveries or despatches at any time on Sundays or public holidays.

Reason - to protect the amenities of neighbouring residents.

12. Open storage shall be limited to the area defined on drawing no. 5672-08B1 F and to a height not exceeding two metres.

Reason - To make sure that the use does not become unsightly in the interests of visual amenity.

13. For the avoidance of doubt, the hereby approved delivery/turning area located to the side (north) of the building, behind the approved gate and steel posts shall be finished in permeable brick paving.

Reason - To reduce surface water runoff in the interests of sustainable design.

14. Noise associated with plant and machinery incorporated within the development shall be controlled such that the Rating Level, measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 5 dB(A) below the existing LA90 background noise level, including low frequency tones. Rating Level and existing background noise levels shall be determined as per the guidance provided in BS 4142:2014.

Reason - This condition is attached in the interests of protecting the amenities of neighbouring residents.

15. The premises to which this permission relates shall be used for the storage of building materials and for no other purpose whatsoever, including any other in Storage and 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 - The permission is limited to the specific use applied for and subject to such restriction can be met on site without unacceptable harm to other interests.

INFORMATIVES

With reference to Condition 5 a desktop study shall be the very minimum standard accepted. Pending the results of the desktop study, the applicant may have to satisfy the requirements of criteria (b) and (c) of that condition, however, this will all be confirmed in writing.

The phased risk assessment should be carried out also in accordance with the procedural guidance and UK policy.

The site is known to be or suspected to be contaminated. Please be aware that the responsibility for the safe development and secure occupancy of the site rests with the developer.

It is strongly recommended that in submitting details in accordance with the above condition that the applicant has reference to Land Contamination risk management available at <https://www.gov.uk/guidance/land-contamination-risk-management>.

Your attention is drawn to the Animal Welfare (Guernsey) Ordinance 2012 and the 2020 Strategy for Nature, and the need to comply with their provisions. The trees to be felled may be used by nesting birds or other wildlife. You are therefore requested to undertake the works outside of the main bird breeding season (March-July inclusive). If it is considered essential to remove the trees during the breeding season, it is recommended that you contact La Societe Guerneslaise so that the site can be inspected prior to the works to ensure that any protected species present are not

impacted by the works. La Société can be contacted on 07781 166924 or email societe@cwgsy.net.

OFFICER'S REPORT

Site Description:

The application site consists of a storage and distribution site, known as Channel Distribution Services (CDS). A large warehouse is located towards the west of the site, and is accessed via both Rue Des Pointes and Route De La Croix Au Bailiff.

The site is accessed to the west by both customers and delivery vehicles, with staff accessing the site from the east due to the narrowness of the access, as approved as part of a previous permission (FULL/2014/0488). An outside storage area was also approved to the rear (east) of the site as part of permission FULL/2014/0488, and storage provision was limited to two metres in height.

A large area of agricultural land bounds the site to the north, the subject of this application, and once featured multiple glasshouses. The site is located Outside of the Centres as designated in the Island Development Plan.

Relevant History:

PREA/2022/2320	Extension of curtilage and new access.	Pre-application enquiry.
FULL/2014/0488	Demolish existing glasshouses and extend warehouse to rear (north-east) and create storage yard with associated landscaping and parking.	Granted
FULL/2009/3152	Demolish existing storage building and erect new warehouse.	Granted

Existing Use(s):

Channel Distribution Services - General storage/distribution use class 22.

Land to the north of the site - Agricultural use class 28.

Brief Description of Development:

Planning permission is sought to change the use of agricultural land immediately to the north of the site (measuring 1,261sqm as noted on the application form) to Storage and Distribution (Use Class 22). Permission is also sought to remove a water tank, widen the vehicle access, and erect gates to the west of the site. It is also proposed to construct an earth bank and lay hardstanding to the side (north) of the building.

