

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 to domestic garden (1,050 sq.m.) and erect greenhouse.

LOCATION: The Coach House, Roseland Lane, Vale.

APPLICANT: Ms D Raineri

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: 27/12/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 30/09/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Site and Block plans, Hartley Botanic - HB26139-001 Issue A & photo (all dated 30/09/24) Biodiversity statement & landscaping plan (23/10/24) & plan of amount of glass to be removed on vinery site (19/12/24).

Application Ref: FULL/2024/1503

Property Ref: C01180B000

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.The wild flower areas must be cultivated using the advice given by ACLMS and not by rotovation and new sowing of seeds.

Reason - To ensure minimal tillage.

5.Before any works are undertaken a list of the plant species to be planted must be submitted to and approved by the Authority. The planting shall then be undertaken in accordance with the approved list of species and any plants found to be dead, dying or diseased within 5 years shall be replaced with an approved species.

Reason - To ensure no invasive species are planted in the garden.

6.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

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

Expiry Date: This permission will cease to have effect on 27/12/2027 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

With reference to condition 6 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>.

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/2024/1503
Property Ref: C01180B000
Valid date: 30/09/2024
Location: The Coach House Roseland Lane Vale Guernsey GY3 5PL
Proposal: Change of use of agricultural land to domestic garden (1,050 sq.m.) and erect greenhouse.

Applicant: Ms D Raineri

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. The wild flower areas must be cultivated using the advice given by ACLMS and not by rotovation and new sowing of seeds.

Reason - To ensure minimal tillage.

5. Before any works are undertaken a list of the plant species to be planted must be submitted to and approved by the Authority. The planting shall then be undertaken in accordance with the approved list of species and any plants found to be dead, dying or diseased within 5 years shall be replaced with an approved species.

Reason - To ensure no invasive species are planted in the garden.

6. 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:

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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

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

INFORMATIVES

With reference to condition 6 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>.

OFFICER'S REPORT

Site Description:

The property known as 'The Coach House' is in two halves the first half is a pre-1900 construction and the second is an early 1990's addition. The new part of the property faces north and the old part faces east onto Roseland Lane. The domestic curtilage is a small front garden to the north and half of the field to the west (which until the early noughties still had glass houses on it). There are neighbouring properties to the east across the road, to the south and to the west beyond the agricultural field. To the north is Roseland vinery, which is within the same ownership. The property is located Outside of the Centres as defined in the Island Development Plan.

Relevant History:

FULL/2014/1169 - Erect oak garage / log store to rear of property – Approved May 2014

FULL/2014/0566 - Extend domestic curtilage – Approved March 2014.

Existing Use(s):

Residential use class 1: dwelling house.

Agricultural use class 28: agriculture.

Brief Description of Development:

This application is to extend the domestic curtilage across the whole of the field to the west of the property and erect a 6m x 11m Hartley Botanic greenhouse.

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

OC7: Redundant Glasshouse Sites Outside of the Centres

GP1: Landscape Character and Open Land

GP8: Design.

GP15: Creation and Extension of Curtilage

Representations:

We had one letter from La Societe Guernesiaise, but it was to say they had missed the date to send a letter of representation and that they would be willing to advise should it be necessary.

Consultations:

The Office of Environmental Health and Pollution Management
17/10/24

'I have reviewed the proposed plans for The Coach House which were received by email on 10th October 2024 and there are a number of issues of concern that I must raise. I have looked at the previous cadastre records and historic maps for the land parcel, it can be seen that historic greenhouses have been on the site previously, indicating its horticultural use. It can also be seen that the land parcels may have been divided up differently in the past, this coupled with the fact on some historic maps, tanks are detailed in now neighbouring land parcels, I have concerns for potential hydrocarbon contamination.'

I would also have concerns for contamination caused by the horticultural industry itself, specifically, but not limited to, heavy metals and pesticides which may be persistent in the soil. Furthermore, I note that the applicant wishes to grow seedlings for a biodiverse landscape, it would not be unreasonable for produce to also be grown and as such I would further be concerned for bio-accumulation of contaminants in potential produce. With the above points in mind, I would recommend that a full contaminated land condition be applied to any permission granted for this application by the Planning Authority.

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.'*

Agriculture, Countryside and Land Management Services
24/10/24

'The area appears to have been permanent grassland since circa 2004 (based on aerial photographs). I'd therefore recommend that they don't rotovate and sow a pictorial wildflower meadow (which would be required to create the example at Les Cotils which was cited in the Biodiversity Statement). In addition to the initial detrimental biodiversity impact of cultivating the area and sowing the meadow, such meadows require regular (often annual) sowing and reseeding, leading to a long-term reduction in biodiversity value. This would also be counter to their practice of 'minimal tillage'. Instead, we would recommend that the grassland is left to grow tall to observe what grows and, if they do wish to enhance the abundance/diversity of wildflowers further, they should consider interplanting or over-sowing. Annual management should then consist of annual cutting, with the arisings being removed. This is in line with the wildflower guidance published on the gov.uk website (<https://gov.uk/CHttpHandler.ashx?id=163357&p=0>, <https://gov.uk/CHttpHandler.ashx?id=163358&p=0>).

They have stated that they would not plant invasive species, however you may wish sight of a species list to ensure that this is the case. We've seen that often invasive species are often mistaken for native species because they're regularly sighted in the island! I'd be very happy to look over a proposed planting list if they provide one.

Notwithstanding the impacts of the species selection, in general the addition of a pond and a greater diversity of shrub and creepers etc, would enhance the biodiversity of the site.'

Summary of Issues:

- Design of the development.
- Impact of the development on the character and appearance of the area.
- Impact of the development on neighbouring properties.'

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.

Due to the fact that the field subject of this application was once part of the Roseland Vinery policy OC7 is applicable.

The applicants have now confirmed that 75% of the existing glasshouses on the vinery site will be demolished, leaving 25% to continue to grow produce for the family. This is considered to be an appropriate amount cleared to enable the rest of the proposals to take place.

The land, subject of this application, proposed to become domestic curtilage has been laid to lawn since the early 2000's when the glasshouses were removed. In 2014 part of the field was extended to domestic curtilage to allow a timber three bay detached garage to be built.

The remainder of the land has two high granite wall boundaries to the south and west and a row of mature planting between the land and the remaining glasshouses. This means it is not open land and would not contribute to the wider landscape character. The land does not have a separate access and would not easily be able to contribute to and commercial agricultural use.

The applicants have submitted a biodiversity statement and landscape plan showing their proposals for biodiversity enhancements, which includes a pond and several

boxes for birds, bats and hedgehogs, as well as an area for wild flowers and pollinator friendly plants.

ACLMS have been consulted and they have suggested that the wildflower area is not rotovated, but allowed to grow wild with additional interplanting and/or over sowing should it be required. A condition will be added to ensure ACLMS recommendations are considered to gain the best possible enhancement of the area.

A condition shall also be added to ensure the planting list is full of native species rather than invasive, which would be counterproductive.

Constructing a 6m x 11m hobby greenhouse in the middle of the land is not considered to have any impacts on the character and appearance of the surrounding area, as it will not be seen from any public vantage points. nor is it considered to have any impacts on neighbour amenity.

The proposals are considered to conform to the above policies of the Island Development Plan and grant of permission is recommended, 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 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.

Date: 24/12/2024

