

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: Install storage container to south-west of site and vary condition 4 of previous permission FULL/2022/2245.

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

APPLICANT: Mr M Loveridge

This permission is granted under the terms of Sections 15 and 16 of the Land Planning and Development (Guernsey) Law, 2005 (the 'Law').

Date of Grant of Permission: 03/04/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 22/11/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Proposed site layout plan (Date stamped received 15/11/2023) & Details of Container (date stamped received 22/11/2023)

Application Ref: FULL/2023/2234

Property Ref: B006920000

Conditions and reasons:-

1. All development authorised by this permission must be carried out and must be completed in every detail in accordance with the written application, plans and drawings referred to above. No variations to such development amounting to development may be made without the permission of the Authority under the Law.

Reason - To ensure that it is clear that permission is only granted for the development to which the application relates.

2. The development hereby permitted 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 landscaping scheme, previously agreed through the discharge of conditions for application FULL/2016/2864, in Plan 5728/A/3e, shall be fully completed, in accordance with the details within this approved Plan, in the first planting season following the first occupation of any part of the site for its hereby approved use, or in accordance with a programme previously agreed in writing by the Authority. Any trees or plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by trees or plants of a size and species similar to those originally required to be planted.

Reason - To make sure that a satisfactory landscaping scheme for the development is agreed, in order to help assimilate the development into its surroundings.

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

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

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

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

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

Reason - The information provided with the application does not include full details of the proposed feature(s). This condition is imposed to make sure that the site is appropriately laid out to limit the visual impact of the proposal on the surrounding area and on neighbouring amenity and to ensure that the individual yards/compounds remain available for small-scale storage activities in accordance with adopted planning policy.

7. The site shall not be used for the purpose of storage as hereby approved until such a time as all existing glasshouses and structures and all ancillary materials, works and structures have been removed from the site with the exception of: (i) The existing storage building, which shall be demolished and all ancillary materials removed from the site on or before the expiration of two years from the grant of this planning permission (on or by 06/04/2025); and (ii) The four existing shipping containers which may be permanently retained on the site to provide secure covered storage for individual compounds/tenants.

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

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

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

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

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

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

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

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

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

Expiry Date: This permission will cease to have effect on 03/04/2027 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

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

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

Effect of planning permission:

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

- (1) Planning permission ceases to have effect unless the development permitted by it is commenced within a period of three years immediately following the date on which it is granted (or such shorter period as may be specified in the permission).
- (2) Planning permission enures for the benefit of the land concerned and of every person for the time being having an interest in it.
- (3) Any conditions subject to which planning permission is issued are enforceable in accordance with the provisions of Part V of the Law.
- (4) Planning permission for the erection of a building is only permission to use it for the purpose specified in the permission or, subject to any restriction so specified, for any other purpose for which it is designed.
- (5) Planning permission is only permission to carry out the development specified in it (subject to any conditions so specified), and does not imply the giving of any other approval or consent required under this Law or any other enactment or under any rule of law.

Right of appeal against planning decisions:

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

Copy of representations made:

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

Other Remarks:

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

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

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

A J ROWLES

Director of Planning
Planning Service



PLANNING APPLICATION REPORT

Application No: FULL/2023/2234
Property Ref: B006920000
Valid date: 22/11/2023
Location: Extension Vineries Route Militaire St. Sampson Guernsey
GY2 4DT
Proposal: Install storage container to south-west of site and vary
condition 4 of previous permission FULL/2022/2245.
Applicant: Mr M Loveridge

RECOMMENDATION - Grant: Planning Permission with Conditions:

1. All development authorised by this permission must be carried out and must be completed in every detail in accordance with the written application, plans and drawings referred to above. No variations to such development amounting to development may be made without the permission of the Authority under the Law.

Reason - To ensure that it is clear that permission is only granted for the development to which the application relates.