The applicant's letter sets out justification for the proposed change of use and is summarised as follows: -

Supply chain issues, identified through Covid 19, have highlighted island wide shortages, or no supply of certain materials for weeks or months. This in turn has required the business to secure additional stock on site, although this has caused congestion on the premises, particularly during the delivery of stock as many of the products stored are 6m long, and consist of bulky items. The rear car park is for staff only and is not to be used by members of the public. The business needs to operate in accordance with health and safety requirements to separate goods being delivered on site from the public. It is noted that the scale of operations is not anticipated to change significantly, albeit the proposals will ensure the business will operate in a safer way, and be more efficient to respond to global supply chain issues.

The application was deferred as the land to the north of the site was inaccessible at the time of the site visit. As part of the deferral, the comments made by the Office of Environmental Health and Pollution Regulation were provided to the agent, and it was noted that further assessment would need to be made in respect of the proposal in light of the relevant planning policies.

Since the deferral, the applicant has provided access onto the agricultural land to the north whereby it was inspected and concluded that the former glasshouses, or any obvious and substantial remnants regarded as 'superstructures', were not visible on the site. The parcel of land featured dense and mature vegetation.

Consequently, the land to the north in its current state does not fall under the criteria set out in Defining Redundant Glasshouse Sites which is adopted as Supplementary Planning Guidance, and therefore is not a redundant glasshouse site for the purposes of Policy OC7.

The agent has also provided further details with regards to biodiversity enhancements via a Biodiversity Statement, operational considerations and traffic management which has resulted in the proposed development.

Following additional information regarding traffic management, Traffic and Highway Services were consulted and their comments are set out below.

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

Policy OC3: Offices, Industry and Storage and Distribution Outside of the Centres
Policy OC5(B): Agriculture Outside of the Centres – outside the Agriculture Priority Areas

Policy GP1: Landscape Character and Open Land

Policy GP8: Design

Policy GP9: Sustainable Development

Policy GP15: Creation and Extension of Curtilage

Policy IP7: Private and Communal Car Parking

Policy IP9: Highway Safety, Accessibility and Capacity

Defining Redundant Glasshouse Sites - Supplementary Planning Guidance (2018).

Representations:

Five representations were received in response to the original application, main points as follows:

- Potential expansion of storage and distribution use for the remainder of the site.
- Traffic and highway concerns, increase in number of delivery vehicles.
- Potential biodiversity loss, including one objection from La Societe Guernesiae.

Two representations were received in response to the revised application, main points as follows:

- Reference to previous concerns raised.
- Safety concerns for pedestrians using the lane.
- Staff of companies down the lane having to direct lorries in the opposite direction of the one-way system.
- Loss of landscaping to the front of the site.
- Loss of privacy to neighbouring properties.
- Traffic survey to be undertaken before determination of application.
- Unclear why the remaining area of land within the ownership cannot be enhanced.
- Potential use as an industrial park in the future.

Consultations:

Original scheme - The Office of Environmental Health and Pollution Regulation's comments:

"I have reviewed the proposed plans for CDS Limited Rue Des Pointes St. Andrew, regarding the change of use of agricultural land (1,261sqm) to Storage and Distribution (Use Class 22), the removing of a water tank, widening vehicle access, erecting gates, earth bank and to install hardstanding. There are a number of properties in close proximity to the proposed development and at present there is insufficient information for us to make comments. As such, please may you provide further information on:

- *the types of plant and machines CDS intend to use and their associated sound power levels, including items such as forklifts.*
- *any attenuation measures intended to be used for noise created during normal operation of the site*
- *proposed hours of operation of the site including deliveries, loading and unloading*

- specifications and locations of any external lighting that will be used on the new hardstanding

Once this information is furnished, I will be able to assess and recommend respective comments.

Please do not hesitate to contact me at the above address should you require any additional information regarding this matter.”

Revised scheme -The Office of Environmental Health and Pollution Regulation’s comments:

“I have reviewed the proposed plans for CDS Limited Rue Des Pointes St. Andrew, regarding the change of use of agricultural land (1,261sqm) to Storage and Distribution (Use Class 22), the removing of a water tank, widening vehicle access, erecting gates, earth bank and to install hardstanding. There are a number of properties in close proximity to the proposed development and therefore I am inclined to recommend the below condition in regard to a Construction Environmental Management Plan (CEMP).

