

DEVELOPMENT & PLANNING AUTHORITY

NOTICE OF OPEN PLANNING MEETING

An Open Planning Meeting will be held at Beau Sejour Centre, Cambridge/Delancey Rooms, on **Wednesday 23rd October 2019 starting at 13:30hrs.**

The following application will be considered at the Open Planning Meeting:-

APPLICATION NUMBER:	FULL/2017/0995
APPLICATION ADDRESS:	Domarie & Avondale Vineries Oatlands Lane St. Sampson.
DESCRIPTION OF WORK:	Change of use of horticultural buildings, glasshouse and land to south-east of site to form 16 storage units and 2 open yards. Alterations to access and landscaping. (Revised scheme).
NAME OF APPLICANT:	Mr & Mrs B Slattery

The planning application report relating to the application, together with a summary of all representations, was published prior to the previous Open Planning Meeting held on 14th August and the issues arising were discussed at that meeting. As a result of those discussions, the Development and Planning Authority deferred a decision to request the following from the applicant:

1. Details of the number of vehicle movements which would be associated with the proposed uses;
2. Demonstration that all vehicles, including the skip lorry, would be able to enter and exit the site without encroaching on the Oatlands Lane cycle or foot path or causing road safety issues;
3. Discussions with the owner of the adjacent vinery site to the north-east in respect of the potential to provide access across that site to Route Militaire.

The only new information which has been supplied by the applicant subsequent to the previous Open Planning Meeting is a video of a skip lorry using the access. This video, an independent video produced by the Authority, and an addendum to the published planning application report will be available online at www.gov.gg/opm by Wednesday 16th October.

The issues to be discussed at the Open Planning Meeting will be limited to the reasons for deferral set out above, and issues arising from those points. All other issues were addressed at the previous meeting and will not be re-considered at this meeting.

There will be provision for public speaking at the Open Planning Meeting. Any comments must however be confined to the reasons for deferral and new information. The opportunity to speak is afforded only to persons who:

- a) have submitted a representation in writing within the period specified for publicity of the application under section 10 of the Land Planning and Development (General Provisions) Ordinance, 2007, along with the applicant and/or their agent for the application; and
- b) who have notified the Planning Service in writing (by letter or by e-mail addressed to Planning@gov.gg) of their intention to speak which is received by the Planning Service by 12:00 Noon two working days prior to the date of the Open Planning Meeting (**i.e. by 12:00 Noon on Monday 21 October for an OPM held on Wednesday 23 October**).



Application No: FULL/2017/0995
Property Ref: B010310000 & B01032A000
Valid date: 11/04/2017
Location: Domarie & Avondale Vineries Oatlands Lane St. Sampson Guernsey
Proposal: Change of use of horticultural buildings, glasshouse and land to south-east of site to form 16 storage units and 2 open yards. Undertake landscaping. (Revised scheme)
Applicant: Mr & Mrs B Slattery

ADDENDUM TO PLANNING APPLICATION REPORT

Item for:	<i>Determination of planning application</i>
Paper(s) Attached:	<i>Appendix 1: Recommended conditions</i> <i>Appendix 2: Traffic & Highway Services further comments following OPM</i> <i>Appendix 3: Operator details, including number & type of vehicle movements – extract from previous submission</i> <i>Appendix 4: Guernsey Clematis email – extract from previous submission</i> <i>Appendix 5: Specification sheet for Isuzu Truck – extract from previous submission</i> <i>Appendix 6: Planning application report dated 05/08/19</i>
Date: (paper is written)	<i>15th October 2019</i>

Introduction

The above application was initially heard at Open Planning Meeting on 14th August 2019 and a decision on the application was deferred, pending submission of additional information in respect of access and vehicle movements.

This report is to be read as an addendum to the Planning Application Report dated 5th August 2019 published prior to the Open Planning Meeting on 14th August (Appendix 6 of this report). The content of this report therefore focuses on the issues raised during the Open Planning Meeting and the reasons for deferral. The report does not address any other issues in relation to the application, which were addressed within the original planning application report and were considered in detail by the Committee at the previous Open Planning Meeting.

Determination of the application

At the Open Planning Meeting on 14th August 2019 the application was heard by the President of the Development and Planning Authority, Deputy Tindall, Deputy Lester Queripel, and Alderney Representative Snowden ('the Members'). As the Members were party to deliberations undertaken at the Open Planning Meeting, including verbal representations from members of the public, advice has been provided by the Law Officers of the Crown that the further consideration of this application should be by the Members only and that other Committee members not present at the previous Open Planning Meeting should not participate in the consideration of the additional information and subsequent determination of the application.

Background

As stated above, a decision on this application was deferred at an Open Planning Meeting on 14th August 2019, on the basis of the potential impact of the proposed development on road safety. In particular, the Members requested that additional information be provided in respect of the following:

- The number of vehicle movements which would be associated with the proposed uses;
- Demonstration that all vehicles, including the skip lorry, would be able to enter and exit the site without encroaching on to the Oatlands Lane cycle or foot path or otherwise impeding road safety;
- Discussions with the owner of the adjacent vinery site to the north-east in respect of the potential to provide access across that site to Route Militaire.

Following the Open Planning Meeting a letter was sent to the agent and the applicant for the application to formally request provision of the additional information.

The applicant provided video footage of a skip lorry entering and exiting the site 15/08/19.

Subsequent to that submission, a meeting was held between the applicant, agent and officers of the Planning Service to discuss the additional outstanding information. The applicant however stated that no further information would be provided and requested that the application be determined on the basis of the evidence provided up to that date. This request was confirmed in writing on 04/09/19.

Having reviewed the submitted video footage, the Committee determined that it would be preferable to witness an independently commissioned skip lorry entering and exiting the site, ideally along the line of the proposed new access road. To that end, members of

the Committee attended the site on 08/10/19 and 11/10/19. On the latter date Deputy Lester Queripel and officers of the Planning Service and Traffic & Highway Services witnessed a skip lorry moving into and out of the access, and these movements were also filmed.

Description of the application

The description of the application has been amended subsequent to the OPM to include Glasshouse G3 within the number of storage units proposed, altering the proposal from 15 to 16 storage units. This does not represent any change to the proposed scheme, which remains the same as that put forward at the OPM, but comprises a more accurate reflection of the proposal.

Publication

In the absence of any substantive new information or changes to the proposal, the application has not been re-advertised. This report, the video supplied by the applicant and those produced by the Development & Planning Authority will however be published online prior to the Open Planning Meeting, and all members of the public that previously made representation against the application will be given the opportunity to speak at the meeting in respect of the outstanding issues.

Consultation

Further comment has been sought from Traffic and Highway Services following the OPM and the submission of the video footage. The Traffic and Highway Service comments are appended to this report (Appendix 2).

Summary of Issues:

The application was deferred on 14th August 2019 at Open Planning Meeting on the basis of the potential impact on road safety, specifically relating to:

- The number and type of vehicle movements associated with the proposed operators;
- The turning radii of vehicles using the access, and the consequent impact on pedestrian, cyclist and road safety;
- The potential for improved access from the site to the north-east.

Assessment against:

- 1 - Purposes of the law.**
- 2 - Relevant policies of any Plan, Subject Plan or Local Planning Brief.**
- 3 - General material considerations set out in the General Provisions Ordinance.**
- 4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).**

As identified in the original planning application report, the proposal falls to be considered primarily under Policies OC3 (Offices, Industry and Storage & Distribution Outside of the

Centres) and OC7 (Redundant Glasshouse Sites Outside of the Centres) in the Island Development Plan, both of which require that a development will not jeopardise highway safety and the free flow of traffic on the adjoining highway. This requirement is further reinforced through Policy IP9 (Highway Safety, Accessibility and Capacity).

As stated above, there has not been any further public consultation subsequent to the Open Planning Meeting. Prior to that meeting, a significant amount of representation was received in relation to the potential impact on traffic and road safety, and the Constables of St Sampson also objected to the proposal on traffic grounds. These concerns predominantly related to the impact on the surrounding road infrastructure. Of the 54 persons who made representation, 18 referred to issues concerning the use of the access itself.

The number of vehicle movements associated with the proposed operators

The letter submitted by the applicant as part of the initial application (dated 03/04/17) provided information in respect of the traffic movements at the site when Guernsey Clematis was in peak operation. That information was subsequently superseded by an email from the Production Manager at Guernsey Clematis (dated 30 November 2018, Appendix 4), which stated that peak production was *"probably 1994/95...at that time we had approximately 60 staff including 8 managerial/office based"* and confirmed typical travelling on/off site would be:

Cars: 20 arriving start of day/20 out end of day + approximately 20 in 20 out during day

Large lorry/container drops – averaging one in/one out per day either drop off or collection

Luton van – Probably 6 in 6 outs per day

Other visitors vans/cars – Approximately 8 in / 8 out per day

This would average approximately 55 vehicles movements a day, including Heavy Goods Vehicles.

Whilst the horticultural use of the site has now ceased, the lawful use of the land for horticultural purposes remains and horticultural operations could re-commence on site at any time without any further reference to the Development & Planning Authority. There are currently no planning controls on the site in respect of the type of vehicles or number of vehicle movements which could be associated with an ongoing horticultural use, and, taking into account the comments made by the Production Manager of Guernsey Clematis and photographs of large vehicles apparently associated with the former horticultural use of the site supplied as part of the letters of representation, it is likely that vehicles associated with an ongoing horticultural operation would exceed the size and number of movements which would be associated with the storage uses proposed on part of the site under the current application.

The applicant included estimated projected vehicle movements to be associated with the proposed uses as part of the final application submission (16/07/19)(Appendix 3). As part of the assessment of the application, these figures were used to calculate a worst case

scenario of less than 40 movements a day, if all units were occupied. Each movement representing a trip to and from the site.

It was not however clear how the submitted projections had been calculated and the Development & Planning Authority therefore requested that further details of likely vehicle movements be sought from the businesses themselves. This information has not been provided.

Traffic & Highway Services (THS) however note that the proposed uses would be expected to result in a low level of traffic generation, and the proposed conditions to be applied to a decision would further limit any potential impacts. On this basis, THS conclude that the proposed uses would be unlikely to result in an intensification in vehicle movements at the site, compared to the peak horticultural operation. THS however note that the suggested 3.35m wheel base limitation (Condition 22) could allow for small Heavy Goods Vehicles (HGVs) to use the site and, to prevent such activity, recommend that the condition limiting wheel base length is extended to also limit the weight of vehicles using the site. This would permit use of the site by all of the vehicles associated with the proposed uses, with the exception of the skip lorry, but would preclude use of the site by HGVs.

Notwithstanding the lack of additional information, it is therefore considered that the projections submitted by the applicant are likely to comprise a reasonable representation of the vehicle movements which would be associated with the proposed uses. Furthermore, the projected vehicle movements would be likely to be less, both in terms of number and size of vehicle, than those which could be experienced if the site continued in its authorised horticultural use. As concluded in the previous planning application report, the projected levels of vehicle movement would not therefore jeopardise highway safety or the free flow of traffic on the adjoining highway, and would accord with Policies IP9, OC3 and OC7.

To control the types of businesses using the site, and the vehicle movements associated with those businesses, it is however recommended that, if the application is approved, the following conditions be applied to the decision:

- Details of any proposed businesses to use the site to be approved by the Authority prior to operations commencing at the site (Condition 15 of the recommended conditions in Appendix 1);
- Limitation of the wheelbase and weight of vehicles using the site (Condition 22 of the recommended conditions in Appendix 1);
- Limitation on the number of parking spaces associated with each unit (Condition 23 of the recommended conditions in Appendix 1).

The turning radii of vehicles using the access, and the consequent impact on pedestrian, cyclist and road safety

As part of the final application submission (16/07/19), the applicant also included details of the types of vehicle used by each business (Appendix 3). This information showed that the majority of the vehicles associated with the businesses would be vans and cars, with the largest vehicle regularly using the site being the flat bed lorry associated with the stone mason, with a maximum wheel base of 3.35m and a maximum vehicle weight of

3500kg (Appendix 5). The information however also noted that a skip lorry would access the site approximately once a week. That lorry would have a maximum wheel base of 3.7m.

The Junction Improvements drawing submitted as part of the application (Drawing No 2001-011-A11-B) includes a swept path analysis for a vehicle with a wheel base of 4.19m. That analysis shows that a vehicle with that wheel base could exit the site with only minimal encroachment on to the cycle/foot path, provided that it exits from the northern side of the gateway.

As stated above, the maximum wheel base of the vehicles proposed to use the site would be 0.84m shorter than that indicated, with the exception of the skip lorry, which would be 0.49m shorter.

On the basis of the information presented at the Open Planning Meeting, the Development & Planning Authority expressed concerns regarding the ability of the skip lorry to utilise the access without encroaching on to the cycle/footpath and requested further information to demonstrate that there would not be road safety issues arising from this use.

The agent has however confirmed that swept path analyses are only available for certain vehicle lengths, and there is no a standard template for a vehicle of the size of the skip lorry. It is not therefore possible to overlay the exact swept path analysis for the skip lorry on the submitted plans.

A video has however been provided by the applicant showing a skip lorry entering and exiting the site. The video will be available online and will be shown at the Open Planning Meeting. The video does show the skip lorry successfully entering and exiting the site without encroaching on to the cycle/footpath, however the video does not clearly show the lorry turning to continue along the line of the proposed driveway entering the site and, when exiting the site, the lorry is located on the northern side of the access, in the path of traffic entering the site.

The Committee subsequently independently commissioned another skip lorry to enter and exit the site, utilising the access along the line of the proposed driveway. These movements have been witnessed by a member of the Committee and have been filmed.

