

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 from storage of compost and fencing to general storage or distribution (Use Class 22), and alterations to fenestration.

LOCATION: Northbrook, Grand Douit Road, St. Sampson.

APPLICANT: Mr J Newsom

This permission is granted under the terms of Sections 15 and 16 of the Land Planning and Development (Guernsey) Law, 2005 (the 'Law').

Date of Grant of Permission: 01/05/2025

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 12/03/2025 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: JM Design Limited: 2413-01/PD/01A & 02A.

Application Ref: FULL/2025/0433

Property Ref: B015260000

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.(i) No development shall commence on site (including demolition and site works) until there has been submitted to and approved in writing by the Authority:

(a) A desktop study documenting all the previous and existing land uses of the site and adjacent land in accordance with national guidance as set out in Land Contamination Risk Management (LCRM) and BS10175:2001+A2:2017 - Investigation of Potentially Contaminated Sites - Code of Practice;

and unless otherwise agreed in writing by the Authority,

(b) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS10175;

and, unless otherwise agreed in writing by the Authority,

(c) a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring.? Such scheme shall include nomination of a competent person to oversee the implementation of the works.

(ii) If determined to be required the development hereby permitted shall not be occupied or brought into use until there has been submitted to the Authority verification by a competent person approved under the provisions of subsection (i)c of this condition that any remediation scheme required and approved under the provisions of subsection (i)c of this condition has been implemented fully in accordance with the approved details (unless varied with the written agreement of the Authority in advance of implementation).? Unless otherwise agreed in writing by the Authority such verification shall comprise:

- a) as built drawings of the implemented scheme;
- b) photographs of the remediation works in progress;
- c) certificates demonstrating that imported and/or material left in situ is free from contamination.

Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under subsection (i) c. of this condition.

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

5. Within 3 months of the first use of the store or completion of development whichever is the sooner, the access onto the highway shall be relocated and all works to the roadside boundary walls including the ends of the new and altered opening shall be finished off using stone to match as closely as possible the type, colour, texture, method of bonding and pointing of the existing roadside wall.

Reason - In the interests of visual amenity and to protect the reasonable amenities of neighbouring residents.

6. Within 1 month of the first use of the store or completion of development whichever is the sooner, a landscaping scheme to include those details specified below, shall be submitted to and agreed in writing by the Authority:

- i) the treatment proposed for all ground surfaces, including hard areas;
- ii) full details of tree and hedge planting; and
- iii) planting schedules, noting the species, sizes, numbers and densities of plants.

Reason - In the interests of visual amenity and biodiversity.

7. The landscaping scheme shall be fully completed, in accordance with the details agreed under the terms of the above condition 6, in the first planting season following the first use of the store or completion of development whichever is the sooner, or in accordance with a programme previously agreed in writing by the Authority. Any trees or plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by trees or plants of a size and species similar to those originally required to be planted.

Reason - In the interests of visual amenity and biodiversity.

8. No use of the site for purposes falling within Storage/Distribution use class 22 shall take place outside the hours of 07:30 and 18:00 on Mondays to Fridays and 08:00 and 13:00 on Saturdays. There shall be no use of the site for purposes falling within Storage/Distribution use class 22 on Sundays or public holidays.

Reason - To protect the reasonable amenities of neighbouring residents.

9.Except for the skips indicated on drawings 2413-01/PD/01A & 02A, no external storage of any description shall take place on any of the land outside the building on the site.

Reason - In the interests of visual amenity.

Expiry Date: This permission will cease to have effect on 30/04/2028 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

With reference to condition 4 a desktop study shall be the very minimum standard accepted. Pending the results of the desktop study, the applicant may have to satisfy the requirements of criteria (b) and (c) of that condition, however, this will all be confirmed in writing.

The phased risk assessment should be carried out also in accordance with the procedural guidance and UK policy.

The site is known to be or suspected to be contaminated. Please be aware that the responsibility for the safe development and secure occupancy of the site rests with the developer.

It is strongly recommended that in submitting details in accordance with the above condition that the applicant has reference to Land Contamination risk management available at <https://www.gov.uk/guidance/land-contamination-risk-management>.

For the avoidance of doubt, no permission is sought nor conferred to use the land to the east labelled adjoining land 'to be cleared and laid to lawn' on drawing 2413-01/PD/01A for storage and distribution purposes. The use of this land remains as agricultural land falling under Agricultural use class 28.