Due to the historic greenhouses on the site that were heated I have concerns for contaminated land that may have arisen from this use, specifically but not limited to hydrocarbons, metals and pesticides. As such, I am inclined to recommend the below full contaminated land condition.

In regard to the external lighting of the development, I previously requested specifications and locations of any external lighting that will be used on the new hardstanding I note that lighting details have now been provided and that sensor lights will be utilized on the building only. I therefore feel the recommended below condition regarding external lighting can be achieved.

I also have concerns for noise generated from vehicular movements and deliveries and also from plant and machinery. I am therefore inclined to recommend the below restrict loading/unloading condition and the control of noise level of plant/machinery condition.

Construction Environmental Management Plan (CEMP)

Prior to any demolition a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Authority. Agreed details shall be carried out as approved unless otherwise agreed in writing by the Authority. At a minimum the following should be included:

- I. A scheme of how the contractors will liaise with local residents to ensure that residents are kept aware of site progress and how any complaints will be dealt with reviewed and recorded (including details of any considerate constructor or similar scheme)

- II. *A scheme of how the contractors will minimise complaints from neighbours regarding issues such as noise and dust management, vibration, site traffic and deliveries to and from the site*
 - III. *Details of hours of construction including all associated vehicular movements*
 - IV. *Details of the construction compound*
 - V. *A plan showing construction traffic routes*
- The construction shall be carried out in accordance with the approved CEMP.*

Potential Land Contamination:

Please note this is one condition with multiple sub-sections:

- *(i) No development shall commence on site (including demolition and site works) until there has been submitted to and approved in writing by the Authority:*
 - (a) A desktop study documenting all the previous and existing land uses of the site and adjacent land in accordance with national guidance as set out in Land Contamination Risk Management (LCRM) and BS10175:2001+A2:2017 - Investigation of Potentially Contaminated Sites - Code of Practice;*

and unless otherwise agreed in writing by the Authority,

 - (b) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS10175;*
- and, unless otherwise agreed in writing by the Authority,***
- (c) a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such scheme shall include nomination of a competent person to oversee the implementation of the works.*
- (ii) If determined to be required the development hereby permitted shall not be occupied or brought into use until there has been submitted to the Authority verification by a competent person approved under the provisions of subsection (i)c of this condition that any remediation scheme required and approved under the provisions of subsection (i)c of this condition has been implemented fully in accordance with the approved details (unless varied with the written agreement of the Authority in advance of implementation). Unless otherwise agreed in writing by the Authority such verification shall comprise:*
- a) as built drawings of the implemented scheme;*

b) photographs of the remediation works in progress;
c) certificates demonstrating that imported and/or material left in situ is free from contamination.

Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under subsection (i) c. of this condition”

Informatives/Advice Notes

With reference to condition X a desktop study shall be the very minimum standard accepted. Pending the results of the desktop study, the applicant may have to satisfy the requirements of criteria (b) and (c) of that condition, however, this will all be confirmed in writing.

The phased risk assessment should be carried out also in accordance with the procedural guidance and UK policy.

The site is known to be or suspected to be contaminated. Please be aware that the responsibility for the safe development and secure occupancy of the site rests with the developer.

It is strongly recommended that in submitting details in accordance with the above condition that the applicant has reference to Land Contamination risk management available at <https://www.gov.uk/guidance/land-contamination-risk-management>.

Discovery Strategy

- 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.*

Control of noise level of plant/machinery

- Noise associated with plant and machinery incorporated within the development shall be controlled such that the Rating Level, measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 5 dB(A) below the existing LA90 background noise level, including low frequency tones. Rating Level and existing background noise levels shall be determined as per the guidance provided in BS 4142:2014.*

External Lighting

- No development shall take place until details of external lighting have been submitted to and approved in writing by the Authority. The external sensor lighting shall be installed in accordance with the approved details and thereby*

retained as such unless a variation is subsequently submitted to and approved in writing by Authority.