THS note that, whilst the video footage indicates that the skip lorry could miss/skirt the cycle/footpath when exiting the site, this would involve crossing into the path of vehicles entering the site and would have implications for the visibility splays experienced by the driver. Notwithstanding this observation, THS however note that the skip lorry would only attend the site once a week and the decision is proposed to be conditioned to prevent any other large vehicles using the site, which would comprise a reduction in the number of large vehicles accessing the site when compared with the Guernsey Clematis operation.

On balance therefore, THS conclude that, subject to the application of the proposed conditions, there would not be road safety or traffic management reasons to oppose the application.

The potential for improved access from Route Militaire via the site to the north-east

The site to the north-east of the application site also comprises a vinery site, and is served by two accesses on to Route Militaire, to the north and south ends of the roadside boundary. The southern access serves a driveway which runs along the south boundary of the site and links with the application site to the west. The site however falls outside of the ownership of the applicant, and the application site does not benefit from a right of way across that site.

At the Open Planning Meeting, the Development & Planning Authority requested that the applicant contact the owner of the adjacent site to discuss the potential to gain access across the adjacent site. The applicant has stated that no further discussions have occurred with the owner of the adjacent land to the north-east and is unwilling to undertake any such discussions.

Traffic and Highway Services have however assessed the access and identify that it would not be suitable to provide an exit on to Route Militaire, and could not realistically be adapted to be made suitable. That Service identifies that there could be potential to use the access to enter the site, however observes that there would also be some road safety issues associated with this option and managing the use of the access in this way would be difficult.

Notwithstanding the comments above, the access onto Route Militaire falls outside of the application site area and it is the legal duty of the Authority to consider the proposal which is put before it. The application must therefore be determined on the merits of the access arrangement proposed as part of the current application. The potential or otherwise for an alternative access to Route Militaire is therefore not a material planning consideration which can be taken into account by the Committee when determining the application.

Conclusions and Recommendation

The above application was initially heard at Open Planning Meeting on 14th August 2019 and a decision on the application was deferred, pending submission of additional information in respect of access and vehicle movements. This report comprises an addendum to the Planning Application Report dated 5th August 2019 prepared in advance of that meeting and as such focuses on the issues raised by the Authority during the meeting and the reasons for deferral.

The only substantive evidence provided by the applicant subsequent to the Open Planning Meeting is the video of the skip lorry entering and exiting the site, however additional comments have been received from Traffic & Highway Services and the Development & Planning Authority has independently commissioned its own evidence of a skip lorry using the site access.

Whilst the additional information provided does suggest that a skip lorry or equivalent vehicle would be likely in practice to encroach into the cycle/foot path on exiting the site, the nature of the proposed uses, in conjunction with the proposed limitations on use set out within the recommended conditions, would not represent an intensification of use

over the authorised but uncontrolled horticultural use of the site and would not result in any greater road safety impacts.

Traffic & Highway Services has concluded (Appendix 2), on the basis of the details of the application, the trials conducted on site, the proposed conditions as detailed in the Planning Application Report, and assurances given at the original Open Planning Meeting that enforcement action could be taken in the event that the site is not used in accordance with permissions, THS does not oppose the application from a traffic management or road safety perspective.

For the reasons set out within the original Planning Application Report and the additional comments contained within this paper, the recommendation to the Committee therefore remains for approval of the application.

Conditions and informatives

Should the Committee be minded to approve the application, the recommended conditions and informatives are set out in Appendix 1.

Prior to deferral of the application at the Open Planning Meeting, the Committee considered the conditions previously recommended and any potential additional/revised conditions that it would wish to be applied in the event of the grant of planning permission. The Committee voted unanimously to add/amend the following conditions, in the event that planning permission for the proposed development was granted:

- Amendment of recommended condition 6 (landscaping) to require a scheme of landscaping for the whole site, with further details of more specific requirements, including for consideration of biodiversity and consultation with La Societe Guernesiaise, to be included within a new informative.
Amended as agreed; Now recommended condition 10 & Informative 1
- Removal of the words 'without the prior written approval of the Authority' from the end of recommended condition 14 to prevent any industrial activity, including the cutting or working of stone, at the site.
Amended as agreed; Now recommended condition 19
- Removal of words permitting pre-loaded or pre-unloaded vehicles to enter or leave the site on Sundays or Public Holidays from the end of recommended condition 20 (limit on hours/days of operation).
Amended as agreed; Now recommended condition 24
- New condition requiring acoustic fencing to the south boundary of the eastern open yard, to mitigate potential noise nuisance in the interests of neighbour amenity.
Recommended condition 9
- New condition requiring the applicant to liaise with Guernsey Water concerning treatment/removal of existing streams/watercourses within the site, to help achieve an acceptable overall form of development.

Recommended condition 12

- Minor adjustment of the wording of any recommended pre-commencement conditions to ensure their enforceability, given the existing unauthorised use of the site.

Conditions 4, 5, 6, 7, 8, 10, 11, 14 & 18 of the recommended conditions set out in Appendix 1

In addition to the above, the previously recommended Condition 4, requiring further details in respect of the proposed access arrangements, has been amended and divided into recommended Conditions 6 & 7, and Condition 22, relating to the size of vehicles, has been extended to include a maximum vehicle weight.

Date: 15th October 2019

Appendix 1: Recommended 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 2 months of the date of this decision a phasing timetable for removal of all existing buildings, glasshouses and structures (excepting B1 and B18) and including all areas of hardstanding and glasshouse paths and footings shown on the approved plans, from the areas of the site outside of the storage area marked in purple on the approved plans shall be submitted to and agreed in writing by the Authority. Those structures shall then be removed in accordance with the approved timetable, and within 6 months of the date of the decision.

Reason - To make sure the development takes the form hereby permitted and to satisfy Policy OC7 of the Island Development Plan.

5. Within 2 months of the date of this decision, a method statement detailing the proposals for demolition, removal and disposal of all existing buildings, glasshouses, structures and areas of hardstanding, including contractors' hours of operation, shall be submitted to and approved in writing by the Authority. The demolition works shall be undertaken in accordance with the approved method statement.

Reason - To ensure that the existing structures are removed in an appropriate manner and would result in good quality open land; To protect the amenity of nearby residential properties.

6. Within two months of the date of this decision, a timetable for alterations to the access drive shall be submitted to and agreed in writing by the Authority. The works shall then be undertaken in accordance with the approved plans and the approved timetable, and within 6 months of the date of this decision.

Reason - In the interests of road safety and effective traffic management.

7. Within 2 months of the date of this decision, precise details of the means of closure of the southern access, including the lockable gate, shall be submitted to and agreed in writing by the Authority. The development shall be carried out only in accordance with the agreed details and shall be undertaken within two weeks of the completion of works to the north access. The lockable gate shall thereafter be retained in perpetuity.

Reason - The information provided with the application does not include full details of the proposed features. This condition is imposed to make sure that access to the site is limited to a single point, in the interests of highway safety and neighbour amenity.

8. Within 2 months of the date of this decision, precise details of acoustic fencing enclosing the open yard associated with Building B16 shall be submitted to and agreed in writing by the Authority and the agreed acoustic fencing shall be erected in accordance with the approved details. The acoustic fencing shall thereafter be retained in perpetuity.

Reason - The premises are close to residential property and the acoustic fencing is needed to prevent a nuisance or annoyance to nearby residents.

9. Prior to commencement of operations within the yard labelled G4, precise details of acoustic fencing to be erected along the southern edge of that yard shall be submitted to and agreed in writing by the Authority. The yard shall not be used for the purpose hereby approved until such time as the agreed acoustic fencing has been erected in accordance with the approved details. The acoustic fencing shall thereafter be retained in perpetuity.

Reason - The premises are close to residential property and the acoustic fencing is needed to prevent a nuisance or annoyance to nearby residents.

10. Within 2 months of the date of this decision, 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;
- iii) planting schedules, noting the species, sizes, numbers and densities of plants; and
- iv) all existing trees, hedges and other landscape features, indicating clearly those to be removed.

Reason - To make sure that a satisfactory landscaping scheme for the development is agreed, in order to help assimilate the development into its surroundings.

11. 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 following the demolition of the glass, 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 - To make sure that the appearance of the completed development is satisfactory and to help assimilate the development into its surroundings.

12. Within 2 months of the date of this decision, details of any works to the streams along the south-west and north boundaries of the site, or the area of open water in the north-east corner of the site, shall be submitted to and agreed in writing by the Authority. The development shall be carried out only in accordance with the agreed details.

Reason - The information provided with the application does not include full details of the proposed features. This condition is imposed to make sure that water run off is dealt with appropriately and that the proposal would not have any adverse impact on streams.

13. No works shall be undertaken to any of the structures which form the subject of this consent until precise details of any replacement cladding or vinyl wrap have been submitted to and agreed in writing by the Authority. The works shall be undertaken in accordance with the approved details.

Reason - To make sure that the appearance of the completed development is satisfactory.

14. Prior to any operational development commencing on site, the following shall be submitted to and approved in writing by the Authority:

(i) (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 Contaminated land Research Report Nos. 2 and 3 and BS10175:2001 - 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

(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) 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 condition (i)c that any remediation scheme required and approved under the provisions of condition (i)c 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 condition 14 (i) c.

Reason - To ensure any ground contamination is dealt with in a safe and appropriate manner.

15. The buildings and yards hereby approved shall only be used by the operators named on Page 16 of the Supporting Document prepared by CMA Architects and submitted 16/07/19. Notwithstanding the provisions of the Use Classes Ordinance, details of any other operator to operate from the premises shall be submitted to and approved in writing by the Authority prior to any occupation by those occupiers.

Reason - Permission has been granted on the basis that the approved operators would not have an unacceptable impact on the amenities of adjoining properties or on road safety and traffic management. Alternative operators falling within the same class in the Land Planning and Development (Use Classes) Ordinance, 2017 could have more significant impacts and the use of the site therefore needs to be carefully controlled.

16. Each building and the associated open yards hereby approved shall be used by a separate operator and shall not be amalgamated or used in conjunction with any other building on the site at any time.

Reason - To ensure that the use of the site remains for small scale business, in accordance with the requirements of policy.

17. Buildings B1 (Toilet block) and B7 (Canteen block) shall be used for purposes ancillary to the uses hereby approved only, and shall not be used to provide separate accommodation for independent operators.

Reason - To ensure that appropriate support facilities are provided for the uses hereby approved and that the number of units on the site does not exceed that approved.

18. The structures referred to as B4, B5 & B6 shall not be used for the purposes hereby approved until those structures have been relocated to the positions specified on the approved plan. The structures shall be relocated in accordance with the phasing timetable

to be agreed under Condition 5, or those structures shall be entirely removed from the site.

Reason - To ensure that all uses and structures hereby approved are consolidated within one area of the site, in the interests of neighbour amenity and to achieve the visual and environmental enhancements required to meet the terms of Policy OC7.

19. No industrial activity whatsoever, including the cutting or working of stone, shall be undertaken at the site.

Reason - To protect the amenity of nearby residents.

20. No storage of any description shall take place outside of the buildings or designated open yards hereby approved.

Reason - To make sure that the site does not fall into an untidy condition, to the detriment of the character of the area.

21. Goods, equipment or materials stored within the open yards shall not be stacked or deposited to a height exceeding 3 metres at any time unless otherwise agreed beforehand in writing by the Authority.

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

22. With the exception of the skip lorry associated with the stone mason, the maximum size of vehicle permitted on the site will have a maximum wheel base of 3.35m and a maximum gross vehicle weight of 3500kg unless otherwise agreed in writing by the Authority.

Reason - To limit the size of vehicles in the interests of road safety.

23. Any parking of vehicles on the site shall be only in association with the approved businesses and in the designated parking spaces.

Reason - To ensure that the site is used for the approved purposes only.

24. No use of the site, including any working on, delivery, removal or movement of goods, equipment or materials stored on the site shall be carried out other than between 0800 hours and 1800 hours on Mondays to Fridays, and 0800 hours and 1330 hours on Saturdays, and there shall be no working 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.

INFORMATIVES

1. The information required under Condition 10 should include additional areas of landscaping, particularly between the access drive and the property known as Avondale

and to the north and west of the proposed units, and should include biodiversity enhancements. The basic design constituents to be considered in any landscape scheme should include:

Detailed planting proposals

- Relate to landscape character of locality and make use of locally distinctive species
- Provide scientific names including species and varieties, numbers, locations, form, size (height, spread, girth, pot size)
- Topsoil/planting medium (depth, finished level, etc)
- Planting specification including site preparation, irrigation and plant maintenance provisions, mulch (depth and material) and supports for trees/shrubs/climbers
- Temporary/permanent protection of existing/proposed planting
- Grass/seeded areas

Management plan

- Design concept/objectives
- Provision for long term management
- Maintenance regime (frequency and types of operation for grass, ornamental and native planting, water areas)
- Identify management agency

2. In respect of Condition 14, the site is known to be or suspected to be contaminated. Please be aware that the responsibility for the safe development of the site rests with the developer. A desktop study would be the minimum standard accepted to discharge this condition. The outcome of the desktop study will determine if it is necessary to meet the requirements of the remainder of the condition.

It is strongly recommended that in submitting details in accordance with the Condition 14 that the applicant has reference to CLR 11, Model Procedures for the management of land contamination. This is available online from http://www.claire.co.uk/index.php?option=com_content&view=article&id=187&catid=45&Itemid=256 with further information available at <https://www.gov.uk/guidance/land-contamination-risk-management>. The phased risk assessment should be carried out also in accordance with the procedural guidance and UK policy.

