

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 a mixed-use comprising elements of horticulture, agriculture, storage and distribution and garden services. Remove oil tank, container and shed, install fuel container, 2 portacabins, erect fencing to create storage areas and install hard-surfacing (retrospective).

LOCATION: Land at Rue Des Crabbes, St. Saviour.

APPLICANT: Bernies Gardening Services

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: 07/11/2025

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 26/11/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Tyrrell Dowinton Associates : 2418/03.01.C, 03.02A, 03.03 & 03.04.

Application Ref: FULL/2024/2006

Property Ref: E011400000

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.Within 28 days of the grant of this permission, a Dust Management Plan must be submitted to and approved in writing by the Authority. The Dust Management Plan must include reference to the nearest sensitive receptors and provide as a minimum the following:

- Introduction and Scope
- Roles and Responsibilities
- Sources of Dust
- Sensitive Receptors
- Risk Assessment
- Control and Mitigation Measures
- Monitoring
- Communication
- Emergency/Contingency Measures
- Record Keeping and Review.

Once approved, the Dust Management Plan shall be implemented accordingly in the interest of minimising dust and pollution to nearby neighbours.

Reason - to ensure that the site has a Dust Management Plan and continues to operate in accordance with such document to minimise dust and pollution to nearby neighbours.

5.Notwithstanding the information shown on the approved plans, within two months of the date of this permission details of the biodiversity landscaping scheme set out on drawing 03.03 including full details of tree and hedge planting, noting the species, sizes, numbers and densities of plants shall be submitted to and agreed in writing by

the Development & Planning Authority.

Reason - To ensure that the planting scheme is carried out in a suitable timeframe in order to accord with the Strategy for Nature supplementary planning guidance.

6.The landscaping scheme shall be fully completed, in accordance with the details agreed under the terms of the above condition, in the first planting season (October - April) following the grant of this permission, or in accordance with a programme previously agreed in writing by the Authority. Any plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting, shall be replaced in the following planting season by plants of a size and species similar to those originally required to be planted.

Reason - To ensure that the biodiversity enhancement planting scheme is carried out in a suitable timeframe in order to accord with the Strategy for Nature supplementary planning guidance given the retrospective nature of the application.

7.Prior to the installation of the proposed earthbank located between the agricultural field and the approved sui-generis use of the site, full details of the origins of the soil that will be utilised for the earthbank, including demonstrating compliance with relevant soil guideline values, shall be submitted to and agreed in writing by the Authority. The work shall be completed in accordance with the agreed details.

Reason - to ensure that the origins of the soil to be used as part of the proposed earth bank is known, and is not contaminated, in the interest of respecting the landscape quality of the area and achieving acceptable standards of soil quality (Policy GP1).

8.Notwithstanding the information submitted, there shall be no use or operation of the site outside the hours of 08:00 and 18:00 Mondays to Fridays, and 08:00 and 13:00 on Saturdays. There shall be no working on Sundays or public holidays.

Reason - To clearly define the permission, and to limit the use to prevent a nuisance or annoyance to nearby residents.

9.No deliveries to or from the site, by staff associated with Bernie's Gardening Services or an external 3rd party, shall be carried out outside the hours of 08:00 and 18:00 Mondays to Fridays, and 08:00 and 13:00 on Saturdays. There shall be no deliveries on Sundays 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.

10.Materials shall not be stacked or deposited to a height exceeding 3 metres at any time on any part of the site.

Reason - To make sure that the use does not become unsightly and/or a source of annoyance to nearby residents.

11. For the avoidance of doubt, the permission does not include customers accessing or visiting the premises for whatever reason.

Reason - To clearly define the permission and to limit the number of vehicular movements to and from the site as this could adversely affect the character of the area and may cause disturbance issues for neighbouring residents. This condition accords with the agent's letter dated 27th February 2025.

12. The premises shall be used only for a mixed-use (Sui-Generis) comprising horticulture/agriculture within the large 'Glasshouse/nursery' to the rear (north) of the site together with external 'plant storage', and storage and distribution and garden services within the areas identified on drawing ref: 03.01 C, including the 'workshop', 'woodchip storage', 'pallet storage', 'one-ton bag storage', and 'lorry and plant parking', and for no other purpose. The agricultural land to the west of the application site as shown on drawing ref: 03.01 C shall remain under Agricultural Use Class 28.

