

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: Demolish glasshouse, erect summerhouse, swim spa and hardstanding area and install solar panels at ground level to north-east of site.

LOCATION: Benarty, La Blanche Carriere, Vale.

APPLICANT: Mr & Mrs M Geddes

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: 15/05/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 18/03/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Site Location Plan, 001 Block Layout Plan, 002A - Summer room layout, 002B NE Elevation, 002C SE Elevation, 002D SW Elevation, 002E NW Elevation, 003A Solar Panel Layout Dimensions, 004 Sauna, 007A Solar Panel Support details, 007B - Solar Panel Frames, 007C Sunpower data sheet

Application Ref: FULL/2024/0424

Property Ref: C00245A003+C00245A005

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. Once no longer in use, the solar panels hereby permitted, shall be removed from the site within 2 months of the cessation of their use.

Reason: In the interests of visual amenity.

5. If, during any 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 risks from land contamination to the future users of the land and neighbouring land are minimised.

Expiry Date: This permission will cease to have effect on 15/05/2027 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/2024/0424
Property Ref: C00245A003+C00245A005
Valid date: 18/03/2024
Location: Benarty La Blanche Carriere Vale Guernsey GY3 5DL
Proposal: Demolish glasshouse, erect summerhouse, swim spa and hardstanding area and install solar panels at ground level to north-east of site.

Applicant: Mr & Mrs M Geddes

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. Once no longer in use, the solar panels hereby permitted, shall be removed from the site within 2 months of the cessation of their use.

Reason: In the interests of visual amenity.

5. If, during any 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 risks from land contamination to the future users of the land and neighbouring land are minimised.

OFFICER'S REPORT

Brief Description of the site:

The site is located to southwest of the pair of dwellings, Ningaloo and Benarty, accessed from the small clos to the east of La Blanche Carriere, Vale.

The application is now for the removal of the glasshouse, and replacement with a summerhouse and adjacent hardstanding along with the installation of ground mounted solar panels.

The site is located Outside the Centre as defined in the Island Development Plan.

Relevant History:

PREA/2023/0167 – Extend domestic curtilage of "Benarty" and "Ningaloo" and install 34 photovoltaic panels on greenhouse roof

FULL/2023/0434 – Change of use of agricultural land to domestic garden (2,623m²), install solar panels and erect new shed.

Existing Use(s):

01 Residential dwelling

Assessment: *(Tick as appropriate)*

no representation
accords with policy
within curtilage
design acceptable

✓
✓
✓
✓

visual amenity acceptable
no material neighbour impact
traffic not affected

✓
✓
✓

Consultations:

The Office of Environmental Health and Pollution Regulation:

I have reviewed the proposed plans for the demolition of a glasshouse, erection of a summerhouse, swim spa and hardstanding area and the installation of solar panels at ground level to the north-east of site.

By interrogating the States' Digimap system and records, I have established that commercial glasshouses were historically located at this site and on surrounding land parcels. Whilst I have not been able to determine whether the glasshouses at the site or on surrounding land were heated, it is possible that they were. There is therefore the potential for land contamination to be present and I have concerns that there could be contamination of metals, hydrocarbons and pesticides from this historic use. Other sources of contamination could also be present.

I would therefore recommend that the following condition is attached to any granted permission:

- If, during any 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.

Policies considered most relevant:

OC7: Redundant Glasshouse Site Outside of the Centres.

GP8: Design

GP9: Sustainable Development

GP13: Householder development.

Conclusion/Brief comment:

The site was established as domestic garden in association with the residential occupation of the dwellings Benarty and Ningaloo in the previous application, FULL/2023/0434. The application also included the installation of solar panels on the existing glasshouse roof with solar equipment to be housed within a new shed.

The retention of the existing glasshouse was considered acceptable as it was to be used to mount the solar array, supporting Policy GP9 and for domestic growing which in turn may support the biodiversity enhancements. Its removal to achieve accordance with Policy OC7 was therefore not considered to be sustainable. The removal of the glasshouse now proposed, would accord with the principle of OC7

although not this policy would not formally be engaged as the land is now considered residential.

The previously proposed solar array was exempt development, however, now that it is proposed to be floor mounted, the proposed size of the equipment means that permission is required. The proposed mounts mean that the panels will face south, at a height of approx. 1.2m, and cover an area approx. 10m by 10m. They are positioned and angled away from neighbouring residential dwellings and are therefore not expected to have a harmful impact visually or in terms of amenity.

The proposed summerhouse and sauna is relatively small scale and would not have a harmful impact on neighbour amenity. The area of hard standing proposed is 9.9m², and this is also of a scale appropriate for domestic use. The application includes the use of the existing glasshouse frame to the north-east and north west to install a green mesh fence up to 1.6m in height. This will help screen the summer room and solar panels from neighbours to the north east where boundaries are generally quite open.

In summary, the proposal accords with Policy GP13.

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.

Based on the above, the application is considered compliant with the relevant Island Development Plan policies; it is therefore recommended that planning permission be granted, subject to conditions.

Recommendation:

Grant with Conditions



Date: 14/05/2024