3. Should any additional external lighting be required then this would require the grant of a separate planning permission by the Authority.

4. In relation to Condition 15, the approved operators named within the Supporting Document are Datum Plumbers (B11), Brendan Slattery Decorators (B12), JB Landscapes (B10), Jamie Sarre plumbers (B14) and Dan Wickens Stone Mason (B16 & open yard).

5. In relation to Condition 12, it is advised that Guernsey Water be contacted for advice prior to submission of the required details.

Appendix 2: Traffic & Highway Services comments following OPM

I refer to your e-mail of 4th October 2019 requesting Traffic & Highway Service's comments regarding the applicant's video of a skip lorry negotiating the access. I also refer to a site meeting on 11th October when a skip lorry was filmed entering/exiting.

In commenting on the northerly access, Traffic and Highway Services (THS) advised in a memorandum dated 6th July 2017, that it is broadly 7.5m wide and does not have bellmouth radii of the standard to accommodate service vehicles but given the width, THS does not believe that this would be particularly problematic. It further advised in the same memorandum that the sightline in the direction of oncoming traffic is in excess of 60m but there is a blind spot of between approximately 5m and 30m. The blind spot is due to the bend in the road and the boundary wall height of 1.3m and planting that is currently around 2.5m high. It should be noted that the issue of the blind spot was not commented upon in THS's report of 12th March 2019. The sightline to the south-east, i.e. in the direction of the cycle-contraflow is approximately 30m, albeit this is reliant in the case of car driver being able to stretch to see over the 1.05m roadside wall.

Whilst the access adjoins a road that is located in a 20mph speed limit zone, the recommended minimum sightline standards are based on design speed of the road. Given Oatlands Lane is one-way with a fairly wide carriageway for motor-vehicles the 25mph design standard was chosen and thus the recommended minimum sightline standard used in the consultation responses was 33m. It should be noted that there is no expectation that a 33m standard should be achieved towards the south-east (the cycle contraflow). A more relaxed 20m standard would be appropriate given the lower approach speeds expected.

In providing advice to Planning Services, I should draw attention that normally THS will offer a level of opposition to an application where a proposed access (a new one) does not meet the minimum design standards as detailed in the Traffic Engineering Guidelines for Guernsey. In the case of existing accesses such as this one, either intensification of use or regular use by a larger class of vehicle are considered the lever for THS to encourage improvement in the design of the access or offer opposition if that will not be achieved.

An Industry recognised traffic modelling programme (TRICS) was ruled out by THS as being an appropriate method to determine the base position for traffic movements when the site operated as a vinery. This is because there is no data in that programme for traffic generation for vinery sites. In light of this, data was sought by the applicant from Guernsey Clematis about traffic movements associated with their use of the site when it was operating at its peak. This data indicates typical movements of 110 per day (55 in and 55 out). This included a daily movement of a large lorry/container and a total of 12 Luton van movements (6 in and 6 out) plus some van movements within the total of 16 daily visitor movements (8 in and 8 out). However, it is known that the site has historically had a vehicular link with Route Militaire as well as Oatlands Lane and THS has been unable to establish whether all of the traffic movements associated with the Guernsey Clematis use were from/to Oatlands Lane. This is a barrier to determining whether the proposed use would result in intensification of use of the Oatlands Lane access and other roads to the

south which have been identified as walking and cycling routes for St Sampson's High School.

Plan 2001-010-A1- E indicates there would be provision for 20 parking spaces on site and proposed planning condition 18 indicates – *Any parking of vehicles on site shall only be in association with the approved businesses and in the designated parking spaces.* Traffic movement data provided for units B10, B11, B12, B14 and B16 equates to approximately 22 movements per day (11 in and 11 out). No traffic data is known for the remaining useable units B4, B5, B6, B8, B9, B13 and B15 but if they are occupied by similar businesses with similar vehicle use profiles, along with the planning conditions detailed in the Planning Application Report then it is considered unlikely that the change of use would result in a development that would lead to intensification of vehicular movements in comparison to the Guernsey Clematis peak figures. Whilst there are some assumptions in this conclusion, the proposed use of the site for storage units for small scale businesses would be expected to be low in terms of traffic generation. The vehicle wheel base size limit would typically be for a short to medium wheelbase 'Transit' type van or pick up. However, it is worth noting that the skip lorry used during the Planning Service's trial on site had a wheelbase that would just fit within the 3.35m general wheelbase limit and therefore THS would recommend that condition 17 be expanded to include a maximum vehicle gross weight limit of 3,500kg (aside from the skip lorry). This correlates to what can be driven on a standard 'car' driving licence but would still enable use of the site by tenants driving the 'Transit' type vehicles and small pick-ups/tippers. The skip lorry used in the trial was typical of the 6 to 7m overall length class used in the Island.

Turning to the use of the access by a skip lorry, it is noted that the supporting information indicates that this would be once per week which is less than the average daily large lorry/container drops advised by Guernsey Clematis during their use of the site. However, it is unknown for definite whether those movements utilised the Route Militaire access. From the video provided by the applicant and Planning Service's own trials it is clear that it would be necessary for the lorry to exit from the northern side of the access (the 'wrong' side) to enable it to miss or skirt the edge of the cycle contraflow lane. However, it should be borne in mind that the trials were carried out whilst there is still a chain link fence in position so the manoeuvres were not totally representative of the situation with a realigned access track and a greater area of hard standing to the north of the access. In essence, the approach angle could be sharper and therefore increase the likelihood of the skip driver avoiding the cycle contraflow. However, this would have consequences in terms of the sightline in the direction of oncoming traffic that would be available to the driver exiting. THS's sightline calculation of over 60m, albeit with a blind spot of between 5m and about 30m was measured from the centre point of the access and 2.4m back into the site. If a skip lorry driver or any other for that matter chooses to exit from the northerly side of the access in order to maximise their chances of avoiding the cycle contraflow, then the 2.5m planting on an adjacent property will significantly restrict the sightline to a very substandard worst case scenario of about 3m. In reality THS would be surprised if the drivers of commercial vehicles exiting this access choose to exit blindly in favour of avoiding the cycle contraflow given they would be able to see cyclists approaching from the left at a distance of about 30m.

From the recent observations on site it has been noted that whilst the access is wide, the lack of radius would mean that it would be difficult for 2 'Transit' type vans to pass each

other at the access. This increases the risk of 2 vehicles meeting and a driver being forced to reverse back out onto the Public Highway. In light of this, measurements were taken of the forward visibility for approaching drivers to be able to see the access which is located near a bend in the road. The measurements reveal that northern edge of the access would typically be visible to an approaching driver from a distance of about 80m and the whole access from a distance of about 35m. The typical stopping distance at 20mph is 12m and it is 23m at 30mph. This rises to 18m and 37m in the wet.

In conclusion:-

- The lack of bellmouth radii in the access design combined with the limited 3.3m width of vehicular carriageway mean drivers of 'Transit' sized vehicles and above will be likely to enter the cycle contraflow if they choose to exit from the left hand side of the access and start the manoeuvre broadly square to the carriageway. The driver of this type of vehicle will very likely be able to see cyclists approaching looking over the roadside wall;
- Drivers exiting from the northerly side of the access to try to avoid entering the cycle contraflow will do so from a position where their sightline oncoming will be severely restricted by planting located on an adjacent property (unless it is cut back);
- 'Transit' van type vehicles are likely to struggle to pass at the access due to the access constraints but the scale of development and controls on-site parking would suggest that this scenario is unlikely to frequently occur;
- THS does not believe that it has the 'levers' to oppose development based on a clear cut case of intensification of use or increased levels of heavy goods vehicle movements (subject to the 3,500kg maximum gross vehicle weight limit being added as a condition);
- For the same reasons as the bullet point above, THS does not believe it has grounds to oppose development on the basis of the difficulties associated with the access which are not untypical of many historic vinery sites.
- On the basis of detail of the application, the trials on site, the proposed conditions as detailed in the Planning Application Report and assurances given at the original Open Planning Meeting that enforcement action could be taken in the event that the site is not used in accordance with permissions, THS does not oppose the application from a traffic management or road safety perspective.

Appendix 3: Operator details, including number & type of vehicle movements – Extract from previous submission 16/07/19

Our Client has advised us of the following tenants wishing to rent space for storage. These are as follows;

Building No	Company Name	Staff	Vehicles	Movements
B11	Datum Plumbers	4No	3-4 vehicles	1 per day
B12	Brendan Slattery Decorators	1No	1 van	2-3 per week
B10	JB Landscapes	6No	4 cars	1 per day
B14	Jamie Sarre Plumbers	1No	1 Van	2-3 per week
B16+ Open Yard	Dan Wickens, Stone Masons	5No	flat bed + Car	2-3 times per week plus one skip/week

The remaining units will be let to similar type of local businesses such as plumbers, decorators, electricians etc. Vehicle movements we would estimate as being 2-3 per week.

Appendix 4: Guernsey Clematis email – Extract from previous submission
16/07/19

From: Paul Ingrouille <pingrouille@guernsey-clematis.com>

Date: 30 November 2018 at 08:42:37 GMT

To: Brendan Slattery <brendan.slattery@cwqsy.net>

Subject: Vehicle Figures

Hi Brendan,

Apologies I had a freeze on my e-mail yesterday and it didn't send my already typed mail so I'm briefly re-writing.

Our peak traffic on/off Domarie site was probably 1994/95 (ish) when we had high volume production on the Domarie/Avondale site (approximately 3Million plants/Annum) were renting the Oatlands Nursery(the one on other side of road[behind wall] to newly built "Joey Hangar") and did not have Montrose & Braye in production.

At that time we had approximately 60 staff including 8 managerial/office based.

Typical vehicles travelling on/off site would be:-

Cars :- 20 arriving start of Day / 20 out end Day + approximately 20 in 20 out during day on various company based business.

Large Lorry/ container drops – averaging one in / one out per day either drop off or collection.

Our own Luton Van – probably 6 in 6 outs per day.

Other visitors vans/cars - approximately 8 in / 8 out per day.

Paul Ingrouille

Production Manager

The Guernsey Clematis Nursery Ltd.

Braye Vineries

Route Militaire,

Vale

Guernsey GY3 5RP

Appendix 5: Specification sheet for Isuzu Truck



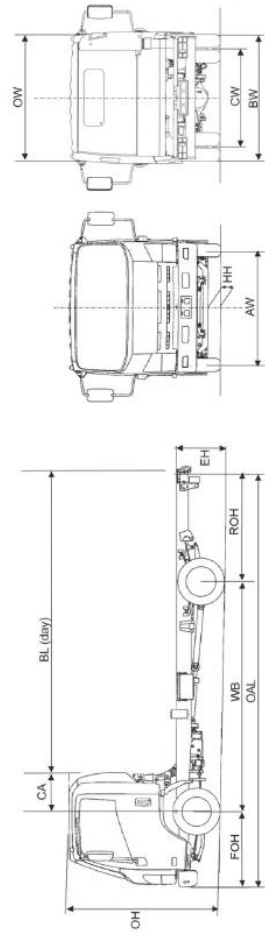
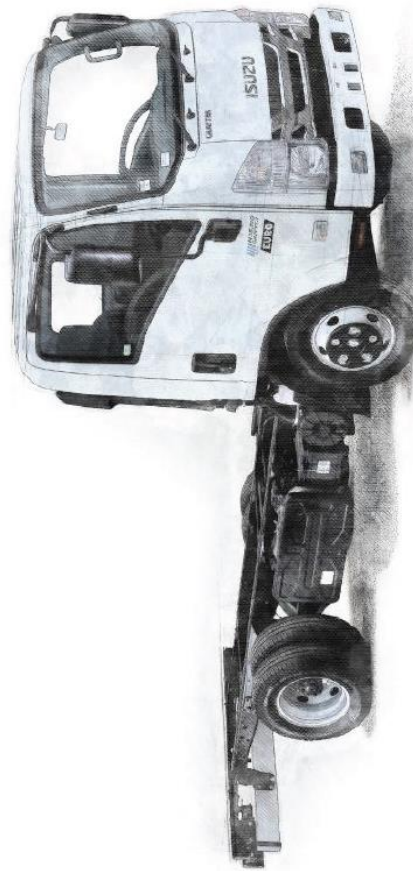
**N35.150
GRAFTER** BLUE

Chassis Cab

ISUZU
TRUCK UK

specifications:

Isuzu 'Grafter Blue' N35.150 3.5T GVW / EURO VI 4x2 rigid twin rear wheels



Axle weights (kg)		day	day
UK maximum Vehicle Weights (kg)		3500	3500
UK Axle design weights (kg)		7000	7000
		2100	2100
		2435	2435
Weights (kg)		day	day
Cab type		WB	3350
Wheelbase		Front	1490
Vehicle Mass Unladen		Rear	600
			632
Total			2090
GW			2142
Body & Payload Allowance			3500
Max. Permissible Trailer Weight*			1410
			1388
			3500
Dimensions (mm)			
Overall Length		OAL	5285
Overhang - Front		FOH	1100
Overhang - Rear		ROH	1435
Cab Gap		CB	130
C/L Front Axle to Rear of Cab		CA	463
Recommended Body Length		BL	3505
Chassis Frame Width			700
Recommended Body Width			1945
Recommended Maximum Body Width			2275**
Cab Width		OW	1770
Overall Height (Unladen)		OH	2150
Chassis Height (Unladen)		EH	725
Minimum Road Clearance		HH	195
Track - Front		AW	1475
Track - Rear		CW	1425
Rear Axle Width		BW	1855

*Tachograph regulations may apply

**Wide mirror arms apply at extra cost

1. Unladen weights excludes driver, fuel and AdBlue*. (Tolerance +/- 3%). 2. Body lengths are given as a guide only. Bodybuilders are responsible for ensuring all legal requirements are met. 3. Maximum body lengths are calculated to remain within the opening ratio of 60% of the wheel base. Cab gaps may vary. 4. Isuzu Truck (UK) Ltd. shall have no liability whatsoever should the information supplied have incorrect data, descriptions or illustrations.