Reason - The permission is limited to the specific use applied for in order to clearly define the permission and is subject to such restriction to avoid unacceptable harm to other interests.

Expiry Date: This permission will cease to have effect on 06/11/2028 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

Please note that should further ground be broken up at the site and evidence of contamination be encountered, it is advised that you contact the Office of Environmental Health and Pollution Regulation for further advice.

Should any external lighting for the site be required, it is advised that you contact the Authority prior to installation as this may require a separate grant of planning permission.

This permission does not relate to the display of any sign or advertisements. A separate permission will be needed for any such display.

In light of the Office of Environmental Health and Pollution Regulation's comments, it is advised that the applicant applies to such Office for a Waste Management Licence following this decision.

In light of Condition 8, any such change to these prescribed hours of operation would need a variation to such permission and it would be expected that sufficient justification accompanies such request.

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/2024/2006
Property Ref: E011400000
Valid date: 26/11/2024
Location: Land at Rue Des Crabbes St. Saviour Guernsey GY7 9QL
Proposal: Change of use of agricultural land to a mixed-use comprising elements of horticulture, agriculture, storage and distribution and garden services. Remove oil tank, container and shed, install fuel container, 2 portacabins, erect fencing to create storage areas and install hard-surfacing (retrospective).

Applicant: Bernies Gardening Services

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. Within 28 days of the grant of this permission, a Dust Management Plan must be submitted to and approved in writing by the Authority. The Dust Management Plan must include reference to the nearest sensitive receptors and provide as a minimum the following:

- Introduction and Scope
- Roles and Responsibilities
- Sources of Dust
- Sensitive Receptors
- Risk Assessment
- Control and Mitigation Measures
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- Emergency/Contingency Measures
- Record Keeping and Review.

Once approved, the Dust Management Plan shall be implemented accordingly in the interest of minimising dust and pollution to nearby neighbours.

Reason - to ensure that the site has a Dust Management Plan and continues to operate in accordance with such document to minimise dust and pollution to nearby neighbours.

5. Notwithstanding the information shown on the approved plans, within two months of the date of this permission details of the biodiversity landscaping scheme set out on drawing 03.03 including full details of tree and hedge planting, noting the species, sizes, numbers and densities of plants shall be submitted to and agreed in writing by the Development & Planning Authority.

Reason - To ensure that the planting scheme is carried out in a suitable timeframe in order to accord with the Strategy for Nature supplementary planning guidance.

6. The landscaping scheme shall be fully completed, in accordance with the details agreed under the terms of the above condition, in the first planting season (October - April) following the grant of this permission, or in accordance with a programme previously agreed in writing by the Authority. Any plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting, shall be replaced in the following planting season by plants of a size and species similar to those originally required to be planted.

Reason - To ensure that the biodiversity enhancement planting scheme is carried out in a suitable timeframe in order to accord with the Strategy for Nature supplementary planning guidance given the retrospective nature of the application.

7. Prior to the installation of the proposed earthbank located between the agricultural field and the approved sui-generis use of the site, full details of the origins of the soil that will be utilised for the earthbank, including demonstrating compliance with

relevant soil guideline values, shall be submitted to and agreed in writing by the Authority. The work shall be completed in accordance with the agreed details.

Reason - to ensure that the origins of the soil to be used as part of the proposed earth bank is known, and is not contaminated, in the interest of respecting the landscape quality of the area and achieving acceptable standards of soil quality (Policy GP1).

8. Notwithstanding the information submitted, there shall be no use or operation of the site outside the hours of 08:00 and 18:00 Mondays to Fridays, and 08:00 and 13:00 on Saturdays. There shall be no working on Sundays or public holidays.

Reason - To clearly define the permission, and to limit the use to prevent a nuisance or annoyance to nearby residents.

9. No deliveries to or from the site, by staff associated with Bernie's Gardening Services or an external 3rd party, shall be carried out outside the hours of 08:00 and 18:00 Mondays to Fridays, and 08:00 and 13:00 on Saturdays. There shall be no deliveries on Sundays 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.

10. Materials shall not be stacked or deposited to a height exceeding 3 metres at any time on any part of the site.

Reason - To make sure that the use does not become unsightly and/or a source of annoyance to nearby residents.

