

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 land from Agricultural (Use Class 28) to Tree Surgery Business (Mixed Use Comprising Light Industrial and Storage and Distribution Use Classes 24 & 22).

LOCATION: Le Rocher Vinery, Le Rocher Lane, Vale.

APPLICANT: Mr B De Putron & Mr S Cochrane

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: 13/01/2025

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 17/10/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: 1:1000 scaled Application Block Layout Plan & Proposal for Le Rocher Vinery document (both date stamped received 03 & 09 October 2024).

Application Ref: FULL/2024/1715

Property Ref: C02222B001

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 premises shall only be used as a Tree Surgery Business and for no other purpose including any other purpose ordinarily falling within Storage and Distribution Use Class 22 or Industrial Use Class 24 of the Land Planning and Development (Use Classes) Ordinance, 2017, or in any Ordinance revoking or re-enacting that Ordinance.

Reason - Permission has been granted on the basis that the use will be limited to that outlined above. Any other use is likely to raise different planning policy considerations.

5.Except in exceptional circumstances resulting from incidents such as severe weather events or emergencies where access to the site would be required, there shall be no use or operation of the site outside the hours of 07:30 to 18:00 Mondays to Fridays and 08:00 to 13:00 on Saturdays. There shall be no use or operation of the site on Sundays, Bank holidays or Public holidays (except in exceptional circumstances resulting from incidents such as severe weather events or emergencies where access to the site would be required). A log should be kept of any such additional emergency use and this should be made available to the Planning Service on request.

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.

6.No log splitting shall take place on the site except between the hours of 09:00 to 16:00 on Monday to Friday and not at any time on Saturdays, Sundays, Bank Holidays or Public Holidays.

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

7.No use of vehicles or machinery to load woodchips and/or logs shall take place on the site except between the hours of 08:00 to 18:00 on Monday to Friday and 08:00 to 13:00 on Saturdays and not at any time on Sundays, Bank Holidays 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.

8.Other than in the areas as shown on the annotated 1:1000 Application Block Plan, no storage of any description shall take place on any other part of the site outside of the glasshouse.

Reason - To make sure that the site does not fall into an untidy condition and spoils the appearance of the area.

Expiry Date: This permission will cease to have effect on 13/01/2028 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

No details of the portacabin (office/changing room) have been provided as part of this application. This permission does therefore not permit the installation of a portacabin on this site for which a separate permission will be needed.

Planning conditions that are applied to control noise arising from the site do not remove residents' rights to make noise complaints to The Office of Environmental Health and Pollution Regulation (OEHPR). Noise complaints will be investigated to establish whether statutory nuisance is occurring. Where statutory nuisance is identified, legal notices can be served on landowners and land users to prevent the recurrence of nuisance. Breaches of the requirements of legal notices will be referred to the Law Officers of the Crown.

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/2024/1715
Property Ref: C02222B001
Valid date: 17/10/2024
Location: Le Rocher Vinery Le Rocher Lane Vale Guernsey GY6 8NF
Proposal: Change of use of land from Agricultural (Use Class 28) to Tree Surgery Business (Mixed Use Comprising Light Industrial and Storage and Distribution Use Classes 24 & 22).

Applicant: Mr B De Putron & Mr S Cochrane

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 premises shall only be used as a Tree Surgery Business and for no other purpose including any other purpose ordinarily falling within Storage and Distribution Use Class 22 or Industrial Use Class 24 of the Land Planning and Development (Use Classes) Ordinance, 2017, or in any Ordinance revoking or re-enacting that Ordinance.

Reason - Permission has been granted on the basis that the use will be limited to that outlined above. Any other use is likely to raise different planning policy considerations.

5. Except in exceptional circumstances resulting from incidents such as severe weather events or emergencies where access to the site would be required, there shall be no use or operation of the site outside the hours of 07:30 to 18:00 Mondays to Fridays and 08:00 to 13:00 on Saturdays. There shall be no use or operation of the site on Sundays, Bank holidays or Public holidays (except in exceptional circumstances resulting from incidents such as severe weather events or emergencies where access to the site would be required). A log should be kept of any such additional emergency use and this should be made available to the Planning Service on request.