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/2025/0433
Property Ref: B015260000
Valid date: 12/03/2025
Location: Northbrook Grand Douit Road St. Sampson Guernsey
Proposal: Change of use from storage of compost and fencing to general storage or distribution (Use Class 22), and alterations to fenestration.

Applicant: Mr J Newsom

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. (i) No development shall commence on site (including demolition and site works) until there has been submitted to and approved in writing by the Authority:

(a) A desktop study documenting all the previous and existing land uses of the site and adjacent land in accordance with national guidance as set out in Land Contamination Risk Management (LCRM) and BS10175:2001+A2:2017 - Investigation of Potentially Contaminated Sites - Code of Practice;

and unless otherwise agreed in writing by the Authority,

(b) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS10175;

and, unless otherwise agreed in writing by the Authority,

(c) a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring.? Such scheme shall include nomination of a competent person to oversee the implementation of the works.

(ii) If determined to be required the development hereby permitted shall not be occupied or brought into use until there has been submitted to the Authority verification by a competent person approved under the provisions of subsection (i)c of this condition that any remediation scheme required and approved under the provisions of subsection (i)c of this condition has been implemented fully in accordance with the approved details (unless varied with the written agreement of the Authority in advance of implementation).? Unless otherwise agreed in writing by the Authority such verification shall comprise:

a) as built drawings of the implemented scheme;

b) photographs of the remediation works in progress;

c) certificates demonstrating that imported and/or material left in situ is free from contamination.

Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under subsection (i) c. of this condition.

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

5. Within 3 months of the first use of the store or completion of development whichever is the sooner, the access onto the highway shall be relocated and all works to the roadside boundary walls including the ends of the new and altered opening shall be finished off using stone to match as closely as possible the type, colour, texture, method of bonding and pointing of the existing roadside wall.

Reason - In the interests of visual amenity and to protect the reasonable amenities of neighbouring residents.

6. Within 1 month of the first use of the store or completion of development whichever is the sooner, a landscaping scheme to include those details specified below, shall be submitted to and agreed in writing by the Authority:

- i) the treatment proposed for all ground surfaces, including hard areas;
- ii) full details of tree and hedge planting; and
- iii) planting schedules, noting the species, sizes, numbers and densities of plants.

Reason - In the interests of visual amenity and biodiversity.

7. The landscaping scheme shall be fully completed, in accordance with the details agreed under the terms of the above condition 6, in the first planting season following the first use of the store or completion of development whichever is the sooner, or in accordance with a programme previously agreed in writing by the Authority. Any trees or plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by trees or plants of a size and species similar to those originally required to be planted.

Reason - In the interests of visual amenity and biodiversity.

8. No use of the site for purposes falling within Storage/Distribution use class 22 shall take place outside the hours of 07:30 and 18:00 on Mondays to Fridays and 08:00 and 13:00 on Saturdays. There shall be no use of the site for purposes falling within Storage/Distribution use class 22 on Sundays or public holidays.

Reason - To protect the reasonable amenities of neighbouring residents.

9. Except for the skips indicated on drawings 2413-01/PD/01A & 02A, no external storage of any description shall take place on any of the land outside the building on the site.

Reason - In the interests of visual amenity.

INFORMATIVES

With reference to condition 4 a desktop study shall be the very minimum standard accepted. Pending the results of the desktop study, the applicant may have to satisfy the requirements of criteria (b) and (c) of that condition, however, this will all be confirmed in writing.

The phased risk assessment should be carried out also in accordance with the procedural guidance and UK policy.

The site is known to be or suspected to be contaminated. Please be aware that the responsibility for the safe development and secure occupancy of the site rests with the developer.

It is strongly recommended that in submitting details in accordance with the above condition that the applicant has reference to Land Contamination risk management available at <https://www.gov.uk/guidance/land-contamination-risk-management>.

For the avoidance of doubt, no permission is sought nor conferred to use the land to the east labelled adjoining land 'to be cleared and laid to lawn' on drawing 2413-01/PD/01A for storage and distribution purposes. The use of this land remains as agricultural land falling under Agricultural use class 28.