11. For the avoidance of doubt, the permission does not include customers accessing or visiting the premises for whatever reason.

Reason - To clearly define the permission and to limit the number of vehicular movements to and from the site as this could adversely affect the character of the area and may cause disturbance issues for neighbouring residents. This condition accords with the agent's letter dated 27th February 2025.

12. The premises shall be used only for a mixed-use (Sui-Generis) comprising horticulture/agriculture within the large 'Glasshouse/nursery' to the rear (north) of the site together with external 'plant storage', and storage and distribution and garden services within the areas identified on drawing ref: 03.01 C, including the 'workshop', 'woodchip storage', 'pallet storage', 'one-ton bag storage', and 'lorry and plant parking', and for no other purpose. The agricultural land to the west of the application site as shown on drawing ref: 03.01 C shall remain under Agricultural Use Class 28.

Reason - The permission is limited to the specific use applied for in order to clearly

define the permission and is subject to such restriction to avoid unacceptable harm to other interests.

INFORMATIVES

Please note that should further ground be broken up at the site and evidence of contamination be encountered, it is advised that you contact the Office of Environmental Health and Pollution Regulation for further advice.

Should any external lighting for the site be required, it is advised that you contact the Authority prior to installation as this may require a separate grant of planning permission.

This permission does not relate to the display of any sign or advertisements. A separate permission will be needed for any such display.

In light of the Office of Environmental Health and Pollution Regulation's comments, it is advised that the applicant applies to such Office for a Waste Management Licence following this decision.

In light of Condition 8, any such change to these prescribed hours of operation would need a variation to such permission and it would be expected that sufficient justification accompanies such request.

OFFICER'S REPORT

Site Description:

The application site is lawfully recognised as agricultural land, located to the north of Rue Des Crabbes. The site is located Outside of the Centres as designated in the Island Development Plan.

The land recently formed a Redundant Glasshouse Site based on aerial photographs of the site taken in 2019 and 2016. A large swathe of glass, located to the front (south) and rear of the site (north-west) was cleared sometime in 2022 based on aerial photographs. A smaller, rectangular section of glass remains towards the front of the site, with a much larger square-shaped section of glass located towards the north of the site.

An Immunity Certificate was issued in 2019 as part of a change in ownership of the land. In the Remarks section of the Certificate it was noted that *the Authority recognised that Bernie's Gardening Service is operating from the site. Such a use at*

the level agreed in the letter to the applicant in 2017 is considered ancillary to the lawful use of the land. An increase in the level of activities or areas used for the gardening business will require planning permission. Consequently planning permission was not required at such time given the informal and low intensity use of the business which was deemed to be ancillary to the horticulture (agriculture) use of the land.

Since then, the use of the site has intensified and the land is now currently being used as a mixed use site, comprising a combination of horticulture (agriculture) and storage and distribution, which together, forms the business known as Bernie's Gardening Services.

The site is bounded by an earthbank to the front, surmounted with a mix of trees and hedging. A new high mound of earth has recently moved behind the roadside boundary and features new hedging on top which restricts views into the site.

The primary access of the site is centrally located along the south boundary, with a separated gated access located to the south-west corner. Long range views are glimpsed from the east of the site, along Rue Des Crabbes, with the large expanse of glass towards the rear of the site being visible.

A large area of agricultural land lies to the west of the site, which runs the full depth of the site. This is separate from the primary activity of the business.

Relevant History:

FULL/2024/0529	Remove oil tank, storage container and shed, install fuel containers and 2 portacabins (retrospective). Erect fencing to create storage areas, install hard-surfacing area and alter vehicle access.	Withdrawn
PREA/2022/2324	Change of use from agricultural/horticultural to a sui-generis use of horticulture and landscaping business.	Pre-application enquiry
PREA/2022/0241	Create office in refurbished shipping container.	Pre-application enquiry
PREA/2020/1860	Fix section of wooden greenhouse.	Pre-application enquiry
PREA/2017/0658	Storage of cars on site for a temporary period of approximately 12 weeks.	Pre-application enquiry

Existing Use(s):

Agriculture/Horticulture – former redundant glasshouse site.