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.

6. No log splitting shall take place on the site except between the hours of 09:00 to 16:00 on Monday to Friday and not at any time on Saturdays, Sundays, Bank Holidays or Public Holidays.

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

7. No use of vehicles or machinery to load woodchips and/or logs shall take place on the site except between the hours of 08:00 to 18:00 on Monday to Friday and 08:00 to 13:00 on Saturdays and not at any time on Sundays, Bank Holidays 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.

8. Other than in the areas as shown on the annotated 1:1000 Application Block Plan, no storage of any description shall take place on any other part of the site outside of the glasshouse.

Reason - To make sure that the site does not fall into an untidy condition and spoils the appearance of the area.

INFORMATIVES

No details of the portacabin (office/changing room) have been provided as part of this application. This permission does therefore not permit the installation of a portacabin on this site for which a separate permission will be needed.

Planning conditions that are applied to control noise arising from the site do not remove residents' rights to make noise complaints to The Office of Environmental Health and Pollution Regulation (OEHPR). Noise complaints will be investigated to establish whether statutory nuisance is occurring. Where statutory nuisance is identified, legal notices can be served on landowners and land users to prevent the recurrence of nuisance. Breaches of the requirements of legal notices will be referred to the Law Officers of the Crown.

OFFICER’S REPORT

Site Description:

The application site comprises a redundant vinery site situated to the west of Le Rocher Lane. Surrounding the site, the area comprises redundant vineries to the west and southwest with residential properties to the northwest, east and south.

The glasshouse block on site measures circa 62m in length by circa 21m in width totalling circa 1,302m² floorspace. The glasshouse is in good condition and is made of aluminium.

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

Relevant History:

CLU/2024/1171	Regularise the use of vinery site for Arbology Tree Services (Mixed use falling within Light Industrial and Storage and Distribution Use Classes 23 & 24).	Withdrawn 11/10/2024
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Existing Use(s):

Redundant vinery

Brief Description of Development:

Planning permission is sought to change the use of land from Agriculture (Use Class 28) to a Tree Surgery Business comprising a mixture of light industrial and storage and distribution use (Use Classes 24 & 22).

The supporting information submitted as part of the application confirms that staff (a total of 4 staff vehicles) will arrive between 07:30am to 08:00am to load the vehicles (there are 5 work vehicles in total) with tools and machinery required for that days jobs returning at 15:45 to finish at 16:00hrs Monday to Friday. During the weekends when the job demands due to storm damage etc. the site will operate between 07:30 to 16:00hrs.

Most days the work vehicles are out for the day, but on occasions they may be required to return to the site to pick up additional tools or machinery. Machinery maintenance will take place 2 to 4 times per month between the hours of 14:30 and 15:45. About 3 to 4 times per week at 30 minute intervals woodchips are loaded into vehicles. Log splitting is also proposed from the site between the hours of 08:00 and 16:00 Monday to Friday and occasionally on Saturdays. Log deliveries will be carried out from the site during the hours of 07:45 and 16:00 Mondays to Fridays and 08:00 to 12:30 on Saturdays.

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

Island Development Plan Policies:

- OC3: Offices, Industry and Storage and Distribution Outside of the Centres;
- OC7: Redundant Glasshouse Sites Outside of the Centres;
- GP1: Landscape Character and Open Land;
- GP8: Design;
- IP9: Highway Safety, Accessibility and Capacity.

Representations:

None

Consultations:

Office of Environmental Health and Pollution Regulation (OEHPR)

By letter dated 21st November 2024 stated the following:

"I have reviewed the application for the proposed change of use of land from Agricultural to Mixed Use (Comprising Light Industrial and Storage & Distribution Use), to allow a tree surgery business to operate at the above site. I have concerns about the proposal and there is currently insufficient information supplied for me to comment fully on the application.