Appendix 6: Planning application report dated 05/08/19



States of Guernsey
Planning Service

PLANNING APPLICATION REPORT

Application No: FULL/2017/0995
Property Ref: B010310000 & B01032A000
Valid date: 11/04/2017
Location: Domarie & Avondale Vineries Oatlands Lane St. Sampson
Guernsey
Proposal: Change of use of horticultural buildings, glasshouse and land to
south-east of site to form 15 storage units and 2 open yards.
Undertake landscaping. (Revised scheme)
Applicant: Mr & Mrs B Slattery

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. No development shall begin on site until precise details of the layout of the proposed access points onto Oatlands Lane, demonstrating appropriate swept path analysis and providing details of the lockable gate, have been submitted to and agreed in writing by the Authority. The development shall be carried out only in accordance with the agreed details and the approved accesses shall be completed prior to the first occupation of any part of the site for its hereby approved use. The lockable gate shall thereafter be retained in perpetuity.

Reason - The information provided with the application does not include full details of the proposed feature(s). This condition is imposed to make sure that the access to the site and its use is acceptable in the interests of highway safety and visual amenity.

5. No development shall begin on site until precise details of the acoustic fencing have been submitted to and agreed in writing by the Authority. The site shall not be used for the purpose hereby approved until such time as the agreed acoustic fencing has been erected in accordance with the approved details. The acoustic fencing shall thereafter be retained in perpetuity.

Reason - The premises are close to residential property and the acoustic fencing is needed to prevent a nuisance or annoyance to nearby residents.

6. Additional landscaping shall be provided in the areas indicated on the approved plan, between the access drive and the property known as Avondale and to the west of the proposed units, as hatched in red on the approved plan (Drawing No 2001-010-A1-E). No development, excluding demolition and site works, shall begin until a landscaping scheme, to include those details specified below, has been 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;
- iii) planting schedules, noting the species, sizes, numbers and densities of plants;
- iv) all existing trees, hedges and other landscape features, indicating clearly those to be removed.

Reason - To make sure that a satisfactory landscaping scheme for the development is agreed, in order to help assimilate the development into its surroundings.

7. 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 following the first occupation of any part of the development 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 - To make sure that the appearance of the completed development is satisfactory and to help assimilate the development into its surroundings.

8. No works shall be undertaken to any of the structures which form the subject of this

consent until precise details of any replacement cladding or vinyl wrap have been submitted to and agreed in writing by the Authority. The works shall be undertaken in accordance with the approved details.

Reason - To make sure that the appearance of the completed development is satisfactory.

9. No works pursuant to this permission shall commence until there has been submitted to and approved in writing by the Authority:

(i) (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 Contaminated land Research Report Nos. 2 and 3 and BS10175:2001 - 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

(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) 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 condition (i)c that any remediation scheme required and approved under the provisions of condition (i)c 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 condition (i) c.

Reason - To ensure any ground contamination is dealt with in a safe and appropriate manner.

10. The buildings and yards hereby approved shall only be used by the operators named on Page 16 of the Supporting Document prepared by CMA Architects and submitted 16/07/19. Notwithstanding the provisions of the Use Classes Ordinance, details of any other operator to operate from the premises shall be submitted to and approved in writing by the Authority prior to any occupation by those occupiers.

Reason - Permission has been granted on the basis that the approved operators would not have an unacceptable impact on the amenities of adjoining properties or on road safety and traffic management. Alternative operators falling within the same class in the Land Planning and Development (Use Classes) Ordinance, 2017 could have more significant impacts and the use of the site therefore needs to be carefully controlled.

11. Each building and the associated open yards hereby approved shall be used by a separate operator and shall not be amalgamated or used in conjunction with any other building on the site at any time.

Reason - To ensure that the use of the site remains for small scale business, in accordance with the requirements of policy.

12. Buildings B1 (Toilet block) and B7 (Canteen block) shall be used for purposes ancillary to the uses hereby approved only, and shall not be used to provide separate accommodation for independent operators.

Reason - To ensure that appropriate support facilities are provided for the uses hereby approved and that the number of units on the site does not exceed that approved.

13. The structures referred to as B4, B5 & B6 shall not be used for the purposes hereby approved until those structures have been relocated to the positions specified on the approved plan. The structures shall be relocated within 3 months of any works commencing on the site, or those structures shall be removed from the site.

Reason - To ensure that all uses and structures hereby approved are consolidated within one area of the site, in the interests of neighbour amenity and to achieve the visual and environmental enhancements required to meet the terms of Policy OC7.

14. No industrial activity whatsoever, including the cutting or working of stone, shall be undertaken at the site, without the prior written approval of the Authority.

Reason - To protect the amenity of nearby residents.

15. No storage of any description shall take place outside of the buildings or designated open yards hereby approved.

Reason - To make sure that the site does not fall into an untidy condition, to the detriment of the character of the area.

16. Goods, equipment or materials stored within the open yards shall not be stacked or deposited to a height exceeding 3 metres at any time unless otherwise agreed beforehand in writing by the Authority.

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

17. With the exception of the skip lorry associated with the stone mason, the maximum size of vehicle permitted on the site will have a maximum wheel base of 3.35m unless

otherwise agreed in writing by the Authority.

Reason - To limit the size of vehicles in the interests of road safety.

18. Any parking of vehicles on the site shall be only in association with the approved businesses and in the designated parking spaces.

Reason - To ensure that the site is used for the approved purposes only.

19. Notwithstanding the submitted plans, the site shall not be used for the purposes hereby approved until such time as all existing buildings, glasshouses and structures (excepting B1 and B18) have been demolished and all ancillary materials, works and structures, including the areas of hardstanding and glasshouse paths and footings shown on the approved plans, have been removed from the areas of the site outside the storage area marked in purple on the approved plans. A method statement detailing the proposals for demolition, removal and disposal including contractors' hours of operation shall be submitted to and approved in writing by the Authority prior to demolition work commencing.

Reason - To make sure the development takes the form hereby permitted and to satisfy Policy OC7 of the Island Development Plan.

20. No use of the site, including any working on, delivery, removal or movement of goods, equipment or materials stored on the site shall be carried out other than between 0800 hours and 1800 hours on Mondays to Fridays, and 0800 hours and 1330 hours on Saturdays, and there shall be no working on Sundays or Public Holidays. The only exception to this is to allow pre-loaded or pre-unloaded vehicles which have been loaded or unloaded within these hours to enter or leave the site 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.

INFORMATIVES

1. For the purposes of Condition 6, the basic design constituents to be considered in any landscape scheme should include:

Detailed planting proposals

- Relate to landscape character of locality and make use of locally distinctive species
- Provide scientific names including species and varieties, numbers, locations, form, size (height, spread, girth, pot size)
- Topsoil/planting medium (depth, finished level, etc)
- Planting specification including site preparation, irrigation and plant maintenance provisions, mulch (depth and material) and supports for trees/shrubs/climbers
- Temporary/permanent protection of existing/proposed planting
- Grass/seeded areas

Management plan

- Design concept/objectives

- Provision for long term management
- Maintenance regime (frequency and types of operation for grass, ornamental and native planting, water areas)
- Identify management agency

2. In respect of Condition 9, the site is known to be or suspected to be contaminated. Please be aware that the responsibility for the safe development of the site rests with the developer. A desktop study would be the minimum standard accepted to discharge this condition. The outcome of the desktop study will determine if it is necessary to meet the requirements of the remainder of the condition.

It is strongly recommended that in submitting details in accordance with the Condition 9 that the applicant has reference to CLR 11, Model Procedures for the management of land contamination. This is available online from http://www.claire.co.uk/index.php?option=com_content&view=article&id=187&catid=45&Itemid=256 with further information available at <https://www.gov.uk/guidance/land-contamination-risk-management>. The phased risk assessment should be carried out also in accordance with the procedural guidance and UK policy.

3. Should any additional external lighting be required then this would require the grant of a separate planning permission by the Authority.

4. In relation to Condition 10, the approved operators named within the Supporting Document are Datum Plumbers (B11), Brendan Slattery Decorators (B12), JB Landscapes (B10), Jamie Sarre plumbers (B14) and Dan Wickens Stone Mason (B16 & open yard).

5. A culverted stream is located within/adjacent to the south-west and north boundaries of the site. Please contact Guernsey Water for advice prior to undertaking any works at the site.

OFFICER'S REPORT

Site Description:

The application site comprises a 12 vergee glasshouse site, with ancillary structures, set on the north-east side of Oatlands Lane. The site wraps around a residential property known as Avondale to the west to border Oatlands Lane on either side of that property. To the north-west and south-east ends of the roadside boundary the property borders two further residential properties, known as Southview and Arroutresse. Along the north boundary, the remainder of the south boundary and part of the east boundary the site borders agricultural land. For the remainder of the east boundary the site abuts another horticultural site.

The site is located Outside of the Centres in the Island Development Plan, and immediately to the south of an Agriculture Priority Area.

Relevant History:

Vinery site

08/05/00 PAPP/2000/0848 Permit to clad one glasshouse with corrugated fibre material and utilise as a horticultural building.

08/05/00 PAPP/2000/0850 Permit to install two additional portable units to increase office accommodation.

PREA/2016/2005 Pre-application correspondence in respect of use of land for small industrial businesses.

Avondale (B010320000)

23/12/13 FULL/2013/3436 Permit to extend domestic curtilage to erect a garage, wall and fencing with gates and car parking area.

Existing Use(s):

Horticultural site – Agricultural Use Class 28

Brief Description of Development:

Permission was initially sought for a change of use of 14 horticultural buildings to Light Industrial units (Industrial Use Class 24). The proposals included:

- Demolition of 5 spans of glass in the north-west corner of the site and planting of Eucalyptus and Silver Birch trees in that location, comprising half an acre;
- Relocation of the northern access driveway 3m to the north, erection of 1.8m acoustic fencing along the south side of the driveway and planting to east of dwelling known as Avondale;
- Erection of 30m of 1.8m acoustic fencing along south site boundary;
- Plant north boundary with 1.2m eleagnus hedging.

In support of the application the following points were made:

- The units would be for storage for small building trade businesses, including electricians, plumbers, decorators, carpenters, recycling, stonemason and roofers.
- Guernsey Clematis were meant to be vacating the site in February 2017, however had requested a 6 month extension while offices are being constructed at their Brayed Vinery site.
- The letter from Guernsey Clematis demonstrates a lack of use for growing on the site.
- The 14 buildings need very little, or in some cases no, work and are therefore capable of conversion. All buildings bar one have concrete floors, electric and lighting.
- The sites have excellent access via two driveways, both on to Oatlands Lane. These entrances are wide enough for the level of vehicular traffic proposed, however could be used as a one way system if necessary.
- Traffic movements will be less than in previous years when the Nursery employed over 90 staff and received delivery vehicles.

- The site benefits from main drain and electric connections.

A letter was also submitted from The Guernsey Clematis Nursery Ltd stating that their business had been consolidated on to their prime Braye Glasshouse site and noting that they had only been able to re-let one glasshouse, approximately 20% of the application site, and the rent is barely commercial. The letter notes that there is not a significant market for glasshouses for horticultural purposes.

Revised submission (03/04/18)

Following deferral the application was revised to the change of use of land and 11 associated horticultural buildings to General Storage/Distribution (Use Class 22) and included the following:

Eastern part of the site.

- Create 9 open storage yards, divided by timber post and rail fencing and surfaced in gravel;
- Retain 9 existing structures for ancillary storage purposes;
- Retain and relocate storage units adjacent to north boundary (revised location unspecified);
- Retention of canteen and WC facilities in the centre of the site for use in association with the new uses;
- Two parking spaces designated for each Unit;
- The remainder of the east of the site to remain gravelled.

Western part of the site

- Clearance of all glasshouses, with the exception of one span in the south-east corner of the site;
- Clearance of all associated structures in the western half of the site;
- Installation of new GRP cabinets for incoming electric supply;
- Re-alignment of southern driveway and alterations to southern access to create bellmouth.

Boundary treatments/landscaping

- Construction of 6ft acoustic fencing along entire south boundary, across the centre of the site and along the north boundary of the residential property known as Avondale;
- Erect 1.5m timber post and rail fence to either side of the northern access drive;
- Install steel barrier to access to adjacent property to east;
- Undertake tree and hedge planting along south boundary, to north of southern access drive and across the centre of the site;
- Retain telegraph pole with 3no sensor halogen floodlights in centre of site, halogen floodlight fixed to Unit 5 and LED lights fixed to Unit 2 & 3.

In support of the revised proposals the following additional points are made:

- The site was bought in March 2013 from Guernsey Clematis, the largest commercial growers on the Island;

- Clematis had difficulties growing productively on the site and have concentrated their business on their Braye Vinery site since December 2017;
- The applicant has had difficulties finding tenants.

Policy OC7

- b) The site is surrounded by development to east, south and west and by a high granite wall and extensive tree planting to the north, therefore does not contribute positively to a wider area of open land;
- f) A number of ancillary structures are to be retained and be ancillary to the areas of open storage.

