

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: Erect single storey building (Use Class 22: general storage and distribution) to south-west boundary with associated hardstanding.

LOCATION: Dolphins Vinery, La Blanche Carriere, Vale.

APPLICANT: Mr D Wadley

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: 28/03/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 20/02/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: PF+A Ltd - 7703-02 B1 & B2.

Application Ref: FULL/2024/0345

Property Ref: C00241A003

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 the commencement of any work in connection therewith a landscaping scheme, to include full details of indigenous and hedge planting and indicated on approved plan 7703-02 B1 and planting schedules, noting the species, sizes, numbers and densities of plants shall be submitted to and agreed in writing by the Authority.

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

5.The landscaping scheme shall be fully completed, in accordance with the details agreed under the terms of the above condition, in the first planting season following the first occupation of any part of the development or completion of development 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 help assimilate the development into its surroundings.

6.If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted to the Authority a Method Statement to identify, risk assess and address the unidentified contaminants. The written consent of the Authority must be given in order for works to continue on site. Any subsequent works shall be carried out only in accordance with the conclusions and recommendations contained in the approved report.

Reason - In order to manage and mitigate against possible contaminants on site.

Expiry Date: This permission will cease to have effect on 28/03/2027 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

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/2024/0345
Property Ref: C00241A003
Valid date: 20/02/2024
Location: Dolphins Vinery La Blanche Carriere Vale Guernsey GY3 5DL
Proposal: Erect single storey building (Use Class 22: general storage and distribution) to south-west boundary with associated hardstanding.

Applicant: Mr D Wadley

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 the commencement of any work in connection therewith a landscaping scheme, to include full details of indigenous and hedge planting and indicated on approved plan 7703-02 B1 and planting schedules, noting the species, sizes, numbers and densities of plants shall be submitted to and agreed in writing by the Authority.

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

5. The landscaping scheme shall be fully completed, in accordance with the details agreed under the terms of the above condition, in the first planting season following the first occupation of any part of the development or completion of development 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.

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Reason - In order to manage and mitigate against possible contaminants on site.]

OFFICER'S REPORT

Site Description:

The site is located to the west of La Blanche Carriere. With residential properties to the north, a car repair garage to the immediate south and with further residential properties beyond. Land opposite the site is open however, further residential development exists to the northeast of the site.

Currently the triangular frontage plot, is open, with wood chips laid to the surface. Existing landscaping exists to the front/east and side/southwest site boundaries. A former boiler house with monopitched roof and blockwork exterior (now recognised as a building in storage and distribution use) is situated in the northwest corner of the triangular section of the site. Land to the rear is open and undeveloped agricultural land, opening across the rear boundaries of the residential dwellings to

the north of the site. The north boundary with Greencroft is marked by timber fencing.

The site is located Outside of the Centres as designated in the Island Development Plan. Land to the south/west is part of an Area of Biodiversity Importance, currently managed as a nature reserve by La Societe.

Relevant History:

Pre-application advice was sought in this case.

CLU/2023/1388 - Regularise use of land and former boiler house for Storage and Distribution (Use Class 22) – approved

Existing Use(s):

22 storage and distribution
28 agriculture

Brief Description of Development:

The application relates to the erection of a single-storey, timber clad pitched, pantile roof building with garage door to the front and rear elevations and pedestrian door to the side. Two rooflights are proposed to the northeast roofslope. The building is shown to be situated adjacent to the southern site boundary and with the access, area to the north and leading to the existing building on the site being hardsurfaced with gravel. An area of soft landscaping is proposed along and within the roadside boundary but having regard to visibility from the site access.

The submission sets out that the delivery frequencies are not to change as a result of the proposed development but rather the quality of storage will be upgraded. The accompanying letter highlights that this is an existing storage and distribution use but that access is likely to be limited to a few times a week between 8am and 5.30pm. With regard to the permeable, gravel hardstanding proposed this is to facilitate continued access to the existing storage building and land beyond, within the same ownership. The building proposed is highlighted as resolving any need for external storage.

The application has been accompanied by a photomontage of the building and its surroundings.

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

OC3: Offices, Industry and Storage and Distribution Outside of the Centres
GP8: Design
GP9: Sustainable Development
IP9: Highway Safety, Accessibility and Capacity

Representations:

Three letters of representation have been submitted objecting to the application and raising the following points:

- Dolphins Vinery, has not been used as a place of distribution and is an agricultural area
- The glasshouses were cleared approximately forty years ago horticultural premises will be returned to agricultural land on clearance of the structures.
- The proposal is for new storage and distribution, the scheme does not accord with Policy OC3 (justifiable need to be located outside of the centres)
- The area is outside the main areas designated for storage new premises should be situated in Main Centres, La Blanche Carriere is not an appropriate location
- Business Innovative and Skills stated in 2015 there was an oversupply of storage in Guernsey.
- The proposal would not enhance the environment characterised with natural hedgerow and flowers and is presently grassed –La Grande Pre nature reserve bordering the south west boundary which is a haven for birds and is a significant area of reedbed, a scarce habitat in Guernsey (leased by La Societe Guernesias)
- The development will not enhance the area and will be harmful to visual amenity
- If there will be no increase in the frequency of deliveries or vehicle sizes and hours of operation why is a new storage building needed?
- The submission does not address pollution nor an increase in vehicular use which would not enhance the lives of the natural inhabitants and neighbours – the scheme is unacceptable to neighbours and a Conservation Area
- The proposal will jeopardise highway safety and the free flow of traffic
- If granted a condition will be required to prevent the rear area of the site being used for storage and distribution purposes