Having read the applicant's proposal document, I have concerns about the potential adverse noise impact on neighbouring residential properties arising from the tree surgery business' use of the site and work activities. I would request that further information is provided in response to the following queries:

1. Vehicle noise:

It is stated there would be four staff vehicles and five work vehicles coming to and from the site throughout the day from 7.30am Monday to Friday, with vehicles possibly also using the site on Saturdays. It is also stated that log deliveries are carried out and that there would be use of a Ford Transit Tipper with a HIAB crane.

Using arial maps I have measured the proposed carpark to be approximately 10 metres away from the nearest residential property which could create a source for noise disturbance to occur. I am also concerned about noise arising from the Tipper/HIAB vehicle. I also note from an aerial photo map taken in 2022 that there were several vehicles on the site. With these points in mind, I would like to know:

- a. Is the site already being used for this business?*
- b. How frequently vehicles currently move around the site?*
- c. Details of the work vehicles described (make, model, diesel/petrol engine).*
- d. What frequency, and for what reason/usage, is it anticipated that vehicles would use the site (staff, work, and visitors' vehicles)?*
- e. Whether deliveries to the site from third parties are expected, and if so, what would be delivered, what types of delivery vehicles would be visiting the site and how frequently would deliveries be made to site?*
- f. Whether the applicant can give a commitment to reversing beepers not being used, for any vehicles on site. If possible, the use of a banksman is preferable, to direct and monitor on-site vehicles. However, if this is not possible, I would ask that consideration is given to white noise sounders as opposed to reverse beepers.*

2. Maintenance on machinery:

It is stated that maintenance is carried out on machinery about 3-4 times a month. I would request that further information is provided regarding the general types of maintenance carried out and whether any noise making machinery is used, with details of this.

3. Woodchips:

It is stated that woodchips are loaded into vehicles "about 3-4 times a week at 30-minute intervals". I would request that the following information is provided:

- a. *How loading of woodchips would be carried out and if any machinery would be used?*
- b. *What would the duration be of the activity of loading woodchips into vehicles (every 30 minutes, or 30 minutes from start to finish)?*
- c. *Would any wood chipping machinery be used to chip at the site? If so, how often would this take place?*

4. *Portable log splitters:*

It is stated that log splitting would be carried out between the hours of 8:00 to 16:00, normally Monday to Friday, but there could also be use of the splitters on Saturday. It is assumed that machinery is used for this activity, and I would request that further information is provided as follows:

- a. *How frequently and for how long log splitting would be carried out for?*
- b. *Would multiple splitters be used at the same time?*
- c. *How are the log splitter(s) powered?*
- d. *The make/mode of the splitter(s) and any manufacturers specification for these, including sound/acoustic data.*

Should further information be provided, I would be happy to look at this and provide further comment and I would be grateful if this letter is considered during the determination of this application.

By email dated 21st November 2024 the applicant provided additional information to address the points of concern raised. OEHPR was reconsulted and by letter dated 17th December 2024 stated the following:

"I have reviewed the answers provided by the applicant to the questions asked in my letter dated 21st November 2024, relating to the application for the proposed change of use of land from Agricultural to Mixed Use (Comprising Light Industrial and Storage & Distribution Use), to allow a tree surgery business to operate at the above site.

I continue to have concerns about noise that will arise from some of the proposed business activities at the site and I believe that without restrictions being imposed on general site usage, heavy vehicle / machinery usage and log splitting, there is the potential for neighbouring residential properties to be adversely impacted.