2. The development hereby permitted 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 landscaping scheme, previously agreed through the discharge of conditions for application FULL/2016/2864, in Plan 5728/A/3e, shall be fully completed, in accordance with the details within this approved Plan, in the first planting season following the first occupation of any part of the site for its hereby approved use, or in accordance with a programme previously agreed in writing by the Authority. Any trees or plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by trees or plants of a size and species similar to those originally required to be planted.

Reason - To make sure that a satisfactory landscaping scheme for the development is agreed, in order to help assimilate the development into its surroundings.

4. The proposed access point onto Route Militaire (with the exception of the bus stop waiting area and pedestrian footpath) shall be carried out in accordance with the approved details shown on drawing ref: 5728/A/2 which was previously approved

through the discharge of conditions for application FULL/2016/2864. The development shall be carried out only in accordance with the agreed details and the approved access shall be completed prior to the first occupation of any part of the site for its hereby approved use.

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

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

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

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

Reason - The information provided with the application does not include full details of the proposed feature(s). This condition is imposed to make sure that the site is appropriately laid out to limit the visual impact of the proposal on the surrounding area and on neighbouring amenity and to ensure that the individual yards/compounds remain available for small-scale storage activities in accordance with adopted planning policy.

7. The site shall not be used for the purpose of storage as hereby approved until such a time as all existing glasshouses and structures and all ancillary materials, works and structures have been removed from the site with the exception of: (i) The existing storage building, which shall be demolished and all ancillary materials removed from the site on or before the expiration of two years from the grant of this planning permission (on or by 06/04/2025); and (ii) The four existing shipping containers which may be permanently retained on the site to provide secure covered storage for individual compounds/tenants.

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

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

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

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

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

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

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

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

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

INFORMATIVES

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

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

OFFICER'S REPORT

Site Description:

The application site is known as the former Extension Vinery site and is located on the west side of Route Militaire in St Sampsons. The site comprises a total area of 9,751m² and is accessed via a driveway to the east of the site onto Route Militaire.

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

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

Relevant History:

FULL/2022/2245 - Change of Use of land from Agricultural (Use Class 28) to Storage/Distribution (Use Class 22) - Variation to Condition 9 of previous permission (FULL/2016/2864) for temporary retention of existing storage building, permanent retention of shipping containers and alterations to acoustic fencing to south-east boundary.

FULL/2016/2864 - Change of use of land from Agricultural (Use Class 44) to storage and distribution (Use Class 30).

Existing Use(s):

22 Storage and Distribution

Brief Description of Development:

Conditional planning permission was granted under FULL/2022/2245 to change the use of the land from agricultural, to storage and distribution use.

Since the grant of planning permission all the glasshouses have been demolished and all associated materials removed from the site. A layer of gravel has been laid out across the site and the boundary fencing and landscaped buffer (required by a previous condition) have been installed for much of the site. A storage building associated with the former use of the site as a working vinery remains, together with four shipping containers. Planning permission has been granted for the temporary retention of the existing storage building and for the permanent retention of the 4 shipping containers (Ref: FULL/2022/2245).

Initially as part of the application the subject of this report, planning permission was sought to allow an additional storage container at the site, and to vary condition 4 (access point/route) and condition 8 (hours of use of the site) of application FULL/2022/2245, which in turn sought to vary conditions of the original grant of

permission FULL/2016/2864. In the grant of FULL/2022/2245 the conditions of the original permission were repeated and updated where necessary to reflect the details and conditions discharged and so it is acceptable to vary application FULL/2022/2245 rather than the original consent. It is suggested that in the event that planning permission is granted for the proposed variations a similar approach is taken.

Following consideration of the application and consultation with the States Office of Environmental Health and Pollution Regulation (OEHPR), concerns were raised regarding the proposed variation to the hours of use of the site (condition 8) and the associated impacts that this would have on the amenities of the residential properties surrounding the site. The application was deferred to make the applicants agent aware of these concerns. By email dated 28/02/2024 the applicant's agent confirmed that they wished to amend the application to omit the request to amend condition 4 as it relates to the access footpath and condition 8 in relation to hours of use.