Restrict loading/unloading

- No vehicular movements nor any loading or unloading of vehicles shall take place on the site except between the hours of 08:00 and 17:00 on Monday to Friday and 08:30 and 11:30 on Saturdays and not at any time on Sundays, Bank or Public Holidays.*
- No deliveries shall be received at or despatched from the site outside the hours of 0800 and 1800 hours on Mondays to Fridays and 0800 and 1300 hours on Saturdays and there shall be no deliveries or despatches at any time on Sundays or public holidays.*

Please do not hesitate to contact me at the above address should you require any additional information regarding this matter.”

Traffic and Highway Services:

“Pointes Lane forms part of the Oversize Vehicle Network ([CHttpHandler.ashx\(qov.gg](http://CHttpHandler.ashx(qov.gg))). These roads are marked red in the linked document. The OVN enables much of the bulk imports and exports to/from Guernsey to take place in vehicles that are larger than the standard island size limits but a permit must be held and the delivery collection take place outside of peak hours.

I am not aware of the exact reason why Pointes Lane forms part OVN but believe it most likely relates to the waste site that operates from there and possibly, bulk exports of waste. Historically, this would have been containers carried on articulated lorries up to 10.67m long x 2.5m wide. More recently we have become aware of curtain side trailers being used in lieu of containers and THS has no issue with this.

The CDS application looks to provide a segregated delivery and storage area which THS believes could accommodate the turning of the size of articulated lorry mentioned above. There are no limits on the number of movements allowed once a permit has been issued so the numbers being talked about would be permissible. Of course, that is not to say that THS is unaware of the constraints of the network in the area but the precedent is definitely already in place for articulated lorries to use this road, with a permit and outside of peak hours.”

Summary of Issues:

The main issues in deciding this application are:

1. Whether the principle of the change of use of agricultural land to storage and distribution is acceptable:
2. Impact of the development on the character and appearance of the area.
3. The impact of the development on the amenity of people living in the area.

4. Highway safety and traffic management.

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.

Whether the principle of the change of use of agricultural land to storage and distribution is acceptable:

Policy OC5 (B) (Agriculture Outside of the Centres – outside the Agriculture Priority Areas) states that *“Proposals for development which would result in the loss of an existing farmstead, agricultural buildings or land will be supported where the proposed new use accords with the other relevant policies of the Island Development Plan”*. Policies GP15 (Creation and Extension of Curtilage) and GP1 (Landscape Character and Open Land) and OC3 (Offices, Industry and Storage and Distribution Outside of the Centres) are most relevant in assessing this application and are set out below where relevant.

Policy GP15 relates to Creation and Extension of Curtilage. Taking each criterion of Policy GP15 in turn:

A proposal to create or extend curtilage will be supported where:

a. it would not have an unacceptable detrimental impact on the landscape character;

The proposed extension of curtilage associated with the storage and distribution use of the site is located to the front (west) and side (north) of the building.

Paragraph 19.16.5 of Policy GP15 notes that the creation or extension of a curtilage can have a positive impact and meet strategic objectives through the removal of redundant or derelict glasshouses and/or associated structures or the improved management of abandoned areas of land. Careful consideration has been given to this point, although as set out above, the land is not considered to be a ‘redundant glasshouse site’ for the purposes of the Supplementary Planning Guidance as it does not feature substantial superstructures on the site, including a glasshouse or a substantial part of a glasshouse above ground (generally consisting of walls and frames of a glasshouse). Policy OC7 is therefore not engaged.

The former vinery site has evolved in such a way that has resulted in a dense and mature natural habitat. Consequently, the removal of any of the minimal remnants of the former vinery on site under Policy GP15, would have a slight improvement to visual access to open land (Policy GP1), although would have a negative impact on the habitat that has naturalised over decades. In this specific case, the benefits to

remove derelict glasshouse remnants that may have collapsed on the ground and long since become covered by mature vegetation, and or associated ancillary structures e.g. pipes, footings, would not outweigh the negative impact on visual amenity and biodiversity as a result of clearance of the land. It is noted however that the proposal will result in the removal of a former concrete water tank located towards the entrance of the site.