Regarding general site usage and operation, I would recommend that the following condition is attached to any permission granted for the application:

- *There shall be no use or operation of the site outside the hours of 07:30 to 18:00 Mondays to Fridays and 08:00 to 13:00 on Saturdays. There shall be no use or operation of the site on Sundays, Bank holidays or Public holidays.*

Regarding the use of a JCB heavy work vehicle for the loading of woodchips into vehicles, and the use of a HIAB crane to load logs into vehicles, I would recommend that the following condition is attached to any permission granted for the application:

- *No use of vehicles or machinery to load woodchips and / or logs shall take place on the site except between the hours of 08:00 to 18:00 on Monday to Friday and 08:00 to 13:00 on Saturdays and not at any time on Sundays, Bank holidays or Public Holidays.*

Regarding the use of log splitting machinery, I have used the information submitted to carry out approximate acoustic distance calculations to assess the potential noise impact on neighbouring residential properties. The calculations show that the noise impact from using one log splitter has the potential to result in an adverse impact, with the impact becoming more severely adverse when two splitters are used at the same time. I would therefore recommend that the following condition is attached to any permission granted for the application:

- *No log splitting shall take place on the site except for a maximum of five hours per week and only between the hours of 10:00 to 12:00 and 14:00 to 16:00 on Monday to Friday and not at any time on Saturdays, Sundays, Bank holidays or Public Holidays.*

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

Following receipt of these comments the applicant was contacted with regard to the suggested conditions and the applicant requested whether it would be possible to discuss the issues with the OEHPR representative. Discussions were held and a site visit took place to witness the equipment used on site. By letter dated 6th January 2025 OEHPR stated the following:

"I write further to my letter dated 17th December 2024, in which I recommended conditions to be attached to any permission granted for the application relating to the proposed change of use of land from Agricultural to Mixed Use (Comprising Light Industrial and Storage & Distribution Use), to allow a tree surgery business to operate at the above site.

Following being advised on the contents of my letter, the applicant asked the Planning Officer if they could discuss the recommended conditions and I spoke on the phone with them about this. I also met the applicant at the site today to further discuss the use of log splitting equipment at the site.

At the time of my visit both log splitters were turned on and I walked around the site to listen to the resultant noise of the petrol engines at the boundary of two residential noise sensitive premises. The noise from the splitters was heard at both boundaries, however this was at a much-reduced noticeable level than I had first anticipated. Whilst I do still have some concerns about the noise from the log splitting equipment, I spoke with the applicant about when they would ideally like to operate the machinery and we came to a compromise that I believe is acceptable.

I therefore would like to change my previous recommendation in relation to the log splitting machinery to:

- No log splitting shall take place on the site except between the hours of 09:00 to 16:00 on Monday to Friday and not at any time on Saturdays, Sundays, Bank Holidays or Public Holidays.*

I gave advice to the applicant about closely monitoring noise in the summer, operating the machinery with windows and doors open/closed and on our powers to investigate statutory nuisance. Regarding this last point, I would recommend that an informative note is provided on any permission granted for the application as follows:

- Planning conditions that are applied to control noise arising from the site do not remove residents' rights to make noise complaints to this department. Noise complaints will be investigated to establish whether statutory nuisance is occurring. Where statutory nuisance is identified, legal notices can be served on landowners and land users to prevent the recurrence of nuisance. Breaches of the requirements of legal notices will be referred to the Law Officers of the Crown.*

The applicant confirmed that they do not wish to query the recommended condition regarding the loading of woodchips and/or logs. However, regarding the recommended condition about site usage and operation, they asked if it would be acceptable to add a caveat so that they are able to access the site at times of extreme weather and / or emergency. I advised that I have already spoken with the Planning Officer about this matter and that it has been agreed that this would be acceptable and that the Planning Officer is likely to add some wording to the condition to reflect this.

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

Summary of Issues:

The main issues in assessing this application taking into account the relevant planning policies are:

1. whether the principle of development is appropriate;
2. the impact of the development on the character and appearance of the area;
3. the impact of the development on the amenity of people living in the area; and
4. traffic and access issues;

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.

Whether the principle of development is appropriate;

The application site is situated Outside of the Centres as designated in the IDP and a large part of the site is covered by a glasshouse block. Under the Planning Law glasshouse sites are considered to be a temporary use on agricultural land, therefore upon the clearance of glasshouses and ancillary structures, the land is expected to return to agricultural use. Policy OC7 however allows in certain circumstances for redundant glasshouse sites Outside of the Centres to be utilised for development.