Policy OC3

- There is a lack of suitable alternative sites in the Main Centre, Main Centres Outer Areas or Local Centres;
- There is a lot of interest for the renting of small units, and currently interest has been expressed from plumbers, a landscape gardener, a stonemason and a recycling operation;
- A review of four commercial estate agents demonstrates that availability for this type of accommodation is in short supply.
- These uses will generate minimal traffic movements, c6 trips per day per unit;
- Considered against the previous use of the site when it employed over 100 operatives, traffic movements would be lower and would have a negligible impact on the wider road network;
- One-way access system within the site and Oatlands Lane is also one-way, with a speed limit of 20mph.
- Positive impact on neighbours: Installation of acoustic fencing, soft landscaping and relocation of access;
- The proposed uses will not be producing any excessive noise, dust or light emissions;
- Site hours would be 7.30am-18.00 Monday to Friday and 7.30am-13.30 Saturday.

The agent withdrew the element of the proposal relating to “Storage/sorting of recyclable materials (Industrial Use Class 27)” by email 05/06/18.

Revised submission (22/01/19)

Following further deferral, the application has been revised to the change of use of horticultural buildings, glasshouse and land to the south-east of the site to form 15 units and 2 open yards in general storage & distribution use (Use Class 22) and includes the following:

- Retain 9 structures to south-east of site (B8-16);
- Relocate existing office portacabins (B4) to provide 4 additional units to south-east of site;
- Relocate 2 existing storage containers (B5 & B6) to south-east of site;
- Retain glasshouse to south-east of site (G3), clad in vinyl and use for storage;

- Remove glasshouse to south-east of site (G4) and form open yard associated with B13;
- Form open yard to south-west of retained glasshouse (G3) in association with B16;
- Canteen block (B7) and toilet block (also labelled B1) in centre of site to be retained and made available to users;
- Provide two allocated spaces per unit;
- Demolition of the glasshouses to the west of the site (known as G1 & G5) and those to the north-east of the site (known as G2) and all ancillary buildings within those areas, with the exception of the two substations (B1 & B18). All concrete paths and surrounding hardsurfacing to be retained and areas between laid to grass.
- Alterations to north-west access, including increase in width to 12m across the bellmouth;
- Realignment of access drive and incorporation of structured landscaping to either side;
- Introduction of a lockable gate to south-east gateway, for maintenance purposes;
- Introduction of 1.8m fencing along south-east boundary of the storage area.

In support of the revised proposals the following comments are made:

- The site was bought from Guernsey Clematis in 2014, who remained a tenant until December 2017;
- Clematis have concentrated their business on to another site and the glasshouses are now empty;
- The industry is in decline and the site has been marketed for commercial growing without success;
- The site accords with the definition of a redundant glasshouse as set out within planning guidance, primarily on the basis of a declining industry and historical advertising;
- The site currently operates a one-way system for traffic between the two existing accesses and a 10mph speed limit is imposed. The speed limit will be retained;
- Glasshouse G5 will be recycled to a site in the UK;
- Glasshouse G3 will be retained as the structure is wind and watertight and in general good repair;
- The retained structures are of sound watertight construction and capable of being used for storage. No alterations are proposed to the exterior of the structures;
- The structures will be clustered to the rear of the site, away from neighbouring properties and, together with the structures landscaping is proposed, avoiding impact on the character of the area;
- The area proposed for storage will be screened with a fence with soft landscaping and a soft landscaping scheme will be provided;
- The proposal aims to provide a storage facility for small and startup businesses in the local area, providing support to local businesses looking to find affordable solutions for storage needs;
- Interest to rent units has been received from Datum Plumbers (B11), Brendan Slattery Decorators (B12), JB Landscapes (B10), Jamie Sarre Plumbers (B14) & Dan Wickens Stone Mason (B16 & open yard);
- The proposal is for storage only and no manufacturing or production will take place giving rise to noise, vibration, smells or fumes;

- The intended use of the site is for small commercial 4 wheeled vehicles, however the access has been altered to ensure road safety;
- The proposal has 16 potential storage spaces available, the applicant wouldn't envisage there being more than 2 vehicle movements per day per unit, representing a reduction in vehicle movements on those historically experienced at the site;
- It is unviable to remove all the ground concrete used for footings and paths, it is therefore proposed these are retained and used as a subdivision for the grassed areas which will provide improved access for maintenance;
- The lockable gate will provide access for the maintenance to the landscaped area at the front of the site.

In support of the application an email has been provided from Guernsey Clematis which confirmed that peak vehicle movements were in the mid 1990s, typically involving 20 cars arriving at the beginning of the day and leaving at the end and a further 20 movements in and out during the day, 1 large lorry/container visit per day, 6 Luton van trips and approximately 8 other visitor trips.

Revised submission (16/07/19)

The submission received 16/07/19 included the following revisions to the plans submitted 22/01/19:

- Omission of alterations to the north-west access;
- Removal of paths within the glasshouses;
- Addition of acoustic fencing to the open yard;
- Addition of two hedges;
- Installation of 1800mm fence across access in east boundary.

In addition, the supporting document was updated to include further information, including confirmation that B10 will be used for storage of equipment for the maintenance of the site.

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

OC3	Offices, Industry and Storage & 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
GP16(A)	Conversion of Redundant Buildings
IP7	Private and communal car parking
IP9	Highway safety, accessibility and capacity

Representations:

Representation to initial submission

A petition was submitted against the application as initially submitted, with 173 names and 172 signatures. One name had been duplicated and is not included in this count.

A further 24 letters of objection were received from 28 people (2 people wrote twice, 6 letters were signed by 2 people) raising the following points:

- **Industrial use**
 - The site is already illegally used for industrial purposes and has been for about two years, with the traders operating 7 days a week and causing a disturbance.
 - The States have recently approved other locations for this type of use, therefore is this site really required.
 - How would “light” industrial and “small” business use be defined and enforced, businesses evolve and grow and would then cause increased impact.
 - Recycling is stated on the list of potential operations, but with no further details.
- **Horticultural use**
 - The proposal comprises inappropriate use of good horticultural land – the land should revert agriculture.
 - The glasshouses are in good condition and could be re-used for horticultural purposes in the future.
 - The adjoining vinery enjoys a successful horticultural business, and it is understood that that business rents part of the application site.
 - The site was bought relatively recently, with no intention to use it for horticultural purposes,
 - Approval would prevent the land reverting to horticultural or agricultural land, resulting in the loss of more green land.
 - The site adjoins an Agriculture Priority Area and a belt of green land that extends to the Vale Pond.
- **Impact on natural beauty**
 - The change of use to industrial is not in keeping with the area.
 - The use is likely to include outside storage.
- **Controlled stream**
 - There is a stream under part of this property and due consideration should be given to potential pollution
- **Traffic and road safety**
 - Traffic was very light when the site was operated by Guernsey Clematis. The number of staff cited during the full operation of the vinery (90 staff) arrived mainly by foot, bike or dropped off by van and did not therefore cause the level of disturbance now proposed.
 - The proposed uses are likely to have multiple vehicles associated with them, as well as private cars.

- Increase in vehicle movements, in a location which has seen a steady increase in vehicle movements over recent years and in conjunction with the approved Oatlands complex.
- The area is already overloaded by traffic, often at high speeds, using the lane as a cut through and the junctions at either end are poor.
- The land is designated a Neighbourhood and Countryside Road, meaning it is predominantly residential in character.
- The lane is a small quiet lane frequently used by bikes, walkers, including both St Sampsons High School and special needs school children, and horses.
- The lane is narrow, at 3m wide, and the proposed entrance/exit on a bend.
- Vehicles will need to cross the cycle path to turn into/out of the site and may cause further damage to the opposite wall.
- The traffic will increase the noise in the area.
- How would the size of the vans and vehicles be limited.
- Impact on amenity
 - There are residential properties abutting this site, as well as being a high density residential area.
 - Potential for 7 days a week and unsociable working hours.
 - Noise pollution.
 - Light pollution from night working.
 - Air pollution from traffic and proposed uses.
 - The access track runs along the side of a residential property and increased use would impact on the amenity of that property, potentially at unsociable hours and with visibility over the boundary fence from high vehicles.
 - Impact on the peace of the area.
 - Impact on outlook from adjacent properties.
 - Impact on property values.
 - Impact on livestock using adjacent fields.
- Precedent
 - Potential precedent for further development, either residential or further industrial, particularly on the location of the remaining glass.
- Site notice
 - Site notice was incorrectly displayed, facing away from oncoming traffic and not directly on the main road.
- Suggested amendments if not refused:
 - Unit 13 be omitted as immediately adjacent to residential property.
 - The planting adjacent to Unit 13 should be bolstered.
 - The proposed Eucalyptus trees are not native and can grow very large, an alternative may be preferable.
 - The gateways should be limited to an In and Out system

Representation to revised submission (03/04/18)

A further 30 letters of objection were received from or on behalf of 45 people in respect of the revised plans, raising the following points:

- Horticultural use/Agricultural land

- The glasshouses are viable horticultural properties and should be retained as stock. They are not a redundant glasshouse site, and were used until December 2017, after submission of the initial application.
 - Additional glasshouses may be required in the future if the Island is to improve its self-sufficiency.
 - Has there been any attempt to identify other potential tenants?
 - Agricultural land should remain as such.
 - Impact on surrounding agricultural land.
 - This land should also form part of the Agriculture Priority Area, which immediately abuts the site to the north and could contribute to the use of that area.
- Proposed uses
- The planning strategy in respect of industrial requirements of the island are inconsistent and in need of urgent review.
 - Insufficient detail in relation to the recycling use – This is likely to result in significant disturbance, odours and air pollution and would encourage vermin.
 - Lack of clarity regarding proposed uses, would scaffolding be proposed.
 - The proposed use classes are broad and no control is proposed over potential users, which could change within the use classes without planning permission.
 - It is not clear who would occupy the retained glasshouse, or how many businesses may be in there.
 - There is inadequate information to identify a justifiable need or special nature that requires location Outside of the Centres. The IDP identifies that requirement for storage and distribution as a whole is low.
 - Incompatible with a residential area and the visitor attraction at Oatlands.
 - Residential development would be more in keeping with the area.
 - How will the hours of operation be policed.
 - How “small” is small scale, and how would the level of operation be policed. The proposal comprises an extensive array of industrial and storage & distribution uses and could not reasonably be considered small scale. Provision is made for these uses within the Key Industrial Areas and Expansion Areas.
 - What guarantees are there that the glasshouse site to the east, and others in the vicinity will not also get a change of use in the future, having a cumulative impact on the area.
 - The proposal does not meet the criteria of Policy GP16(A) in respect of conversion of the existing buildings.
- Traffic and road safety
- There would be an enormous amount of traffic, including lorries, on a small lane and within a network of small lanes, especially taking into account the development at Oatlands and possible extension of the school under the new system.
 - The lanes, and specifically junctions, are not suitable for HGVs.
 - The stated vehicle movements would be 114 vehicles a day.

- There is already significant traffic within the lanes, particularly at peak times, and vehicles frequently have to stop on the designated pedestrian route on Les Sauvagees.
- The lane is heavily used by pedestrians, cyclists and horse riders, including school children. Commercial vehicles will have to cross the cycle path to turn into the site.
- The road surface may not take the pressure of large vehicles.
- Having lived in the area over 50 years, we have never been aware of significant traffic from Guernsey Clematis. There were not over 100 workers at the site, and those that did work at the site were predominantly seasonal and mainly walked or came in a shared van. Clematis verbally confirmed that there were 50-60 employees at peak operation. Clematis also had direct access to Route Militaire. Could access from Route Militaire be used?
- There is no allocated parking for the storage yards.
- Impact on amenity
 - The noise and smell would greatly distress the neighbours, arising both from the proposed use and increased commercial traffic. Given the ambiguity regarding the proposed uses it is difficult to determine the extent of potential impact.
 - The level of noise is not clear but is likely to be significant, despite the use of acoustic fencing.
 - Reduction of value to surrounding properties.
 - Views would be of unsightly industrial activity and the site would be an eyesore.
 - Generation of dust and mud, impacting on air quality.
 - Windblown refuse would be an issue.
 - Trucks can see over the 6ft boundary fence.
- Other policy issues
 - Approval would allow a gateway under Policy GP16(B) for reconstruction of the numerous outbuildings.
- Site notice
 - This was erected to face away from on-coming traffic but has now been moved.
- Unauthorised use
 - The site continues to be used for unauthorised purposes.
- Decision-making process
 - Permission in principle has been passed, irrespective of comments made by representors.
- Conditions
 - If approved, could the decision be conditioned to prevent “creep” on to the western part of the site.

Representation received to revised submission (22/01/19)

A further 30 letters of objection were received from or on behalf of 35 people in respect of the revised plans, including one letter from a States’ Deputy on behalf of constituents, one letter from Living Streets Guernsey on behalf of the people in the area and a letter from an advocate on behalf of one of the representors. The following points are raised:

- Horticultural use/Agricultural land
 - This is a viable horticultural property in good condition and, while the horticultural industry has been in decline, removing viable glasshouses provides no means for it to recover with alternative crops coming forward. It has not been demonstrated that the site is redundant;
 - This is good agricultural land, adjoining an Agriculture Priority Area, and could contribute positively to the openness of the area. No evidence is submitted to demonstrate the land could not positively contribute to the APA;
 - If all of the glasshouses and ancillary structures are not to be removed the proposal cannot be considered under Policy OC7.

- Proposed uses
 - There would be no control on what these sites could be used for;
 - There are a number of sites for similar uses which are currently not being used to capacity (Griffiths Yard, Mont Crevelt, Brickfields and Extension vinery) and more appropriately located within the Centres;
 - There is no justification for the proposed uses to be located Outside of the Centres or that there are no alternative sites available for the purposes of policy OC3;
 - The number and size of units proposed is not small scale for the purposes of policy OC7;
 - The additional exemptions provided as an annex to the Land Planning and Development (Use Classes) Ordinance, 2017 enable change of use between industrial and storage & distribution uses without the need for planning permission.