The change of use of land will have a negative effect in terms of the landscape character of the area and visual amenity when compared to the current context of the site. However, the degree of harm is not considered to be significant when balanced against the positive effect the change of use will have on the operation of the business, improved health and safety for customers and deliveries, together with highway safety benefits to the public such as improved sightlines. The proposal may also improve traffic management by reducing the need for vehicles to reverse out onto Rue Des Pointes, improving highway safety.

Subject to appropriate conditions, the landscaping scheme indicated in the Biodiversity Statement would seek to plant additional native trees within the copse to the front (west) of the site, and include a native hedgerow surmounted on top of the proposed earth bank which will demarcate between the proposed extension of curtilage and the remaining agricultural land to the north.

On this basis, the proposal would satisfy the provisions of Policy GP15 a).

The application site is not located in an Area of Biodiversity Importance or Agriculture Priority Area, therefore criteria b) and c) of Policy GP15 are not relevant in this case.

With regard to part d of GP15, the existing north boundary of the site consists of a fence, which backs onto a grass pathway that wraps round a dense area of mature vegetation. Based on the information submitted and the Biodiversity Statement, the new hedge bank that will form the north boundary of the proposed extension of curtilage will have an enhanced positive contribution to the character of the area compared to the existing fence. Additional tree planting will be incorporated in the copse to the front of the site, although it is recognised that the proposal will involve the loss of a large area of mature trees and vegetation as a result of the change of use and proposed hardstanding.

However, when balanced together and subject to appropriate conditions, the proposal is not considered to result in the unacceptable loss of established boundary features as the replacement boundary treatment and landscaping scheme will help to mitigate this impact to an acceptable level.

Consequently, Policy GP15 d) of the Plan has, on balance, been satisfied. GP15 e. considers the impact on neighbouring amenity and is set out in detail below, with reference to Policy OC3.

Policy GP1 relates to the Landscape Character and Open Land. Policy GP1 states that:
“proposals will not be supported if they would result in the unnecessary loss of open and undeveloped land which would have an unacceptable impact on the open landscape character of an area.

Development will be supported where it:

- a. respects the relevant landscape character type within which it is set; and,*
- b. does not result in the unacceptable loss of any specific distinctive features that contribute to the wider landscape character and local distinctiveness of the area concerned; and,*
- c. takes advantage, where practicable, of opportunities to improve visual and physical access to open and undeveloped land; and,*
- d. accords with all other relevant policies of the Island Development Plan”.*

The impact on the landscape character and open land has been carefully considered under the provisions contained within Policy GP15. In summary, the change of use is likely to have a detrimental impact on the landscape character and openness of the land, although the degree of harm would not be unacceptable when weighed against the benefit to the business operation, health and safety of customers and deliveries, and improvements to traffic.

It would not result in the unacceptable loss of any specific distinctive features that contribute to the wider landscape character and local distinctiveness of the area when weighed against the positive gains of biodiversity measures, which are to be secured by appropriate conditions. Consequently, the proposal would comply with Policy GP1.

Impact of the development on the character and appearance of the area.

As set out in Policy OC3, storage and distribution premises located outside of the Centres have developed over time, and some pre-date any strategic approach to land use planning. Paragraph 17.1.18 of Policy OC3 states that:

“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.”

Policy OC3 states that *proposals to extend, alter or redevelop existing industrial, storage and distribution or office premises will be supported. In relation to new industrial and storage and distribution uses and works to existing industrial, storage and distribution or office premises, the applicant will need to demonstrate that:*

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; and,

In this case, the scale of this proposal, also considered in combination with recent previous approvals, would not be such that the resulting scale of the development is so significant that relocation of the business could be reasonably expected.