Brief Description of Development:

Retrospective permission is sought to change the use of agricultural land to a mixed-use site. The mixed use comprises elements of horticulture, agriculture, storage and distribution and garden services.

It is also proposed to remove an oil tank, container and shed, and install a fuel container, 2 portacabins, erect fencing to create storage areas, and install hard-surfacing to the front of the site.

The following observations were made as part of a site visit to the premises. The smaller glasshouse to the front of the site is used to store maintenance equipment (for use offsite), with the large expanse of glass being used to grow plants. An external area of the premises is also being used for growing plants, located to the north of the smaller section of glass.

Surrounding the two sections of glass there is a mix of different elements which makes up the storage and distribution uses, including piles of stone, soil, bark chippings, hedge clippings, sand, timber, as well as other garden products. A large number of vehicles associated with the business are parked towards the east of the main access, with some smaller vehicles parked inside of the larger section of glass. A screening machine is also located towards the east of the site.

It is understood that car parking for employees is located to the front of the site, between the roadside boundary and the smaller span of glass.

The portacabins are located to the south and west of the larger section of glass, with the fuel tank also sited to the west of the larger section of glass.

The application was deferred as insufficient information was submitted over the characteristics and nature of the business, and some concerns were raised over the demarcation between the site and the agricultural land to the west. The concerns raised by the Office of Environmental Health and Pollution Regulation were also set out to the agent. It was also unclear whether the proposal included a screening machine based on observations on site.

In response, the agent has provided additional information in attempt to address the concerns raised and to set out the full details of the nature of the business.

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

- OC3 Offices, industry and Storage and Distribution Outside of the Centres.
- OC5(B) Agriculture Outside of the Centres – outside of the Agriculture Priority Areas
- OC6 Horticulture Outside of the Centres
- OC7 Redundant Glasshouse Sites Outside of the Centres
- GP1 Landscape Character and Open Land
- GP8 Design
- GP9 Sustainable Development
- IP9 Highway Safety, Accessibility and Capacity

Strategy for Nature (2020) - Supplementary Planning Guidance
Defining Redundant Glasshouse Sites - Supplementary Planning Guidance

Representations:

None.

Consultations:

**The Office of Environmental Health and Pollution Regulation's comments –
24/12/24:**

I have reviewed the retrospective plans for the above site which include the change of use of agricultural land to mixed use, removal of oil tank, container and shed, installation of a fuel container, two portacabins, fencing, storage areas and hard surfacing. There are several issues of concern that I must raise and there is currently insufficient information provided for me to comment fully on this application.

- 1. The submitted plans contain reference to 'facilities' within a temporary structure in the area marked '07' on the document titled Site and Block Plan. As such I have concerns about the foul water drainage for the site and I would therefore request that the applicant provides more information about what this structure will be used for and the foul water drainage plans for the site.*
- 2. I also have concerns regarding the two fuel containers that are retrospectively proposed for the site. Due to the quantity of fuel stored on site, this Office would request that a Pollution Emergency Plan is produced by the applicant which details the remediation to be taken should a pollution incident occur because of a spillage from the tanks or vehicles using the site.*
- 3. In addition, I note that the application includes a storage area of 500m³ and as detailed in the cover letter, this would be subject to licences issued by this department. Should planning be granted for this application, we would expect to see a licence application submitted for the site.*
- 4. Whilst not within the confines of this application, we would also like to bring the applicant's attention to the potential for land contamination due to the former use of the site, which included heated greenhouses. I have concerns that there could be contamination of metals, hydrocarbons, pesticides from the historic use of the site. Whilst there is currently no contaminated land regime in Guernsey, I would encourage the applicant to contact this department to discuss land contamination at the site in further detail.*

I would be grateful if these issues are considered during the determination of this application.

The Office of Environmental Health and Pollution Regulation's comments – 31/03/25:

I have reviewed the additional information submitted for the proposed works and change of use at the above site which are in part retrospective. There remains insufficient information for me to comment fully on the application.

The deferral letter dated 27 February 2025 refers to both a soil grading machine and a screening machine and it is unclear whether these are the two separate machines that may be returned to the site. I would ask that the applicant provides a list of machinery that is proposed to be operated at the site as I have concerns about noise and dust emissions that may originate from equipment of this nature.