- Conversion of existing buildings
 - The structures are not redundant, under Policy GP16(A), and if unable to meet GP16(A), cannot be relocated under GP16(B);
 - There are no structural engineers reports supporting the capability of the structures for conversion;
 - The levels of parking are unclear and unacceptable.

- Traffic and road safety
 - This is an extremely busy road since the construction of the school, M&S and the extension of Oatlands, and the school is designated for further expansion. Oatlands is also likely to seek further extension in the future. A number of residential properties have also recently been built in the area;
 - This a quiet residential one way lane, with a designated pedestrian and cycle path;
 - The infrastructure is not adequate: The lane adjoins Les Sauvagees, which is two way but is narrow and only has sufficient space for two way when there are no pedestrians, Duveaux Lane, which is two way but with no footpath and a long section that is too narrow for two vehicles, and Epinelle Road, which is one way with no footpath. The staggered crossroads with

Route Militaire are also dangerous and visibility is poor at the junction of Oatlands Lane and Les Sauvagees;

- Children walk and cycle along the lane from the school, Oatlands and mini-football clubs;
- The lane is used by horse riders from nearby equestrian facilities;
- The proposal will increase the volume and size of vehicles using the lane;
- The lane is not wide enough for the introduction of heavy goods vehicles, which cross on to the cycle/pedestrian way and the wall opposite has previously been damaged;
- There is no way to control the number or type of vehicle movements per day;
- The use of a single access point will create pinch points and sightlines will be poor due to the location on a corner;
- Clematis benefitted from an access on to Route Militaire, which would be preferable, and the peak time for that use was prior to the recent development in the area.

- Impact on the character of the area

- The development is not in keeping with its surroundings and clustering the units in a corner of the site would aggravate nuisance;
- The clearance of the glasshouse will expose the unsightly substandard buildings to be retained;
- Only standard fences are now proposed which will not screen the site and no landscaping is proposed, contrary to Policy OC7;
- Containers are being relocated from a relatively discrete location to a more prominent location, making the site more unsightly;
- The concrete areas should be removed to be in accordance with policy. Concrete paths are not required for a large grassed area and removal will make the land easier to maintain;
- No mitigation measures are proposed to limit impact on visual amenity and the proposed landscaping is inadequate.

- Boundaries

- The wall between the site and properties to the north is a well built granite wall that is in need of repair at the top, the east part is at a height of 2.5m dropping to 1.7m to the west. This wall should be repaired and raised to a consistent height;
- The screening mentioned to the north is on adjacent properties. The concrete should be removed and screening planting should be undertaken along the western part of the north boundary;
- Additional planting should be undertaken to the north of the proposed access road, to protect the amenity of the adjoining property;
- A controlled underground stream is located adjacent to the entrance and the proposed works could impact on the effectiveness of this waterway and potentially cause flooding;
- Storage of building materials adjacent to the clos wall (south) could damage the wall;
- The right of access to Avondale appears to be reduced and obstructed by the proposed landscaping.

- Impact on amenity
 - This is a residential area;
 - Noise, vibration, smells, fumes, dust and air pollution from the proposed uses, particularly the stone mason, and the increased traffic, would impact on the amenity of residents in the area and there is no mention of acoustic fencing;
 - Potential health issues arising from granite dust;
 - Attraction of vermin;
 - Impact of artificial lighting;
 - The speed limit in the site should be 5mph not 10mph;
 - Users of the access currently overlook the garden of the adjacent property;
 - There are no opening or closing times stated in the submitted material and the type of uses often work antisocial hours;
 - The proposal would impact on views from the surrounding properties.
- Other policy issues
 - Concerns regarding further extension of the storage use and/or addition of industrial uses in the future.
- Site notice
 - The dates on the site notices differ;
 - The site notices are not displayed prominently.
- Unauthorised use
 - The site is already in use for industrial activities and this involves hi-abs, skips and heavy loads. Photographs have been provided;
 - Glasshouse G4 has already been demolished.
- Decision-making process
 - The supporting information references all previous information submitted, this should all be in the public realm.
 - Due to the extent of changes this should be a new, as opposed to a revised, application.
- Conditions
 - If approved, the number of units should not be able to be increased in the future, which would be contrary to Policy OC3.

Representation received to revised submission (16/07/19)

A further 10 letters of objection were received from or on behalf of 13 people in respect of the revised plans. The points previously raised were reiterated and the following additional points are raised:

- All screening along boundaries is located on neighbouring properties;
- Request to require north boundary wall is repaired and rebuilt to 2m;
- The measurement from the site access to the cycle lane is 3.25m, not 3.76m as noted on the plans;

- This is a residential lane and should only be used as such;
- The application would result in un-monitored multi-vehicle use;
- Has access from Route Militaire been considered;
- Would the opening hours apply to the whole site;
- The concrete and gravel area in the north-west corner of the site should be removed and planted to protect the amenity of the adjoining property;
- There is a large amount of development in this general area, including the proposed changes to the school, which would compound the issues;
- There have been recent approvals for similar development, and more is not needed;
- A recent permission for storage at Le Grais Farm is now being varied to seek residential use, which is at odds with a demand for storage and there is concern that this could happen at this site;
- The scheduling of the OPM in August, during the holiday season, is not helpful.

Consultations:

Business Innovation & Skills commented in response to the application as initially submitted as set out below. The revisions put forward 03/04/18 and 22/01/19 would not substantially alter the context of the BIS response and that section was not therefore re-consulted on the revised submissions.

- The application is for a change of use from the existing horticultural use to light industrial use (Use Class 24), however BIS understands from the applicant's letter dated 3rd April 2017 that their intention would be for an element of general storage to be incorporated into the development. BIS understands that under the Use Classes Ordinance 2017, changes between light industrial and general storage and distribution uses would be permitted for premises up to 250m² in area (noting that these units are all well under 250m²). However, to be clear, BIS would support the units at this site being used for a combination of general storage and light industry, as recent engagement with businesses requiring land for industrial, storage and distribution uses found that businesses undertaking light industrial activities often require ancillary storage.
- Research conducted by the former Environment Department on Small Scale Business Outside the Centres, published in July 2015, found that there was particular demand for low quality, cheap workshops of between 40-60m² from firms in the building trade, gardeners, and repair workshops. BIS understands from more recent engagement with businesses requiring industrial and/or storage premises that there remains a demand amongst small businesses for smaller, more basic premises. The majority of the proposed units on the application site are between 300-900sqft (28-84m²) and are simple structures with only the necessary services. Further, the applicants indicate that the proposed development could be undertaken without extensive alteration or rebuilding to the existing buildings. As such, BIS recognises the potential for the proposed development to establish units of a basic standard which have the potential to be offered for lease at a cheap rate, and to serve the section of the market requiring small, basic, and affordable premises.

- In terms of location, BIS understands from recent engagement with businesses requiring premises for industry/storage and distribution uses that these businesses often require a location away from dense residential development, citing the noise generated by their activities. However, businesses also reported a preference for being situated near to the main centres of St Peter Port, St Sampson's and the Vale, as this provided easy access for deliveries, complementary businesses, and premises at which they undertake on-site work. BIS would comment that this location has the advantage of being both outside of a dense residential area (acknowledging some residential properties in the vicinity) whilst remaining in close proximity to the main centres.
- BIS has also had regard to the existing use of the site for the horticultural economy. BIS understands from a letter from Guernsey Clematis Nursery Ltd, dated 22 March 2017, that as the business has been consolidating their operations to their primary Braye Vinery site, there has been little demand for the glasshouses which they have vacated. BIS has also consulted the Director of Environment Services, who advised, in respect of its use for continued horticultural production, as follows:
 - The site contains more than 2 acres of glass (but if re-developed could hold significantly more as the total area is close to 5 acres) and has been in use until recently by the Guernsey Clematis Nursery for the propagation and raising of plants (mostly clematis) and has housed a collection of Nerines which is understood to be staying for now. Guernsey Clematis Nursery has re-located and focused most of its operations to its site at Route Militaire.
 - Although Guernsey Clematis Nursery has maintained the buildings in a usable condition, the newest glass is understood to be more than 25 years old.
 - It is a site at the lower end of those that have been considered in the past to have potential for horticultural use and, in view of the continuing contraction of the local horticultural industry, it seems unlikely that this site will be wanted for commercial horticultural production, although there is no indication in the documents provided that the owners have sought horticultural tenants before seeking this change of use.

In conclusion, BIS recognises the potential for the above site to provide small and potentially affordable light industrial / general storage and distribution units for which, BIS understands, there is a demand particularly amongst smaller businesses.

BIS would therefore support the proposal by Mr and Mrs B Slattery for the change of use of 14 horticultural buildings to Light Industrial units (Industrial Use Class 24) at Domarie & Avondale Vineries, Oatlands Lane, St Sampson.

Traffic & Highway Services commented on the application as initially submitted as follows:

The property adjoins Oatlands Lane which is classified as Neighbourhood Road in Traffic and Highway Services' Traffic Engineering Guidelines for Guernsey. The functional emphasis in the guidelines for a Neighbourhood Road is one of access to individual properties and provision for vulnerable road users.

Aside from Oatlands Lane, generally the road network in the vicinity of the site is of limited width and does not include footpaths, despite it being identified as a walking route

for the school that is nearby. However, some painted walkways and a cycle contraflow do exist but importantly, not in Epinelle Road which is the most direct route to the West, avoiding the sometimes congested Route Militaire/Route du Braye signalised junction. In addition, there are visibility issues when exiting Epinelle Road into Les Gigands and also from Les Sauvagees onto Route Militaire when roadside planting is not kept trimmed back.

In terms of the site itself, there are 2 vehicular accesses adjoining Oatlands Lane, the northerly one being broadly 7.5m wide and the southerly one 5.5m wide. Neither have bellmouth radii of the standard to accommodate service vehicles but given their width, THS does not believe this would be particularly problematic. There does appear scope for improvements to be made to the accesses to improve usability, particularly if one access is dedicated as an entrance and the other as an exit.

The sightline in the direction of oncoming traffic observed from the northerly access is in excess of 60m but it is important to highlight there is a blind spot in the sightline between approximately 5m and 30m. This is due to the bend in the road and the boundary wall height of approximately 1.3m.

The sightline to the south, i.e. the direction of the cyclists approaching along the contraflow is 10m with the limiting factor being the 1.05m high road side wall. However, it is noted that the site level near the access is slightly higher than road level and therefore the majority of drivers would be able to stretch slightly to see over the wall.

The sightline in the direction of oncoming traffic and the sightline to the south (towards the cycle contraflow) with regard to the southerly access is in excess of 33m.

The widths of the driveways/tracks within the site are single file along some sections. However, THS is of the opinion that it is highly unlikely that this would cause any significant issues and certainly not to the extent of vehicles being forced to reverse back out onto the public highway.

In conclusion, THS has no significant concerns with regards to onsite traffic issues and exiting onto the public highway, although this would be dependent on the southerly access being used as the dedicated exit due to the clearest visibility splay. However, THS has noted that the road network in the area is less than ideal, particularly with regard to commercial vehicle movements.

THS has considered requesting a Traffic Impact Assessment be provided to better understand the likelihood for increased traffic movements but is aware that traffic flow data for vinery sites is not a data set of TRICS (Trip Rate Computer Information system). Therefore, traditional traffic modelling is unlikely to provide a robust assessment. THS has also noted that 90 staff used to be employed at the premises but the information does not indicate how those staff regularly travelled to site. Observations at other horticultural sites in the past have been that at least some of the workforce arrived together by minibus.

In light of the above, THS has concluded that access arrangements can satisfactorily be managed with the southernmost access used as the point of egress. However, there are some traffic management and road safety concerns with regards to the potential for

increased traffic movements associated with the proposals and particularly so if a use is found for the redundant green houses. THS is of the opinion that the applicants should be requested to provide more extensive information on vehicular movements and types associated with the vinery site when it was operating at its peak compared with estimated movements associated with the 14 modest light industrial units.

Traffic & Highway Services commented on the revised plans received 03/04/18 as follows:

I have been having a look at the revised application for this site and have checked back on advice we provided last year. As you will be aware THS have concerns about potential for increased traffic flows but don't think a TIA would assist greatly in this case because as far as we are aware TRICS doesn't have a data set for vinery uses. In light of this, we wouldn't be able to compare old and new in terms of predicted vehicle movements.

We are trying to build a picture of what has happened at the site since St Sampson's High opened and the road network was altered. I note the applicants have indicated that there used to be over 100 operatives but there is little further detail about how they arrived at site. Was this mostly in their own vehicles, car sharing, minibuses, walking or cycling? Also we would like to understand the number of commercial vehicle movements associated with the Clematis business. This might have been things like oil deliveries, export of plants etc. I appreciate this is likely to be estimates but it will hopefully help build a picture.

We are also trying to understand the recycling storage and sorting element of the proposals in terms of what this might open the site for and how much of it. For example, if it means something like builders waste can be stored and sorted on site then potentially we might be dealing with more lorries/skip lorries. Are you able to clarify what the intended use is and even if a specific use is given now, whether it opens up the site in the future for the type of operation we could have concerns about (depending on scale).

Traffic & Highway Services commented on the revised plans received 22/01/19 as follows:

The site is located on Oatlands Lane, which is classified as a Neighbourhood Lane within the Traffic Management Hierarchy. The lane is restricted to a 20mph speed limit from west to east in a one-way direction, with a marked cycle lane contraflow lane allowing cyclists to cycle from east to west.