Following further discussions between the applicant and States Building Control (BC) and following confirmation from BC that the footpath (required by condition 4) would not be required in this instance, the applicant's agent requested by email dated 13/02/2024 that condition 4 be omitted in its entirety.

To summarise planning permission is now sought to install a storage container to the south-west of the site and to omit condition 4 of planning permission reference FULL/2022/2245. The proposal also includes information submitted to discharge conditions 6 and 11 which will be considered separately to this application, as part of the discharge of conditions procedure.

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

OC3: Offices, Industry and Storage and Distribution Outside of the Centres;
OC7: Redundant Glasshouse Sites;
GP1: Landscape Character and Open Land;
GP8: Design;
GP9: Sustainable Development

Representations:

None

Consultations:

Office of Environmental Health and Pollution Regulation by letter dated 25/01/2024 stated the following:

"I have concerns that allowing people and vehicles to enter and exit the site at any time will give rise to the potential for noise disturbance, which will affect

neighbouring and nearby residents. Whilst I understand that the proposal is for this to only happen in emergency situations, it is not qualified what would constitute an emergency and I am concerned that this has the potential to be abused. As such, I recommend the refusal of the amendment to Condition 8."

Summary of Issues:

Whether there would be any impact on the character and appearance of the surrounding area, on the amenities of neighbouring properties or on highway safety resulting from the following:

- The installation on the site of an additional storage container;
- The variation of condition 4 of the previous permission

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.

Storage Container

The storage container proposed is of a standard scale, design and appearance and will match the existing containers on site. It is proposed to be positioned adjacent to the existing containers and will be well screened by the acoustic fencing and by planting situated along the boundaries of the site. It will have minimal visual impact and would not negatively affect the openness or landscape character of the surrounding area. The container will be used for storage ancillary to the main industrial use of the site and its need has been demonstrated as part of the supporting information for the application. This aspect of the proposal accords with Policies OC3, GP1 and GP8 of the IDP.

Omission of Condition 4

Condition 4 of the permission stated the following:

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

The applicants agent has requested that this condition be omitted. However, in considering the original application for planning permission (FULL/2016/2864) one of the points of concern raised by representors (amongst other things), related to the fact that the access point into the site was not wide enough and did not support the

types of vehicles (HGV) that would use the site. That permission was conditioned for further details to be provided of the access arrangements, including the design and configuration of the junction, vehicle tracking information and sightlines. Details were provided as per drawing ref: 5728/A/2 and States Traffic and Highways Services (THS) was consulted and confirmed that the arrangements were acceptable. The condition was subsequently discharged requiring compliance with the details shown on plan 5728/A/2 prior to first occupation of the site for the approved use. Given the above, to ensure that the access width and arrangements remain in accordance with the approved details, rather than omit the condition in its entirety, it is recommended that this condition be varied as detailed below.

The approved plan (5728/A/2) included a pavement along the northern side of the access road to provide pedestrian access into the site, and a bus stop waiting area for the bus stop which at that time was situated immediately to the north of the entrance point into the site. Since approval of the original application, the bus stop has been relocated further along Route Militaire to the north and the need to provide the bus waiting area as shown on the drawing referred to above is no longer required.

Discussions have been held with Building Control regarding the omission of the pavement shown on the drawing. Although its loss is regrettable, given the nature of the site (open industrial storage) the site is unlikely to attract significant pedestrian traffic. The straight access road with uninterrupted views would also allow for the drivers of vehicles using the access track to be able to easily identify any pedestrian users. Considering the above, and on the basis the approved pavement did not readily link to an existing pavement on the west side of Route Militaire, the need to provide this pavement is no longer required. Its omission from the scheme would not impede vehicle movements, pedestrian (in fact it would provide more space for vehicles accessing the site) or highway safety.

The omission of the bus stop waiting area and public footpath would not harm the visual character or appearance of the surrounding area or negatively impact on the amenities of neighbouring properties.

Considering the above rather than omit the condition in its entirety it is recommended that it be varied to read as follows:

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

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.

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 taken into account in the assessment of this application.

Date: 20/03/2024