The proposed extension of curtilage will enable delivery vehicles to turn around to the north of the building whilst enabling additional outdoor storage provision. Subject to conditions to control the hours of deliveries and dispatches, it is considered reasonable that the additional use of the site would not give rise to any substantial negative effects with regards to noise, vibration, smell, fumes, smoke, soot, ash, dust or grit for the purposes of Policy OC3.

However, in line with the recommendations of the Office of Environmental Health and Pollution Regulation, it is reasonable to attach a planning condition to ensure the level of noise generated from the site operates within an acceptable acoustic range that does not cause a noise nuisance for neighbouring residents which they could reasonably expect to enjoy.

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

The impact on highway safety and traffic management has been carefully considered in the relevant section below. In summary, Traffic and Highway Services (THS) do not oppose the development, although have made some comments with regards to the potential uncontrolled number of deliveries and dispatches from the site due to the long established use of the premises. In this respect, it is reasonable to attach appropriate conditions to control the timing of those deliveries and dispatches to protect neighbour amenity as indicated by the Office of Environmental Health and Pollution Regulation.

The development is considered to improve highway safety by extending the sightlines towards oncoming traffic, has the potential to improve traffic management by reducing congestion (and thus is unlikely to result in vehicles reversing out onto Rue Des Pointes), and will improve safety at the front of the site by separating deliveries and customer parking.

Consequently, the proposal would represent an improvement to highway safety and THS raise no concerns regarding traffic management in relation to this proposal.

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; and,

The extension of curtilage proposed will enable large delivery vehicles to enter the site without encroaching onto the customer parking area in order to ensure the safety of customers is not compromised.

The extension of curtilage has been designed in such a way to enable a delivery vehicle to turn around within the confines of the site, without reversing out onto the highway. The access point for delivery vehicles has been designed to retain a copse to the west of the building. This in turn funnels delivery vehicles from the road to the turning area to the north of the building, thus having the least negative visual and amenity impact.

Furthermore, an area of outdoor storage provision has been created towards the rear of the building which links to the rear of the site where outdoor storage currently exists. This will enable the transfer of materials between different parts of the site. It is however reasonable to attach a condition to ensure that the outside storage provision does not exceed a maximum of 2m in height in the interests of visual amenity and to protect the outlook from neighbouring properties. This condition is similar to that of planning permission FULL/2014/0488 which seeks to restrict the height of outdoor storage provision to the rear (east) of the site.

Full details of the proposed gate and steel posts must be submitted to and agreed in writing by the Authority in terms of its materiality and appearance given the size of the gate and its prominence from the road. The gate will also help to screen outdoor storage towards the rear of the site.

Similarly, due to the extent of hard surfacing proposed (and two notations on the drawings which note brick paving and tarmac), it is reasonable and necessary to ensure that it be comprised of permeable paving to the side of the building. It is not considered reasonable nor necessary to ensure that this continues up to the road verge given that there would be difference in surface materials which is likely to have a noticeable effect on visual amenity.

Overall, it is concluded that the scheme has made the most effective and efficient use of the land whilst balancing and minimising the impact on visual amenity and the character of the area.

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 set out above, subject to appropriate conditions, the landscaping scheme indicated in the Biodiversity Statement would seek to plant additional native trees within the copse to the front (west) of the site, and include a native hedgerow surmounted on top of the proposed earth bank which will demarcate between the proposed extension of curtilage and the remaining agricultural land to the north.

The landscaping proposed would be sufficient to make a positive contribution to the visual quality of the environment over time, and will sufficiently screen the activities on the site and mitigate impacts for the purposes of Policy OC3.

Due to the former use of the site which housed a number of glasshouses and packing sheds together with the concerns set out by the Office of Environmental Health and Pollution Regulation, it is necessary and reasonable to impose a condition to ensure that a Construction Environmental Management Plan (CEMP) is submitted prior to any demolition or clearance of the land and also for conditions relating to potential contamination of the land to be imposed.