This application would result in one of the two access points into the site being closed off and traffic for the site accessing and egressing through a single access which is >7m in width. The sightline of oncoming traffic exceeds 33m and a clear visibility splay allows a driver egressing to see cyclists using the contraflow cycle lane at a distance of approximately 30m (to the south-east of the access).

THS has no specific concerns with the site's internal traffic management and parking allocation, based on the information enclosed with this application. The internal site speed limit of 10mph is sensible given the site's layout.

Whilst noting the comment shown on page 14 (note ii) of the applicant's 'Supporting Document' – THS notes that the access that at >7m in width would not in itself restrict the size of vehicle using the site. Although the note comments the 'intended use of the access

is for small commercial 4 wheeled drive vehicles', there is nothing under this change of use that would prevent HGV's from operating at the site.

THS has noted the information contained within the application relating to the site's existing use as a horticultural site, and specifically the information contained within the email from the Production Manager of Guernsey Clematis Nursery Limited, relating to the site's daily vehicle movements during the 1994/5 period, at which point the vinery sites under this application and the site to the east were part of a combined operation for Guernsey Clematis.

Additionally, the applicant has supplied information relating to vehicle movements that would apply if this application were approved. THS would comment that historically, when the two sites were in operation, vehicles would regularly access the Avondale and Domarie sites via the access track which runs from the eastern boundary to the Route Militaire.

The email from the Guernsey Clematis Production Manager makes no mention of this, and as such what the split in vehicle movements would be between vehicles gaining access or egressing through the Oatlands Lane access and Route Militaire access during their operation. THS understands that under this application, the boundary between the two sites will be closed off. This will result in the access track to the Route Militaire being unavailable to users of the Avondale and Domarie sites, thus resulting in all vehicle movements being through the access into Oatlands Lane.

Fundamentally, THS would comment that although the information contained within the application, represents usage by relatively small organisations and a relatively low number of vehicle movements, the change of use would preclude the site from being used by larger organisations with HGV vehicles and a frequency of vehicle movements that greatly exceed the figures quoted within the application.

The site is less than half a mile from St Sampson's High School site. When the School came into operation, a number of changes were made to traffic management in the area, in order to maximise the safety of students during their daily commute by cycle and walking to St Sampson's High School. Amongst the changes that were made which are pertinent to this application were the introduction of a One-Way in Oatlands Lane and Epinelle Road, along with the contraflow cycle lane in Oatlands Lane, with vehicles from the site egressing towards the junction with Les Sauvagees.

THS is concerned that the change of use could not be conditioned in relation to the number or type of vehicles that would be operating from the site. A factor that is determined entirely by the nature of businesses that could take up tenancy at the site under this application. As a result, the possible increase in HGV movements in particular that could result from this application's approval would raise significant road safety and traffic management concerns on the surrounding lanes and roads within the area (Epinelle Road, Duveaux Lane and Les Sauvagees), all of which are used as main walking and cycling routes to the St Sampson's High School site.

In summary, THS has significant traffic management and road safety concerns in relation to the intensification of use that could result under this application, and would oppose the application for these reasons.

Traffic & Highway Services commented on the revised plans received 16/07/19 as follows:

In providing comments for your Open Planning Meeting report it may be of some use for me to summarise the main issues from a Traffic & Highways perspective:-

- The site adjoins Oatlands which is classified as a Neighbourhood Road in the Committee's Traffic Engineering Guidelines for Guernsey. The functional emphasis is primarily one of access to individual properties and provision for vulnerable road users.
- The site is in close proximity to roads such as Les Sauvagees and Epinelle Road which it is understood are used and were planned as walking and cycling routes serving St Sampson's High School. Those roads are narrow without physical separation for those vulnerable road users.
- It is primarily due to the above issues that THS would be sensitive to development that could lead to an intensification of motor vehicles and particularly heavy goods vehicles travelling to/from the site. However, the base position on which to determine this is problematic because traffic modelling software THS is aware of does not include data sets for vinery sites. In this context the applicant has obtained data from a former owner (Guernsey Clematis) about daily numbers of vehicle movements/type of vehicle. THS comments have been made in the context of this being the base for traffic movements associated with the site. They indicate a low number of daily HGV movements at least as far back as the mid 1990's.
- THS is aware that the site previously linked with Route Militaire as well as Oatlands Lane. The applicant has indicated in an email dated 28th June that the email from Guernsey Clematis clearly states the access that was used for vehicles. However, THS has not been able to establish this from its reading of the email dated 30th November 2018 and therefore there is an element of doubt about whether all of the movements during the Guernsey Clematis use of the site entered/exited via Oatlands Lane.
- THS has no significant concerns with the on-site traffic management proposed or the design of the single access proposed to be used to serve the site. THS made a comment about an improvement (bellmouth) it recommended to enable drivers to exit from the left hand side of the access and avoid entering the cycle contraflow. The significance of whether this improvement is deliverable or not links with whether there is likely to be intensification of use of the access and the typical classes of vehicle that would use it.
- The applicant has provided data about proposed clients to rent storage space along with numbers and types of vehicle movements. Based on clarification from the applicant in an email that the numbers shown relate to movements per vehicle in and out, and on the understanding that the Guernsey Clematis data did relate solely to entering/exiting via Oatlands Lane, it is apparent that traffic movements associated with the site (based on the proposed tenants) would likely be less than when the site was running at its peak in the growing

industry and vehicle types would likely not be dissimilar. If the remaining buildings are rented out for similar local businesses with comparable numbers and patterns of vehicle movements it is unlikely that movements associated with the site would exceed those of when the nursery was operating at its peak. However, this makes no allowance for vehicle movements associated with areas G1, G2 and G5 should the change of use of the site enable alternative uses of what appears would become open land.

In the context of the above, THS does still have some significant traffic management and road safety concerns surrounding the change of use of this site. The degree to which those concerns can be alleviated would depend on how far the DPA can condition an application such that there are reasonable assurances about the type and number of vehicle movements likely to be generated by the change of use. Should it be the types of businesses listed on page 16 of the supporting documents, using the site for storage and generally utilising cars and vans then THS's concerns would not be overly significant. However, should the change of use open the site to a risk of significantly higher numbers of vehicle movements than in the peak of the growing industry (the Guernsey Clematis figures) or a use that typically requires a fleet of heavy goods vehicles then THS would oppose the application on road safety and traffic management grounds.

In respect of the discrepancy in relation to the road size on the submitted plan, THS comment as follows:

This increases the likelihood of drivers having to enter the cycle contraflow particularly as they don't appear to be able to progress the bellmouth I suggested. I commented in my response of July 2017 that *the sightline to the south, i.e. the direction of the cyclists approaching along the contraflow is 10m with the limiting factor being the 1.05m high road side wall. However, it is noted that the site level near the access is slightly higher than road level and therefore the majority of drivers would be able to stretch slightly to see over the wall.*

In light of the above, there are no significant concerns that a driver (particularly in the context of the vehicle types associated with the proposed businesses) will not be able to see approaching cyclists if they are cautious enough to look in that direction. As per the e-mail I sent to you this morning, a factor is also if the applicant's point is accepted that the proposals will not lead to intensification of use. In my view it lessens the lever that it is reasonable to require modifications to an access although the circumstances have changed from the 1990's when the road was 2-way and no cycle contraflow.

The Office of Environmental Health and Pollution Regulation commented on the application as initially submitted as follows:

I have reviewed the proposed plans for the change of use of the above premises to light industrial and there are a number of issues of concern that I must raise. I have concerns about the potential for nuisance including noise, dust, light and odour. I am also concerned about the potential for contaminated land. There is currently insufficient information for me to be able to comment on the application, I would welcome the following:

- Proposed hours of use of the site
- If possible, details on exact nature of use of the units
- Any additional noise attenuation measures that will be implemented
- Manufacturer's specification and noise attenuation level provided by the acoustic fence
- Dust attenuation measures that will be implemented
- An external lighting plan of the site
- Confirmation whether there will be any breaking of ground as part of the development

In addition to the above it is likely that should the application proceed this department would recommend conditions in relation to hours of use of external areas, conditions relating to doors and windows etc.

The Office of Environmental Health and Pollution Regulation commented on the revised plans received 03/04/18 as follows:

I have reviewed the proposed plans for the change of use to storage and distribution and storage and sorting of recyclable materials which were received by post on 25th April 2018 and there are a number of issues of concern that I must raise. Whilst it is pleasing that specific details of the proposals have been provided there is currently insufficient information for me to be able to comment on the application. Additional information is required specifically relating to:

- The types of materials that are proposed to be recycled
- The waste processes that will be undertaken
- Details of any equipment that will be used on the site, specifically in relation to the storage and sorting of recyclable materials
- Noise mitigation measures that are proposed to be incorporated within the development and specifically in relation to the storage and sorting of recyclable materials
- The addition of acoustic fencing is welcomed however, there is no justification as to why this has been considered and details need to be provided demonstrating the attenuation that the proposed fencing will offer
- Given the previous use of the site I also have concerns about the potential for contaminated land and would appreciate the applicant confirming whether there will be any breaking of ground

The proposed operating hours of the site are noted, however given the proximity of residential properties it is likely that this department would recommend that the site is not utilised before 08:00

For information a Waste Management Licence will be required in relation to the waste storage and processing proposed, the applicant should contact the Waste Regulation Officer at this office for further details.

The Office of Environmental Health and Pollution Regulation commented on the revised plans received 22/01/19 as follows:

I have reviewed the proposed plans for the change of use of the above vineries to general storage/distribution which were received by post on 6th February 2019 and there are a number of issues of concern that I must raise. There is currently insufficient information in relation to the application. I am concerned about the potential for nuisance and would welcome the following information:

- The proposed site operating hours
- If possible the nature of the materials being stored at the site
- An external lighting plan of the site
- Confirmation whether there will be any breaking ground as part of the development

The Office of Environmental Health and Pollution Regulation requested that the following conditions be attached to the decision 26/07/19:

- The use hereby permitted shall be permitted between the hours of 0800 and 1800 Monday to Friday and 0800 and 1300 on Saturdays and not at any time on Sundays, Bank or Public Holidays.
- No vehicular movements nor any loading or unloading of vehicles shall take place on the site except between the hours of 0800 and 1800 on Monday to Friday and 0800 and 1300 on Saturdays and not at any time on Sundays, Bank or Public Holidays.
- No industrial activity, except loading and unloading, shall take place within the curtilage of the site without the prior written approval of the Planning Service.

Potential Contaminated Land Condition

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

- No works pursuant to this permission shall commence until there has been submitted to and approved in writing by Planning Services: (A desktop study shall be the very minimum standard accepted. Pending the results of the desk top study, the applicant may have to satisfy the requirements of b and c below, however, this will all be confirmed in writing).

(i) (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 Contaminated land Research Report Nos. 2 and 3 and BS10175:2001 - Investigation of Potentially Contaminated Sites - Code of Practice;

and unless otherwise agreed in writing by Planning Services,

(i) (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 Planning Services,

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

- (ii) a) as built drawings of the implemented scheme;
- (ii) b) photographs of the remediation works in progress;
- (ii) 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 condition (i) c.

Informatives/Advice Notes

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 conditions that the applicant has reference to CLR 11, Model Procedures for the management of land contamination. This is available online as a pdf document from

http://www.claire.co.uk/index.php?option=com_content&view=article&id=187&catid=45&Itemid=256 with further information available at <https://www.gov.uk/guidance/land-contamination-risk-management>.

In relation to the acoustic fencing it is very difficult to determine how effective this would be without any further information. I would hope however, that the conditions above would alleviate any negative effects that the noise may potentially have. The incorporation of the fencing however, may mitigate any line of sight that nearby properties may have and it has been proved that this can reduce the risk of complaints being received. I would therefore encourage the inclusion of some kind of fencing whether this be acoustic in nature or not.

The Constables of St Sampson commented on the application as initially submitted as follows:

Whilst in favour of any development which would bring economic prosperity to the Parish we have several reservations in regard to this application.

- 1) As noted to your department previously the traffic infrastructure in Vale and St Sampson is currently inadequate for the traffic volumes it takes.
- 2) The traffic light controlled junction at La Route de Braye, Les Gigands, Route Carre and Le Grand Fort is a particular example of the inadequacy of the traffic infrastructure. Currently well over capacity with traffic tailbacks in all four directions. This has been exacerbated over the last 15 years with, the opening of M+S Simply food, the expansion of Oatlands, the expansion of the Alliance and the introduction of the one way in Les Effards/Hougue Magues Road.
- 3) The junction at Les Sauvagees and Route Militaire is already a busy cross road and difficult to exit Les Sauvagees due to restricted sight lines for drivers.
- 4) Oatlands is one of the Island's premier tourist attractions, the current owners are investing significant monies into it. The passage of additional good vehicles would endanger the visitors and would not enhance the visitor experience.
- 5) Oatlands Lane and Les Sauvagees were made one way with a 20mph speed limit by your predecessors to ensure the safety of the students accessing St Sampson's High School. The addition of goods vehicles on these roads would endanger the children's safety.

We therefore respectfully request that permission not be granted for this application.

The Constables of St Sampson made the following comments in respect of the revised application received 03/04/18:

Please be advised that the Constables and Douzaine of St Sampson have not changed their opinion and our objections outlined in our letter of 8 June 2017 stand. Also we draw your attention to our letter of 28 March 2018 to Environment and Infrastructure advising that a unanimous vote by the St Sampson Douzaine has asked that all further development cease in the Bridge main centre and no further development be approved until the effect of these developments is determined and either the infrastructure addressed or the developments halted.