Consultations:

Office of Environmental Health and Pollution Regulation - there are a number of issues of concern that I must raise. I am concerned for contaminated land on the site as a result of the historic use of the site. Namely heated greenhouses that were present on the site between at least 1958 to 1979 and the associated block-built boiler house, currently used as a store. As such, I would be concerned for, but not limited to, contamination of metals, hydrocarbons and pesticides from this historic use. I also note that from the aerial photographs on Digimap that unidentified waste has been present on the site between 1962 and 2001 and as such I would also be concerned for contamination that potentially may have also arisen from these deposits. Considering these factors, I am inclined to recommend a discovery strategy contaminated land condition.

I note from the covering letter of the application that the intent is to “*upgrade and enhance the existing storage and distributing operations.*” While I also note it is stated that “*the development would not result in any increase in the frequency of deliveries.*” I would argue that these statements are contradictory and as such by installing a larger storage building this could result in an increase of deliveries to and from the site. As such, I am recommending the below condition in regard to loading and unloading restrictions as I believe this could impact local residents and it is recommended that a condition is imposed regarding the hours of vehicular movements/loading/unloading.

OEHPR also have concerns that this development could open the entire land parcel up for development.

Summary of Issues:

The key issues in this case relate to the principle of the proposed development, the impact of the building and hardstanding on the character and appearance of the locality and on residential amenity.

Assessment against:

1 - Purposes of the law.

The objectives set out in Section 1(2) of The Land Planning and Development (Guernsey) Law, 2005, ‘the Law’, have been considered and this report forms part of the assessment, with policy issues set out in Section 2 below.

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

Public consultation has highlighted that the site is not in a storage and distribution use but remains in agricultural use. Nonetheless, a Certificate of Lawful Use has been granted relating to the use of the building and front part of the site in connection with a builder’s business (which falls under general storage and distribution for planning purposes). The application report associated with this decision is available to view online.

The Development & Planning Authority recognise the authorised use of the site outlined in red only (not the agricultural land to the rear outlined in blue on the application drawings) as falling under Use Class 22: Storage and Distribution. Policy OC3 offers support to extend and alter an existing storage and distribution use and offers a gateway for the proposed development.

The single-storey design and external appearance of the building is considered to respect the local built environment where the adjoining commercial garage building, Channel Car Repairs, is visible when travelling south along the lane. Whilst modest in size, when considering the aim of the policy to make efficient and effective use of

land, the building is of an appropriate scale so as to respect the surrounding area and will not appear unduly obtrusive in the street scene.

Although the site is shown to be almost entirely hardsurfaced, enhanced planting is proposed adjacent to the roadside boundary which will offer some mitigate and screening. The level of hardstanding is not considered excessive for the use of this storage and distribution use and the permeable nature of the surfacing addresses the matter of sustainable development.

It is acknowledged that the site currently has an established, unrestricted storage and distribution use. The submission indicates that this will not alter substantially as a result of the proposed development. It would be unreasonable to impose hours/days restrictions given that the site is currently recognised as having an authorised storage and distribution use. The site has not been actively used in recent years therefore there may be a perception relating to its authorised use and an increase in vehicle movements however, as outlined elsewhere the storage and distribution use of the site (which would currently include unrestricted outside storage) exists and the proposed development and low key nature of storage and distribution activities set out in the submission would not result in conflict with the adjoining residential uses.

The comments received relating to undiscovered contamination have been noted and a condition can be imposed relating to this matter.

Noise complaints would be addressed through separate, Environmental Health, legislation and any further change of use of the site may be subject to a formal application.

The matter of soft landscaping to the front of the site can be controlled by planning condition to ensure that it does not interfere with the visibility splay (which is not shown on the application drawings).

The consultation process has highlighted concerns about overflow storage into the agricultural land to the north of the site however, this land falls outside the application site boundary. Any use of this adjoining land would represent a breach of planning control unless planning permission was first sought and granted for such use/development.

In view of the above it is recommended permission is granted for the development proposed.

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

In addition to the consideration of policy issues, Section 13 of the Land Planning and Development (General Provisions) Ordinance, 2007 identifies other material planning considerations which could be relevant. These include; the appropriateness of the development in relation to its surroundings in terms of design, layout, scale,

siting and materials; the likely effect on the character and amenity of the locality; any possible fall-back position by way of extant planning permissions or exempt development; the likely effect on the reasonable enjoyment of neighbouring properties. These issues where relevant are considered above.

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

The proposal would have no adverse impact on protected trees, buildings or sites.

Date: 26/03/2024