For the above reasons, and on balance, it is considered that any detrimental impact that the proposal may have on the character and appearance of the area would not be so substantial to warrant the refusal of planning permission. The proposal accords with Policies OC3, GP1 and GP8 in this respect.

Impact of the development on the amenity of people living in the area:

In light of the additional information provided by the agent and subject to appropriate conditions, the proposal is not considered to have a significant detrimental effect on the amenities of neighbouring residents with regards to the cumulative effect from noise, disturbance, or pollution associated with the development. In response to the representations received, the prominence of the site will increase towards the entrance of the site and will change the outlook and privacy of neighbouring properties that lie to the west of CDS, although the change in outlook and privacy is not considered significant or to justify refusal in terms of harm to residential amenity.

It is reasonable to attach conditions in line with the Office of Environmental Health and Pollution Regulation's comments to restrict the hours of deliveries to and dispatches from the site, and the loading and unloading of vehicles on site, in the interests of protecting neighbour amenity. In addition, a general noise limiting condition should be attached to the decision with regards to emissions associated with plant and machinery, as well as a condition controlling external lighting.

Highway safety and traffic management:

The site is accessed to the west by both customers and delivery vehicles, with staff accessing the site from the east due to the narrowness of the access, as approved as part of a previous permission (FULL/2014/0488).

Rue Des Pointes is recognised as a 'Neighbourhood Road' as set out in the Traffic Engineering Guidelines.

Traffic and Highway Services (THS) also note that the Pointes Lane forms part of the Oversize Vehicle Network which enables much of the bulk imports and exports to/from Guernsey to take place in vehicles that are larger than the standard island size limits. THS raises no concerns in this regard. It is also understood that a purpose-built and segregated delivery and storage area of the size proposed, could accommodate the turning of an articulated lorry, which in turn would enable such vehicle to egress from the site in forward gear rather than to reverse out onto Rue Des Pointes.

The proposal seeks to widen the vehicular access to the site, and thus would make manoeuvrability on site less problematic for customers and delivery vehicles entering and egressing from the site due to improved sightlines and separate turning points and tracking lines. Consequently, the proposal would represent an improvement to highway safety and THS raise no concerns regarding traffic management.

Conclusion

The IDP, in accordance with the SLUP, sets out a planning policy framework that enables certain businesses, including storage and distribution services with associated secure storage or open yards, to develop Outside the Centres in appropriate circumstances, as set out principally in Policy OC3.

In this case, the agricultural land to the north of the building is not a redundant glasshouse site for the purposes of Supplementary Planning Guidance - Defining Redundant Glasshouse Sites, and is not within or adjacent to an APA.

Subject to mitigation, which can be achieved by recommended planning conditions, the development would be of a scale and form that would respect the character of the area, would not have a significant detrimental effect on the landscape character of the area, would make most effective and efficient use of the land, and would not detract unacceptably from neighbour amenity. The proposal is likely to improve highway safety and the free flow of traffic down Rue Des Pointes, would include appropriate soft landscaping and would result in the demolition and removal of a former concrete water tank.

The proposal would therefore comply with Policies GP15, GP1 and OC3, as well as other relevant policies of the IDP.

Sufficient information has been submitted that has taken into account the criteria of Policy GP9 (Sustainable Development). It is reasonable and necessary to ensure that the hardstanding proposed to the side of the building incorporates permeable paving to reduce surface water runoff can be controlled by condition.

For the reasons set out within this report, it is recommended that the application be granted planning permission, subject to conditions.

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 Planning and Development (General Provisions) Ordinance, 2007 have been considered in the assessment of this application.

In response to points raised in the letters of representation, these have been considered where relevant as part of the assessment as set out in section 2 above. Any further proposal for change of use of adjoining land would be subject of a separate planning application which would be considered on its merits in the light of the relevant planning policies and other material considerations. The Authority has consulted with Traffic and Highway Services as set out above and a traffic survey is not required prior to determination of this application.

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

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

Date: 17/04/2024