Paragraph 17.5.3 of the IDP defines a redundant glasshouse as:

"a glasshouse or glasshouses together with ancillary structures and land where the glass and ancillary structures are no longer required or capable of being used for their authorised purpose. Often the condition of such structures will deteriorate over time through lack of use and management and leave only partial remnants of structures."

A review of the planning history for this site confirms that a gardening business was using the premises which ceased in 2023 and in 2024 the premise was sold to the applicant. This site is therefore no longer required for its authorised use and for the purpose of Policy OC7 it is considered that the glasshouse site is redundant.

Policy OC7 sets out two criteria, a) and b), which must be satisfied prior to considering development on a redundant glasshouse site:

- a) the site is not within or adjacent to an Agriculture Priority Area, unless it is demonstrated that the site cannot positively contribute to the commercial agricultural use of an identified Agriculture Priority Area or cannot practically be used for commercial agricultural use without adverse environmental impacts or where proposals are for renewable energy infrastructure and the design would allow agricultural activity to continue on the site; and,*
- b) the site would not contribute positively to a wider area of open land.*

The Agriculture Priority Area (APA) represents the Island's most valuable agricultural area. The application site is not within or adjacent to an identified APA. In this instance, given that the land is outside of the APA, the balance would not be towards protecting this land for agricultural purposes. The proposal therefore satisfies criterion a) of Policy OC7.

With regard to criterion b), the site is not within or adjacent to a wider area of open land. Residential development is situated to the north, south, and east with a relatively small redundant vinery site to the west and residential properties further west. Given the surrounding built form and when seen in context, it is considered that if this site was cleared it would not positively contribute in visual terms to a wider area of open land. The proposal is therefore considered to satisfy criterion b) of Policy OC7.

Turning now to the criteria of Policy OC3 of the IDP, it is noted that there are specific tests regarding the principle of the development in addition to criteria for assessing its appropriateness which are similar to the remaining criteria of Policy OC7. In considering this policy therefore the assessment of the principal tests in Policy OC3 will be set out first below, followed by an assessment of the remaining criteria taken together from both Policies OC3 and OC7.

Paragraph 17.1.4 of the preceding text to Policy OC3 states the IDP makes provision for small-scale industrial and storage and distribution uses Outside of the Centres where they are of a scale and form that respects the character of the surroundings and do not introduce unnecessary development which is otherwise capable of being located within the Centres. Policy OC3 further states that proposals for new industrial and storage and distribution uses will be supported where there is a justifiable need for the business to be located Outside the Centres owing to the special nature or requirements of the business operation, or there being a demonstrated lack of suitable alternative sites in the Centres. The IDP directs such development towards either brownfield or redundant glasshouse sites.

In this case, the site is a redundant glasshouse site as established above. The business requires the use of the glasshouse for the storage of logs to allow them to season, to split the logs and to store all split logs in 1 tonne bags before delivering them to customers. Machinery, woodchips, and tools and an area to maintain tools under cover will also be provided within the glasshouse. The proposed operation is land intensive but there will be a low number of employees, low levels of traffic movement and the operation will be mainly contained within an existing glasshouse block. Furthermore, given the nature of the business there appears to be a clear operational requirement to operate inside of the glasshouses to facilitate the seasoning, drying out, sorting and splitting of the wood prior to delivering it to customers.

It is therefore considered that the special requirements of the operation demonstrate a justifiable need for the business to be located Outside of the Centres. The proposal although requiring a relatively large floor area is considered to be of a small scale due to the particular nature of the operation and the low level of employees and traffic movements and would not introduce unnecessary development Outside of the Centres. However to ensure that this remains the case, a condition should be included on any permission to restrict the use of the site as a tree surgery business only and for no other light industrial or storage and distribution purpose.

Overall the principle of this development is considered to be supported by policies OC7 and OC3 of the IDP.