Furthermore, section five of the document states that "there is no processing or heavier industrial uses on site". Whilst the subsequent bullet point states that the soil grading machine has been removed from the site, it also states that some screening is required. Although the applicant has indicated that soil screening is not a heavy industrial activity, screening and grading are considered to be forms of processing. I therefore ask that the applicant clarifies whether the processing of soil is proposed to take place at this site.

I also have concerns about the potential for the land to be contaminated at the site. The deferral letter states that abandoned cars and containers were removed from the site prior to rotavating the soil. From previous correspondence with the applicant, I understand that soil stored on site in part originates from this site clearance and this therefore means that ground has been broken as a result of the clearance work. Noting the inclusion of a 600mm high earth bank and boundary planting within the application, I would ask that the applicant confirms whether these proposals require further ground to be broken at the site.

Lastly, I am concerned about the potential for noise nuisance arising from this site due to the proposed hours and I would be likely to recommend the following hours are attached to any granted consent for the site:

- *There shall be no use or operation of the site outside the hours of 0800 and 1800 Mondays to Fridays and 0800 and 1300 on Saturdays. There shall be no working on Sundays or public holidays.*

I would be grateful if these issues are considered during the determination of this application.

The Office of Environmental Health and Pollution Regulation's comments – 13/05/25:

I have reviewed the additional information provided by email on 22nd April 2025 regarding the proposed works and change of use at the above site.

Although I have previously raised concerns about the potential for the land to be contaminated, given that the applicant has stated that no further ground will be broken at the site, it would not be appropriate to recommend a full contaminated land condition for this application. However, should evidence of contamination be encountered during any future ground disturbance, I would ask that the applicant contact this department for further advice.

I remain concerned about the potential for noise nuisance arising from this site due to the proposed hours. In order to protect the amenity of nearby neighbours, I would recommend that the following condition be attached to any consent granted for the site:

- *There shall be no use or operation of the site outside the hours of 0800 and 1800 Mondays to Fridays and 0800 and 1300 on Saturdays. There shall be no working on Sundays or public holidays.*

The applicant has stated that they will apply for waste management licences for the site, and we would expect a formal licence application to be submitted to this department should consent be granted for this application.

I would be grateful if these issues are considered during the determination of this application.”

The Office of Environmental Health and Pollution Regulation's comments – 02/10/25:

“Further to the comments previously made on 13th May 2025, and having consideration to recent dust complaints received by the department as well as concerns in relation to potentially contaminated land, it is requested that the following additional conditions be attached to the consent:

1. *Within 14 days of the grant of permission a dust management plan must be submitted and approved by the Authority. The dust management plan must include reference to the nearest sensitive receptors and provide as a minimum the following:*
 - *Introduction and Scope*
 - *Roles and Responsibilities*
 - *Sources of Dust*
 - *Sensitive Receptors*
 - *Risk Assessment*
 - *Control and Mitigation Measures*

- Monitoring
- Communication
- Emergency/Contingency Measures
- Record Keeping and Review

2. The earth bank must not be installed until details of the soil that will be utilised for the bank, including demonstrating compliance with relevant soil guideline values have been submitted and agreed by the Authority.

This recommended condition is in addition to the following which was included on the response referenced above:

3. There shall be no use or operation of the site outside of the hours of 0800 and 1800 Monday to Friday and 0800 and 1300 on Saturday. There shall be no working on Sundays or public holidays."

Traffic and Highway Services comments – 7th May 2025:

"I refer to your letter of 6th March 2025, regarding the application by Bernies Gardening Services in respect of the above development.

I advise that an access should: -

- a) Enable a driver 2.4m from the edge of the carriageway to see a minimum of 20m in the direction of oncoming traffic and approaching traffic;
- b) Not have any obstructions or planting greater than 900mm high above the road surface within the visibility splays;
- c) Have sufficient width to heavy goods vehicles to exit and enter the drive without crossing into the path of vehicles on the opposite side of the carriageway;
- d) Be square to the carriageway;
- e) Be sited at a distance not less than 20m from a junction.