OFFICER'S REPORT

Brief Description of the site:

Planning permission is requested for the change of use of an existing store from the storage of compost and fencing to general storage or distribution (Use Class 22). Permission is also sought for alterations to fenestration, to alter and reconfigure the parking area and to alter and relocate the access.

The site comprises of a former horticultural site which has largely been cleared and is now laid to grass and which includes a tarmac track along the west boundary leading to a large storage shed. The site is located Outside of the Centres.

Relevant History:

FULL/2025/0476 – Application pending for the change of use of agricultural land to domestic garden (1,494sqm), demolish building and erect dwelling to south of site with associated works.

07/03/2025 - PREA/2025/0291 – Pre-application advice regarding repurpose and extend existing commercial site.

26/02/2025 - FULL/2024/1989 – Permission granted for the change of use of agricultural land to domestic garden (1,494 sqm). Convert, extend and alter building/barn to dwelling (residential Use Class 1) with associated works. Alterations to 1st floor fenestration to existing dwelling (Northbrook).

17/10/2023 – FULL/2023/1449 – Permission granted for the change of use of agricultural land to domestic garden (412sqm), demolish and alter wall to widen existing vehicle access and create new access and hard standing.

16/03/2015 – FULL/2014/3112 – Permission granted for the change of use of packing shed from horticulture/agriculture to storage/distribution (Use Class 30).

Existing Use(s):

Storage of compost and fencing

Assessment: *(Tick as appropriate)*

no representation



accords with policy



within curtilage



design acceptable



visual amenity acceptable



no material neighbour impact



traffic not affected



Policies considered most relevant:

Policy OC3: Offices, Industry and Storage and Distribution Outside of the Centres

Policy GP8: Design

Policy GP9: Sustainable development

Policy GP15: Creation and Extension of Curtilage

Policy IP6: Transport infrastructure and support facilities

Policy IP7: Private and Communal Car Parking

Policy IP9: Highway Safety, Accessibility and Capacity

Consultations:

The Office of Environmental Health and Pollution Regulation, 16/04/2025

"I have reviewed the proposed plans for the change of use from storage of compost and fencing to general storage or distribution with alterations to the fenestration at the above site. There are a number of issues of concern that I must raise.

The covering letter states the working hours of the company are 07:00 – 16:00 Monday to Friday, with occasional Saturday work, however I have concerns that noise associated with vehicle movements and deliveries could impact the amenity of residents living close to the site. I note that a neighbouring storage yard has hours of 07:30 to 18:00 Monday to Fridays and 08:00 to 13:00 on Saturdays, conditioned under FULL/2010/3737, and I would therefore recommend that the following hours are conditioned should consent be granted for this application:

- No use of the site shall take place outside the hours of 07:30 and 18:00 on Mondays to Fridays and 08:00 and 13:00 on Saturdays. There shall be no working Sundays or public holidays.

In addition, I have interrogated Guernsey Historic Maps, Historic Orthophotos, and Cadastre Registry of Land which show that there were once heated greenhouses at the site. In particular, a tank was located on the south elevation of the site and I

therefore have concerns that there is the potential for the land to be contaminated with heavy metals and hydrocarbons. There is also the potential for other contaminants to be present, such as pesticides, due to both the historic greenhouse use and the previous compost storage at the site.

Whilst I note that this application is for change of use and alterations to the fenestration, the plans include the breaking of ground to create the car parking area and for the extension of the commercial turning point. I would therefore recommend that the following condition is attached to any granted consent for this application:

- Please note this is one condition with multiple sub-sections:

(i) No development shall commence on site (including demolition and site works) until there has been submitted to and approved in writing by the Authority:

(a) A desktop study documenting all the previous and existing land uses of the site and adjacent land in accordance with national guidance as set out in Land Contamination Risk Management (LCRM) and BS10175:2001+A2:2017 - Investigation of Potentially Contaminated Sites - Code of Practice;

and unless otherwise agreed in writing by the Authority,

(b) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS10175;

and, unless otherwise agreed in writing by the Authority,

(c) a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such scheme shall include nomination of a competent person to oversee the implementation of the works.