Both policies OC3 and OC7 contain similar criteria which the proposal must be assessed against. The following criteria of Policy OC3 are reflected in Policy OC7:

- the development is of a scale and form that respects the character of the surrounding area and would not adversely affect or detract from the amenities of existing surrounding uses especially with regard to noise, vibration, smell, fumes, smoke, soot, ash, dust or grit; and,
- the development will not jeopardise highway safety and the free flow of traffic on the adjoining highway; and,
- the site will be laid out to achieve the most effective and efficient use of the land and the least negative visual and amenity impacts with buildings, materials, parking, access, and open storage areas designed to respect the character of the area; and,
- the proposal includes details of an appropriate soft landscaping scheme, which will make a positive contribution to the visual quality of the environment and will sufficiently screen the activities on the site and mitigate impacts.

In addition, Policy OC7 contains two additional criteria:

- the proposal includes the demolition and removal from the site of all glasshouses and ancillary structures which are not capable of being used for a use in accordance with the relevant policies of the Island Development Plan; and
- the proposal accords with all relevant policies of the Island Development Plan.

In relation to the suitability of the use, other relevant policies of the IDP including policies GP1 (Landscape character and open land) and GP8 (Design) would be relevant. Policy GP1 requires consideration of whether the proposal would result in any unnecessary loss of open and undeveloped land which would have an unacceptable impact on the open landscape character of the area. Policy GP8 requires proposals for new development to achieve a high standard of design which respects and where appropriate enhances the character of the environment. Proposals will be expected to *“respect the character of the local built environment or the open landscape concerned”*.

The assessment of Policies OC3, OC7, GP1 and GP8 is set out under the appropriate following sections below.

The impact of the development on the character and appearance of the area;

Paragraph 17.5.9 of the IDP states that in certain circumstances it may be acceptable to permit redundant glasshouse sites Outside of the Centres to be utilised for small scale industrial, storage and distribution uses if all glasshouses and ancillary structures which are not capable of being used for a use in accordance with the relevant policies of the Island Development Plan are demolished and removed from the site.

As already stated within this report, given the location of the site the proposal does not contribute to a wider area of open land. Although noted that policy OC7 does normally seek the removal of glasshouses and ancillary structures not capable of being used, in this instance there is an operational need to operate from inside the whole of the existing glasshouse. Furthermore, the whole of the glasshouse is in good condition and although currently unused is by no means derelict or in a state of disrepair. The re-use of the existing glasshouse as proposed therefore complies with Policy OC7 in this respect.

Outside of the glasshouse parts of the site will be required to be used for the parking of 4 staff vehicles and 5 work vehicles, for overflow storage of logs (if required) before they are transferred to the glasshouse to be stored/seasoned/sorted and split, and to accommodate a small office/changing room in the form of a portacabin building. However, no details of the portacabin have been provided and no justification as to why this could not be accommodated within the glasshouse has been provided. It is recommended that an informative is included on the application to make the applicant aware of the need for a further planning application should he wish to locate a portacabin on the site.

The boundary screening surrounding the site comprises a mixture of large trees and hedgerows along the west, south and north boundaries with a large granite wall separating the site from the neighbouring property to the south (Serenity). It is considered therefore that there is no need to mitigate the impact of the development and additional landscaping is not required in this case.

In light of the above, the proposal would not impact adversely on the character or openness of the surrounding area. The proposal would therefore accord with Policies OC3, OC7, GP1 and GP8 in this respect.

The impact of the development on the amenity of people living in the area

Policies OC3 and OC7 both require the applicant to demonstrate that the development would not adversely affect or detract from the amenities of existing surrounding uses especially with regard to noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.

Residential properties are situated to the northwest, east and south of the site. As referred to in the consultation section of this report as part of the application the States Office of Environmental Health and Pollution Regulation (OEHPR) was consulted on the application.

Initially OEHPR raised concerns and the application was deferred to request additional information from the applicant regarding the operational characteristics of the business and those aspects with the potential to generate noise, such as vehicle movements, maintenance of machinery, the creation and loading of woodchips and the use of log splitters on the site.