The site is located along a narrow Neighbourhood Road serving approximately 35 properties, which are mostly residential. There is also a haulage/plant hire business located towards Rue Perelle. Most of Rue des Crabbes is of single file width with limited vehicle passing points. Traffic flows were observed as being very light with a few dog walkers also noted during a 9am weekday site visit. 22 vehicles were observed at the gardening services premises which included 11 trucks and vans. The road forms part of a Ruelle Tranquille network where advisory priority is given to pedestrians, cyclists and horse riders. A recommended 15mph speed limit is in place.

The site access is circa 12m wide, narrowing to approximately 6.8m just into the property. There are fairly substantial bellmouth radii in place which aid access and egress. The sightlines in both directions observed from the access are important given the single file nature of the highway near the access. Measurements taken on site are the sightline in the direction of oncoming traffic is approximately 25m and 18m to

the east. The sightlines are limited by roadside hedges, bushes and trees. They exceed the minimum standard in one direction and are very close to the minimum standard in the other.

The development is considered fairly significant from a transport perspective given the constrained nature of the highway network in the immediate vicinity, Ruelle Tranquille status and in the context of Traffic Engineering Guidelines policy NCR03. This policy states "On rural routes with low flows a safe environment should be created to encourage vulnerable road users, and through traffic should be discouraged in order to improve the environmental quality of the area." It is understood that the business has been operating from the premises for a significant period and THS has no record of traffic management or road safety concerns being raised by other road users. There was also no sign of damage to roadside banks which sometimes occurs where commercial vehicles regularly operate on a constrained road network.

In conclusion, there are some traffic management concerns regarding the development but these are not considered to be particularly significant and especially so if conditions can be placed on any approval to minimise customer access to the premises. There are no significant road safety concerns, although it should be noted that there are no footpaths along Rue des Crabbes so pedestrians will mix with the commercial vehicles associated with this and the other haulage/plant hire business that is located nearby."

Summary of Issues:

- Whether the principle of the development complies with the relevant planning policies.
- The impact of the development on the character and appearance of the area.
- Whether the proposal would have any detrimental impacts on the amenities of neighbouring residents.

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.

Legal Context:

Under Section 45A of the Law, glasshouses and their ancillary structures are considered to be agricultural land and so on clearance of the structures, the land is expected to revert to agricultural use. In this regard, glasshouses and

temporary/ancillary structures (including packing sheds) are considered as temporary structures sited on agricultural land.

Policy Context:

Due to the retrospective nature of the works to operate a mixture of uses from the site, it is considered reasonable, appropriate and pragmatic to assess the proposal retrospectively under the relevant planning policies. In this case, policies OC7, OC3 and OC6 are most relevant.

Policy OC7 - Redundant Glasshouse Sites Outside of the Centres

The IDP gives clear direction on how proposals for development on certain agricultural land will be considered. The IDP states in paragraph 17.3.1 that:

“...certain agricultural land, which is horticultural land or a redundant glasshouse site, will be considered against the specific policies relating to this particular type of agricultural land because of the particular land planning issues it raises, i.e. horticulture or redundant glasshouse sites Outside of the Centres in this Plan (see Policy OC6: Horticulture Outside of the Centres and Policy OC7: Redundant Glasshouse Sites Outside of the Centres)”.

The IDP recognises that across the island there are a number of redundant glasshouses and associated structures that impact upon landscape character and openness.

The removal of the glass does not require planning permission, although operating a landscaping business retrospectively engages Policy OC7 given that redundant glasshouses were present on site at the time of operation. The following policy criteria is addressed in turn.

- a) The site is not within or adjacent to an Agriculture Priority Area and therefore criterion ‘a’ of Policy OC7 is not relevant.
- b) The site in question does to some extent contribute to a wider area of open land, although this contribution would not be enough to justify refusal of planning permission when taking into account the specific merits of this case. The reason behind this decision is explained below.

The preceding text of Policy OC7 states that:

“..land planning alone cannot provide a comprehensive solution to the clearance of redundant glasshouses and ancillary structures...The visual appearance of redundant glass reduces the quality of the landscape but wholesale development of glasshouse sites in order to facilitate their removal will be equally unacceptable in landscape and character terms, will potentially reward dereliction and will lose otherwise open land permanently to

development... The enhancement of the landscape is encouraged through the removal of redundant glass and proposals for change of use of redundant glasshouse sites to appropriate uses will include measures, where appropriate, for removal of redundant horticultural structures... The Strategic Land Use Plan identifies a number of options which includes a return to open agricultural land or other forms of open space or, in certain circumstances, use for small scale industrial or storage and distribution uses.