(ii) If determined to be required the development hereby permitted shall not be occupied or brought into use until there has been submitted to the Authority verification by a competent person approved under the provisions of subsection (i)c of this condition that any remediation scheme required and approved under the provisions of subsection (i)c of this condition has been implemented fully in accordance with the approved details (unless varied with the written agreement of the Authority in advance of implementation). Unless otherwise agreed in writing by the Authority such verification shall comprise:

- a) as built drawings of the implemented scheme;
- b) photographs of the remediation works in progress;
- c) certificates demonstrating that imported and/or material left in situ is free from contamination.

Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under subsection (i) c. of this condition”

Informative/Advice Notes

With reference to condition X a desktop study shall be the very minimum standard accepted. Pending the results of the desktop study, the applicant may have to satisfy the requirements of criteria (b) and (c) of that condition, however, this will all be confirmed in writing.

The phased risk assessment should be carried out also in accordance with the procedural guidance and UK policy.

The site is known to be or suspected to be contaminated. Please be aware that the responsibility for the safe development and secure occupancy of the site rests with the developer.

It is strongly recommended that in submitting details in accordance with the above condition that the applicant has reference to Land Contamination risk management available at <https://www.gov.uk/guidance/land-contamination-risk-management>”.

Conclusion/Brief comment:

The existing use of the store is limited to the storage of compost and fencing. The proposal would extend the potential use of the store to a general storage and distribution use under Use Class 22. The proposed use has the potential to increase the intensification of use of the store and to increase vehicle movements to and from the site. However, Policy OC3 provides support for small scale businesses and to alter and redevelop existing storage and distribution premises. The details provided about the nature and scale of the proposed business, together with the total internal floor area of the building of 314sqm, indicates that the proposed use would remain the type of small scale business that it supported under Policy OC3.

During the course of consideration, the application was deferred due to concerns raised about the originally proposed hours of operation, and specifically the start of work at 07:00, and the potential impact on the amenities of neighbouring residents due to noise and disturbance from vehicle movements. The agent has subsequently confirmed that their client would be willing to amend the hours of operation in line with those recommended by The Office of Environmental Health and Pollution Regulation. Together with the proposed relocation of the access, which relocates it away from the existing dwelling Northbrook,

the increased activity and vehicle movements associated with the proposed use is unlikely to have any significant adverse effects on the character and amenity of the area or on the amenities of neighbouring residents.

To further limit the impact on the amenities of neighbouring residents, it is recommended that the storage of items outside of the building is restricted to the identified skips. In addition, other than the commercial turning point, it is noted that no permission is sought to use the adjoining agricultural land to the east for storage purposes and this should be clarified within the decision notice.

The proposal includes the creation of a small area of associated land around the building to serve the store, including a parking area and a commercial turning point which falls to be considered partly under GP15. The site is not within an Area of Biodiversity Importance or an Agriculture Priority Area and no existing boundary features are proposed to be removed. As discussed above, provided that conditions are applied to control the hours of operation and the external storage of materials, the proposed use is unlikely to have any significant adverse effects on the amenities of neighbouring residents. By virtue of their siting, limited size and close relationship with the existing storage building, the creation of the parking and turning areas would have no unacceptable adverse effects on the landscape character of the area, in accordance with Policy GP15.

Planters are indicated at the entrance to the site, around the storage building and along sections of the south and east boundaries. During application FULL/2024/1989, Agriculture, Countryside and Land Management Services advised that due to the site being overgrown by pampas grass, the land is currently of low conservation value. Due to the low conservation value of the existing land and the limited area of land that would be used for parking and turning, the proposed planters are likely to be able to provide proportionate biodiversity enhancements, provided that suitable native planting is undertaken, details of which can be requested by condition.

To address the concerns raised by the Office of Environmental Health and Pollution Regulation regarding the potential for contaminated land, it is recommended that a condition is attached to the decision notice.

The proposed external alterations to the building and the alterations to the parking and access around the building are of a minor nature and would have no adverse effects on the character and appearance of the area. The alterations to and the relocation of the vehicular access to serve the store are as approved under application FULL/2024/1989 and they remain acceptable.

Information has been submitted to demonstrate that the design has taken into account the use of energy and resources, in accordance with Policy GP9.

All material considerations as set out in the Land Planning and Development (Guernsey) Law, 2005 and the Land Planning and Development (General Provisions) Ordinance, 2007 have been taken into account in the assessment of this application.

It is recommended that the application is approved.

Recommendation:

Grant with Conditions



Date: 01/05/2025