Additional information was submitted by the applicant and OEHPR was reconsulted and suggested that conditions be imposed on the permission, to limit any impact on surrounding residential properties. The suggested conditions limited the use of the site to between 07:30 to 18:00 hrs Monday to Friday and 08:00 to 13:00 hrs on Saturdays (with no working on Sundays, Bank Holidays or Public Holidays), restricting the loading of wood chips or logs between the hours of 08:00 to 18:00 on Monday to Friday and 08:00 to 13:00 on Saturdays (and not at any time on Sundays, Bank holidays or Public Holidays) with no log splitting taking place on the site except for a

maximum of five hours per week and only between the hours of 10:00 to 12:00 and 14:00 to 16:00 on Monday to Friday (and not at any time on Saturdays, Sundays, Bank holidays or Public Holidays).

The applicant was contacted to ensure that the conditions suggested by OEHPR would be viable and requested whether it would be possible to discuss the issues with the OEHPR representative. Discussions were held between OEHPR and the applicant and a site visit took place to witness the log splitter being used on site. By letter dated 6th January 2025 OEHPR suggested that the conditions previously recommended be altered to allow for log splitting on the site between the hours of 09:00 to 16:00hrs Monday to Friday and not at any time on Saturdays, Sundays, Bank Holidays or Public Holidays. The applicant has also requested that the site usage and operation be altered to allow the site to be accessed in the event of extreme weather and/or in an emergency which OEHPR also raised no objection to.

Although the proposal would result in increased traffic movements to the site, given the nature of the proposed use, and anticipated vehicle movements the consequent impact on nearby properties is not likely to be significant.

Ordinarily, the exemptions ordinance would allow for a change of use between certain industrial uses without the need for planning permission. Other uses on this site could however result in greater impacts on the amenities of nearby residential properties, an increase in the number of movements/larger vehicles at the site, and may be unsuitable to be located in an Out of Centre location. On this basis, it is recommended that the use of the site is restricted solely for a Tree Surgery business as proposed and for no other industrial or storage and distribution purpose.

Subject to the recommended planning conditions as set out above and in the absence of any objection from the OEHPR, it is concluded that the proposed development would not be likely to adversely affect or detract from the amenities of existing surrounding uses especially with regard to noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.

Accordingly the proposal complies with Policy OC3, OC7 and GP8 of the IDP in this respect.

Traffic and access issues.

The site is accessed via a track to the east that links to Le Rocher Lane further east. The access track also serves three residential properties to the south. The applicant has confirmed that 4 staff vehicles will come to the site on a daily basis to load up the work vehicles, and to gather equipment and tools required for the days jobs. In total there are 5 work vehicles that will be parked on the site. The applicant has confirmed that on occasions there may be the requirement for works vehicles to come back to the site to get/change equipment. No deliveries will be required to the

site and all logs will be delivered in vehicles from the site with no customers visiting the site to collect split logs.

Based on the information provided vehicle movements to and from the site are likely to be low and unlikely to have a significant impact on the surrounding road network.

Visibility from the existing access is good and it is considered that the proposal will not jeopardise highway safety or the free flow of traffic on the adjoining highway and that the relevant provisions of Policies OC3, OC7 and IP9 are satisfied.

Conclusions

The IDP, in accordance with the SLUP, makes provision for small-scale industrial and storage and distribution uses Outside of the Centres where they are of a scale and form that respects the character of the surroundings and do not introduce unnecessary development which is otherwise capable of being located within the Centres as set out principally in Policies OC3 and OC7.

In this case, the glasshouse site is considered to be redundant, is not within or adjacent to an APA and by virtue of its position in relation to neighbouring land uses and in public views would not contribute positively to a wider area of open land.

Subject to mitigation, which can be achieved by recommended planning conditions and informatives, the development would be of a scale and form that would respect the character of the area, would not jeopardise highway safety or the free flow of traffic and would not detract unacceptably from neighbour amenity. The proposal would therefore comply with Policies OC3 and OC7, as well as other relevant policies of the IDP.

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; the effect of the proposed which the site could be put without further planning permission; 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 not impact on any protected buildings, monuments, trees, or SSS's.

Date: 07/01/2025