In this case, the landowner has proactively cleared all of the redundant glasshouse which is welcomed and encouraged as the IDP recognises that land planning alone cannot achieve this as there has to be landowner action.

In this particular case, not all of the land is to be cleared of glass as the specifics of the business requires a large expanse of glass to remain for growing purposes, therefore the agricultural use of the site, i.e. for growing purposes, will remain a feature of this particular business.

The proposal also seeks to retain a large elongated section of agricultural land to the west of the site by virtue of removing all glass and ancillary features. The limited glimpses through the site, near the vehicular access point towards the south-west corner of the premises, will be enhanced as the former glasshouses and ancillary structures/features, which once were visual detractors, are now gone and replaced with open and unrestricted views which are funnelled towards the rear (north) of the site. Views do not extend to a wider area of open land to the north of the application site.

As part of this development a new native hedge bank will also be incorporated between the sui generis use and the agricultural land to the west which will reinforce the rural character and enhance the visual amenity of the area, whilst also providing a buffer zone to the residential properties to the west of the application site. In light of the Office of Environmental Health and Pollution Regulation's concerns, it is reasonable and necessary to ensure that the origins of the proposed earthbank are known and agreed to ensure that the earthbank is not comprised of contaminated soil.

The site is bounded by an earthbank to the front, surmounted with a mix of trees and hedging. A high mound of earth has recently been erected behind the roadside boundary, and features new hedging on top which restricts views into the site by virtue of its height and new planting. These views will become more restricted once the hedging has matured.

Views of the site from the east, along Rue Des Crabbes, have also been taken into account. Policy OC7, criterion (b) requires consideration to be given to the contribution the land would make to a wider area of open land following the clearance of glasshouses and ancillary structures. However, while it is recognised that the removal of the large spans of glass towards the rear of the site is likely to improve visual access to open land, the limitations of these achievable views are not

considered to contribute to a wider area of open land, the significant benefits to open land contribution having already been secured through the removal of the previous glass on the site. It is proposed therefore to retain these spans of glass as they form an integral part of the proposed business, this is supported through OC7(iv) which allows the retention of glasshouses and ancillary structures which are capable of being used providing all other IDP policies are met. This provision is given on the basis that the remaining parts of Policy OC7 are also met.

The smaller span of glass towards the front of the site is used for the storage of gardening equipment, although is not highly visible from the east when taking into account its position and size. The application also proposes further planting along the east boundary of the site which will help to screen the smaller span of glass further. Consequently, removing the smaller span of glass would not have a material benefit to the visual amenity of the surrounding area.

Overall, the visual assessment of the site's contribution on the wider area of open land when viewed at ground level is considered to, on balance, accord with criterion b) of Policy OC7.

Neighbour amenity issues:

The continuation of the lawful horticulture use of the site is unlikely to adversely affect neighbour amenity. However, in light of a recent dust complaint to the Office of Environmental Health and Pollution Regulation, it is considered necessary and reasonable to ensure that the site has an appropriate Dust Management Plan, which is to be submitted to and agreed in writing by the Authority and shall be implemented in conditions that are appropriate.

The agent in addition, has confirmed in the letter dated 24th November 2024 and 27th February 2025 that the site will not be used by visiting members of the public, and there are no 3rd party deliveries to the site. A condition to this effect reflecting the comments of the agent and THS should be attached to the decision to define the permission, restrict the use of the business to exclude any potential retail element, and to prevent additional traffic movements to and from the site which could adversely affect the character and appearance of the locality and adversely affect neighbour amenity.

It is necessary and reasonable to impose relevant planning conditions to ensure that the hours of operation and the height of external materials are managed accordingly in the interests of protecting the rural characteristics and amenity of the area. Notwithstanding the agent's most recent letter stating that the business operates between 07:00-18:00 hours, the hours of use reflects the comments and concerns raised by the Office of Environmental Health and Pollution Regulation.

An informative regarding external lighting should also be added to the decision. Careful consideration has been given towards the effect of the development on neighbour amenity with regards to the proposed storage and distribution use,

including the number of employees on and offsite, the comings and goings associated with the business, and the open areas of storage, and associated machinery to name a few.

