

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. Change of use of agricultural land to domestic garden (899 sq.m.).

LOCATION: La Querriere, Rue du Mont Saint, St. Saviour.

APPLICANT: Mr & Mrs Parnwell

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: 01/11/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 22/08/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: JG Architecture Ltd - 2437 02.01 & Strategy for Nature GP15 Statement (both date stamped received 22/08/2024)

Application Ref: FULL/2024/1453

Property Ref: E005230000

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.No part of the land to which this permission relates shall be used as domestic garden until such time as the existing glasshouse shown to be demolished on the approved drawing (ref: 02.01) has been demolished and all ancillary materials, works and structures have been removed from the site.

Reason - To make sure the development takes the form hereby permitted.

5.(a) Prior to the commencement of any works in connection therewith full details of the landscaping scheme (as shown on drawing ref: 02.01 and as detailed in the GP15 supporting document) to include the location of each species proposed, along with the size, number and density of the plants/trees shall be submitted to and agreed in writing by the Authority.

(b) The landscaping scheme shall be fully completed, in accordance with the details agreed under the terms of criterion (a) above, by the end of the first planting season following the demolition of the glasshouse. 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 a satisfactory landscaping scheme for the development is agreed, and is implemented in a timely manner in the interests of visual amenity and to secure biodiversity enhancements in accordance with the Strategy for Nature SPG.

6.If, during any form of development hereby approved, contamination not previously identified is found to be present at the site, then no further development shall be carried out until the applicant 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 strict accordance with the conclusions and recommendations contained in the agreed report.

Reason - To make sure that the site, when developed is free from contamination, in the interests of public health and safety.

Expiry Date: This permission will cease to have effect on 01/11/2027 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/2024/1453
Property Ref: E005230000
Valid date: 22/08/2024
Location: La Querriere Rue du Mont Saint St. Saviour Guernsey
GY7 9QR
Proposal: Demolish glasshouse. Change of use of agricultural land to
domestic garden (899 sq.m.).

Applicant: Mr & Mrs Parnwell

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.

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Reason - To make sure the development takes the form hereby permitted.

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Reason - To ensure that a satisfactory landscaping scheme for the development is agreed, and is implemented in a timely manner in the interests of visual amenity and to secure biodiversity enhancements in accordance with the Strategy for Nature SPG.

6. If, during any form of development hereby approved, contamination not previously identified is found to be present at the site, then no further development shall be carried out until the applicant 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 strict accordance with the conclusions and recommendations contained in the agreed report.

Reason - To make sure that the site, when developed is free from contamination, in the interests of public health and safety.

OFFICER'S REPORT

Brief Description of the site:

The application site comprises a residential 1.5 storey dwelling situated to the east of and accessed off Longue Rue and to the west of Rue du Mont Saint. Surrounding the site the area comprises residential properties to the north, northeast and west with agricultural fields to the south and east.

The site is situated Outside of the Centres as designated in the Island Development Plan.

Relevant History:

None relevant

Existing Use(s):

Residential – Use Class 1
Agriculture – Use Class 28

Assessment: *(Tick as appropriate)*

no representation	☒
accords with policy	☒
within curtilage	☒
design acceptable	☒

visual amenity acceptable	☒
no material neighbour impact	☒
traffic not affected	☒

Policies considered most relevant:

OC5(B): Agriculture Outside of the Centres – outside of the Agriculture Priority Areas.
OC7: Redundant Glasshouse Site Outside of the Centres.
GP1: Landscape Character and Open Land.
GP15: Creation and Extension of Curtilage.

Supplementary Planning Guidance – Strategy for Nature (2020)

Consultations:

Office of Environmental Health and Pollution Regulation

I have reviewed the planning application for the demolition of a glasshouse and a change of use of agricultural land to domestic garden at La Querriere.

“I have interrogated the States’ Digimap system and records, which show that heated and partly heated glasshouses were historically located on the land parcel that makes up La Querriere, including directly on the piece of land which the applicant wishes to convert to domestic use.

It is not known whether any contaminated land surveys have been carried out historically as part of any previous development at the site, which would assess any risks posed by historical heated glasshouse use. Without knowing this, there is 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 advise that the applicant is made aware of this potential risk, and I 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 applicant 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.*

I would be grateful if this is considered during the determination of this application.”

Conclusion/Brief comment:

A review of the aerial imagery of the site confirms that in 1963 the whole of the application site was a glasshouse site, with three large spans of glass running on a north to south axis and a smaller glasshouse where the house now stands. By 1979 the smaller span of glass had been demolished and the house that now stands on the site built and the middle span of glass had also been removed from the site. By 2009 all aspects of glass had been removed bar the small span that exists to the west of the property that remains on site at present. The site visit and an internal inspection of the glasshouse has confirmed that the glasshouse is not currently being used and has not been used for some time for horticultural purpose. The site is therefore considered a redundant vinery site for the purpose of planning policy.

Policy OC7 allows for the redevelopment of redundant glasshouse sites for certain forms of development which includes the extension of residential curtilage subject to satisfying six additional criteria. For reasons contained further within this report, the proposal would not have any adverse impacts on neighbours, would not jeopardise highway safety, would make an effective and efficient use of land, includes the demolition and removal from the site of all glasshouses and ancillary structures, includes an appropriate landscaping scheme and would accord with other relevant policies of the IDP. The proposal therefore satisfies all relevant criteria of Policy OC7.

Policy OC5(A) supports development which would result in the loss of agricultural land where the proposed new use accords with all other relevant policies. This together with policies GP1 and GP15 are assessed below.

In respect of the change of use to domestic garden, the application proposes to change the use of a relatively small section of the site immediately to the west of the property. The section of land in question is enclosed by residential development to the north and northeast, with agricultural land retained to the west, and existing to the south and east. Although not situated within the Agriculture Priority Area the

land is situated adjacent to APA land situate to the south and east. However the boundaries of the proposed area of curtilage are clearly delineated, and a group of trees exist along the full extent of the southern boundary and the majority of the western boundary ensuring that the site is not visible in public views and limiting the potential or practical use of this land for commercial agriculture.

The change of use would not have a significant impact on landscape character or openness, as the site is not considered to be prominent in the landscape setting, and no boundary features are to be removed. The proposed use of the land would be for domestic purposes, and, taking into account the proposed use and the relationship to surrounding residential property, the proposal would have no adverse effects on neighbouring residents. The proposed change of use would therefore accord with Policies GP1 (Landscape character and open land) and GP15 (Creation and extension of curtilage).

Although the site is not located in an Area of Biodiversity Importance, in line with the States' Strategy for Nature, 2020, which has been adopted as Supplementary Planning Guidance, the application must be accompanied by information demonstrating environmental benefits in respect of biodiversity that will be incorporated should planning permission be granted. This should relate to biodiversity benefits within the proposed area of domestic garden.

The application drawings and supporting GP15 Statement show enhancements proposed including the establishment of a wildflower meadow to improve existing grassland habitats, new native hedging, indicative native planting including the planting of Hawthorn, dog-rose and heather along the south and east boundaries. However, no details regarding the location of each species proposed, along with the size, number and density of the plants/trees have been provided and it is recommended that such details are secured by planning condition. Provided that the landscaping scheme is implemented in accordance with these details and within the first planting season following demolition of the glasshouse structure (which can be controlled by condition), this will offer good opportunities for biodiversity enhancements relative to the size of the land in question.

The scheme also proposes the wholesome removal of the existing glasshouse and supporting structures (which can be controlled by condition). As such therefore, the scheme accords with the aims of the Strategy for Nature.

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: 30/10/2024