Based on the information provided, including the details of the proposed business operations, the distance between the site and neighbouring properties, coupled with new landscaping measures, together with appropriate planning conditions leads to the conclusion that the proposal would not cause significant harm to the amenities of neighbouring residents, particularly when compared to the existing lawful horticultural/agricultural use of the land.

Highway safety and traffic management:

The former use of the site as a commercial glasshouse would have resulted in the generation of traffic onto Rue Des Crabbes. Given that there is no planning permission for the former use of the site, there is no restriction on the number of vehicular movements to and from the site.

It is recognised that the development is considered fairly significant from a transport perspective given the constrained nature of the highway network in the immediate vicinity, Ruelle Tranquille status and in the context of Traffic Engineering Guidelines policy NCR03. However, Traffic and Highway Services (THS) note that *“the business has been operating from the premises for a significant period and THS has no record of traffic management or road safety concerns being raised by other road users. There was also no sign of damage to roadside banks which sometimes occurs where commercial vehicles regularly operate on a constrained road network.”*

THS Services conclude that *there are some traffic management concerns regarding the development but these are not considered to be particularly significant. THS request that a condition be attached to the decision to minimise customer access to the premises.*

THS also note that there are no significant road safety concerns.

Effective and efficient use of land:

It is demonstrated that the site has been used in a manner that makes the most effective and efficient use of land. The application seeks a reasonable, balanced and pragmatic approach between using the site as a sui generis use to facilitate the continued Gardening Services business, whilst ensuring that the unused sections of glass have been demolished and cleared from the land, to create a natural corridor and visual break between two different land uses and residential properties to the west.

Moreover, the uses on site, including the areas used for storage and distribution purposes, and horticultural purposes, have been grouped accordingly which

demonstrates consideration to the use of the site from a holistic perspective and how it is to be managed as shown on drawings submitted.

The proposed enhancements to landscaping along the south boundary will also help screen views of car parking associated with the employees of the business, together with larger vehicles and open storage areas towards the front of the site.

Landscaping:

The proposal includes a comprehensive landscaping scheme in order to make a positive contribution to the visual quality and amenity of the local environment, which also acts as an additional buffer to help screen the different activities and uses on site. Consequently, the landscaping scheme will help to mitigate the visual impacts accordingly.

For the avoidance of doubt, the site is not located within a Site of Special Significance and is not within an Area of Biodiversity Importance.

The proposal complies with Policy OC7, subject to appropriate planning conditions.

Policy OC3 - Offices, industry and Storage and Distribution Outside of the Centres.

This application relates to a dual use for the site, falling within a 'Sui generis' use, comprising a mix of both horticulture/agriculture and a storage and distribution uses. These uses combine to form a Gardening Services.

The storage and distribution aspect of the business, which includes the comings of goings of vehicles to carryout offsite garden maintenance and landscaping services, as well as the storage of materials such as wood bark/chippings, hedge clippings, stone, timber etc, in the quantities involved, is regarded as 'Storage and Distribution' for the purposes of Policy OC3.

As a result, the following criteria of Policy OC3 is addressed in turn:

- a) The site is not located at the Key Industrial Expansion Area and therefore criterion 'a' is not relevant to this assessment.
- b) Owing to the nature of the business as a mixed use, including an element of horticulture, there is reasonable and justifiable need for this use to be located Outside of the Centres when taking into account the specific characteristics and nature of the business. Consequently, the large expanse of space which is required to operate the business would not be easily found or be appropriate within the Main or Local Centres given the density of development and close proximity to residential uses. The proposal would comply with criterion 'b' of Policy OC3.

- c) The site is regarded as a former redundant glasshouse site, therefore Policy OC7 has been engaged retrospectively given the retrospective nature of the development.
- d) The application does not seek to convert a redundant building and therefore criterion 'd' of Policy OC7 is not relevant to this assessment.

The agent has also demonstrated that the following planning considerations have been considered.

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.

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

The proposal would have no impact on Protected Buildings, Trees or on SSS's. Based on the above, the application is considered compliant with the relevant Island Development Plan policies and accords with the purpose of the Law and the Material Planning Considerations. It is therefore recommended that planning permission be granted, subject to conditions.

Date: 29/10/25