We therefore respectfully request that permission not be granted for this application.

The letter of 28 March 2018 included the following comments:

Having been tasked by the Douzaine to establish what progress has been made by your Committee on the transport infrastructure we reported to the Douzaine on 26 March 2018 with the attached paper.

The Douzaine's response was, that despite the Douzaine's positive attitude to development, they were very disappointed that no progress has been made on infrastructure. The Douzaine has always supported development if the appropriate traffic and service infrastructure was in place. This was recognised by the Director of Planning at our meeting. We advise that the Douzaine voted unanimously to "ask that all further

development cease in the Bridge main centre and no further development be approved until the effect of these developments is determined and either the infrastructure addressed, or the developments halted”.

Guernsey Water were consulted in respect of the plans received 22/01/19 and made no comment. The water courses are culverted along the south-west (roadside) and north-west boundaries of the site and as the revised plans received 16/07/19 do not include any works in those areas, *Guernsey Water* was not consulted on the revised plans.

Summary of Issues:

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

- Whether the principle of the use complies with policy;
- Whether the site comprises a redundant glasshouse site;
- The impact of the development on the character and amenity of the area;
- The impact on the amenity of people living in the area;
- The impact on highways and road safety.

Assessment against:

- 1 - Purposes of the law.**
- 2 - Relevant policies of any Plan, Subject Plan or Local Planning Brief.**
- 3 - General material considerations set out in the General Provisions Ordinance.**
- 4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).**

Planning Policy Framework

The revised proposal set out within this application is for the creation of 15 storage units, a covered storage area and 2 open yards on a horticultural site. The application site is situated Outside of the Centres in the Island Development Plan (IDP).

The Strategic Land Use Plan (SLUP) provides an overarching direction for Island Development Plan policy and, in relation to industrial and storage uses, identifies that certain small scale businesses, such as those requiring workshops, secure storage or open yards, may have a justifiable need to develop outside the Main and Local Centres due to the special requirements resulting from the nature of their operations. The SLUP goes on to note that this could include small industrial and storage businesses that have no operational requirements to be located within or on the edges of the Main Centres and are unable to compete with larger firms looking for higher quality accommodation.

In line with this strategic direction, the policies of the IDP allow for the development of certain new uses Outside of the Centres. In particular, Policy OC3 (Offices, industry and storage & distribution Outside of the Centres) provides for small scale industrial and

storage businesses where they are of a scale and form that respect the character of the surroundings, where they do not introduce unnecessary development which is otherwise capable of being located within the Centres, where the proposals would have no adverse effect on the conditions of neighbouring occupiers and would not adversely affect highway safety and the free flow of traffic.

Policy directs these uses to either brownfield or redundant glasshouse sites or to sites where the use can be achieved through the conversion of redundant buildings to ensure that they take advantage of being located on previously developed land or land which contains a certain level of infrastructure as a result of its former use. This also ensures that small scale industrial or storage uses do not occupy open land and, in some cases, can provide opportunities to positively enhance a site through the clearance of redundant glass or associated structures from the landscape.

In this case, the application relates to a horticultural site. Under Planning Law, horticultural premises, including redundant glasshouses and any ancillary structures, are treated as agricultural land and, on clearance of the structures, the land is expected to revert to agricultural use. IDP policy does however provide for development on redundant glasshouse sites in specific and limited circumstances, as set out under Policy OC7 (Redundant glasshouse sites Outside of the Centres).

In certain circumstances it may therefore be acceptable to permit redundant glasshouse sites Outside of the Centres to be utilised for small scale industrial, storage and distribution uses where the proposal meets all of the criteria of Policies OC3 and OC7, in addition to those of the relevant General and Infrastructure policies.

The principle of change of use

Policies OC3 (Offices, industry and storage & distribution Outside of the Centres) and OC7 (Redundant glasshouse sites Outside of the Centres) are both divided into two parts, the first relating to the principle of the use and the second to the details of the proposal.

New industry and storage: OC3

The first part of Policy OC3 allows for new industry and storage & distribution uses, where;

- a) The site is located at the Key Industrial Expansion Area at La Villiaze; or
- b) There is a justifiable need for the business to be located outside the Main Centres, Main Centre Outer Areas and Local Centres owing to the special nature or requirements of the business operation or there being a demonstrated lack of suitable alternative sites within those Centres; and
- c) where the site is either a brownfield or a redundant glasshouse site and complies with Policy OC7 (Redundant Glasshouse Sites Outside of the Centres); or
- d) The proposal is achieved through conversion of redundant buildings in accordance with Policy GP16(A) (Conversion of Redundant Buildings).

The application site is not located at La Villiaze and part a) cannot therefore apply.

In terms of part b), drawing from the requirements of the SLUP, the prefacing text to Policy OC3 identifies that certain small scale businesses, such as those requiring workshops, secure storage and open yards, may have a justifiable need to develop outside of the Main and Local Centres. The text goes on to note that these could include small industrial and storage businesses that have no operational requirement to be located within or on the edges of Main Centres and are unable to find sites within the Key Industrial Areas, or are unable to compete for higher quality accommodation.

This approach is supported by Business, Innovation & Skills (BIS), who were consulted on the application as initially submitted (for the change of use of 14 buildings to Light Industrial units). That Service refers to the 2015 evidence paper entitled *Small Scale Business Outside the Centres*, prepared to inform IDP policy, which found that there was a demand for low quality, cheap workshops between 40-60m² from firms in the building trade, gardeners and repair workshops. BIS note that there is an ongoing demand in the market for such uses and observe that the proposed units would provide small, basic and affordable premises, which would serve that demand. BIS therefore express support for general storage or light industry at the application site.

The current proposal relates to a change of use of 15 existing structures, a glasshouse and 2 areas of land to form 15 storage units, a covered storage area and 2 open yards. The proposed units range in size from 10m² (the relocated portacabin B5) to 74m² and 84m² (the clad glasshouses B10, B11 & B12 to the rear of the site). The retained glasshouse would comprise an area of 980m² and the open yards would be 1084m² and 1142m² respectively. The proposed units generally comprise clad or painted glasshouse frames as opposed to purpose built industrial structures, and, as noted by BIS, would provide small, basic and affordable premises. By virtue of the size and nature of the structures, the units would not be able to command the higher rents associated with purpose built structures and would not therefore be suitable for larger commercial enterprises which would be more suited to a location within the Centres.

The intended users are stated to be small and start-up businesses, and the agent names six operators that have shown interest in the site, including plumbers, a decorator, a landscape gardener and a stone mason, ranging in size from 1-6 employees.

The proposal would therefore provide low end secure storage and open yards for small scale business operators, meeting the demand identified in the 2015 evidence paper and described in the SLUP, and comprising uses appropriate for location Outside of the Centres, as set out within the prefacing text to Policy OC3.

However, whilst the named operators would fall within the user groups identified within the 2015 evidence paper and would meet the terms of policy, the application is made for general storage and distribution, not specific to the identified users, and the buildings/yards could be used by other operators which fall within the storage and distribution use classes without further reference to the Authority. In addition, the Land Planning and Development (Exemptions) Ordinance, 2007 (as amended) would allow for a change of use of units smaller than 250m² from storage to light industrial use without the

need for planning permission and these alternative uses could have different impacts. To maintain control of the uses on the site, and to ensure those uses remain within the parameters set out in OC3, it is recommended that, if the application is approved, a condition be applied limiting the uses on the site to those explicitly named within the application and requiring that any new operators would need to obtain consent from the Service prior to commencing operations on the site (Condition 10).

It is also noted that the positioning of the units on the site could result in the use of multiple units by a single operator. This would be likely to exceed what could reasonably be considered 'small scale' for the purpose of this policy and it is therefore recommended that, if the application is found to meet the terms of policy, the decision be conditioned to prevent such use (Condition 11).

Subject to the conditions outlined above, it is considered that there is a justifiable need for premises to serve the specified businesses Outside of the Centres and the principle of the proposed use would therefore comply with criterion b) of the first part of Policy OC3. As there is a justifiable need for location Outside of the Centres, the proposal does not need to demonstrate a lack of suitable alternative sites within the Centres. Compliance with criteria c) of Policy OC3, including the status of the site as a redundant glasshouse site, and compliance with Policy OC7 is assessed below and in the following sections of this report.

Redundant glasshouse site: Redundancy

The application site comprises a former vinery site, with three large blocks of glass, the remains of a fourth block and miscellaneous ancillary structures remaining on site.

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."

This definition is expanded upon in Supplementary Planning Guidance (SPG) published in December 2018. The SPG states that, to be classified as a Redundant Glasshouse Site, the site must retain visible substantial superstructures. In respect of the application site, approximately 8288m² of glass remains on site, in the form of metal framed multi-span structures complete with glass, spread across the site. Whilst it is noted that glasshouse G4 has been removed during the consideration of the application, that work was undertaken due to the dangerous condition of the structure, did not require planning permission and is not of a scale which prejudices the consideration of the current application. Glasshouse G4 represented only 2% (189m²) of the glass on site and the majority of the glass remains in situ. The site would therefore fall within the definition of a glasshouse site.

In terms of redundancy, the SPG recognises the decline of the horticultural industry in the Island and notes that policy aims to provide for the managed exit from this sector in terms of land use. The SPG therefore states that a site can be considered redundant if it is demonstrated that that site is no longer required for commercial horticultural purposes.

In this case, the site is no longer in commercial horticultural operation, with the former occupier having fully vacated the site in December 2017. Confirmation has been provided

from the former occupier that their business has contracted in recent years and that operations have been consolidated on to an alternative site. Although no evidence of active marketing has been provided, the applicant has stated that there has been no further interest in the site for commercial horticulture at a rate which would achieve a viable return.

These statements are supported by BIS, who state that, whilst the glass has been maintained in usable condition, the newest section is understood to be more than 25 years old and the site would be at the lower end of those considered to have potential for ongoing horticultural use. Taking into account the continuing contraction of the horticultural industry, BIS identify that it is unlikely the site will be wanted for commercial horticultural production.

In light of the above, whilst it appears that the glasshouses in the south-west part of the site are not necessarily at the end of their usable life, the site is not currently occupied and evidence from the relevant bodies demonstrates that there is limited demand for commercial horticultural premises on the Island. The site would therefore comprise a Redundant Glasshouse Site and the proposal would fall to be considered under the provisions of Policy OC7.

Redundant glasshouse site: OC7 - Agriculture Priority Area & open land

Policy OC7 notes that horticultural premises, including redundant glasshouse sites, are considered to be agricultural land, and there is a presumption that when the horticultural use ceases the site will be cleared and returned to agricultural use. However, where a proposal complies with Policy OC3 and would facilitate clearance of the glass, the first part of Policy OC7 provides, inter alia, for proposals to develop redundant glasshouse sites for small scale industrial or storage and distribution uses where the site would not contribute positively to a wider area of open land and where the site is not within or adjacent to an Agriculture Priority Area (APA) or, where it is in or adjacent to an APA, it is demonstrated that the land cannot positively contribute to the commercial agricultural use of the area or cannot practically be used for commercial agricultural use without adverse environmental impacts.

It has been established above that the proposal could comprise small scale business for the purposes of Policy OC3.

The site is located immediately to the south of an Agriculture Priority Area. Although this particular part of the APA is limited to two fields, and does not comprise a significant area of agricultural land, it does need to be demonstrated that the application site could not contribute towards the agricultural use of that land. Limited information has been submitted as part of the application to demonstrate that the site cannot positively contribute to the commercial agricultural use of the APA, however the agent observes that the application site is separated from the APA by a high wall and an area of mature woodland, and contends that linking with the land in the APA would require removal of those features, and would consequently impact on biodiversity. Whilst the extent of any such impact is unclear, it is noted that there is extensive hardsurfacing and infrastructure on the site and, as observed by the Office of Environmental Health & Pollution Regulation, there is often residual contamination associated with former horticultural sites. Practically

therefore, whilst there is no evidence in terms of the physical attributes of the site, e.g. the size, topography or drainage of the site, that would preclude use of the site for agriculture, the extent of works required to return the land to agricultural use would be likely to be prohibitively intrusive and expensive.

In terms of the potential contribution to a wider area of open land, the site has a c70m frontage along Oatlands Lane, extending either side of the residential property known as Avondale and projects c200m from the road to the east, into an area of open land behind the roadside development. Removal of the structures at the application site would not only revert the site to open land but could open up views across the site to the surrounding areas of open land.

Whilst clearance of the site in its entirety would inevitably make a greater contribution to the surrounding area of open land there is limited incentive to undertake this work and the prefacing text to Policy OC7 recognises that permitting some limited development would facilitate the clearance of redundant glass, offsetting the cost of that clearance. In this case, the proposed development is constrained within the south-east part of the site, enabling the clearance of the north and west parts of the site. The areas proposed to be cleared would comprise approximately two thirds of the site area, and form the most prominent areas of the site in terms of public viewpoints. The proposed development would therefore maximise the site clearance, whilst constraining the facilitating development to the least prominent part of the site, and would make a significant contribution to open land.

To ensure that the site clearance is achieved, it is recommended that the decision be conditioned to ensure that all structures shown to be cleared should be demolished and removed from the site prior to any of the approved operators commencing use of the site, and that any structures being relocated from the open land to the area of development are moved within a reasonable timescale (Conditions 13 & 19).

Subject to these conditions, the principle of the change of use would therefore satisfy the first part of Policy OC7. Provided that the proposal complies with the remainder of Policy OC7, the proposal would meet the requirements of part c) of that policy, and consequently Policy GP16(A) would not be engaged.

Details of the proposal

Having ascertained that the principle of the proposal meets the terms of the first parts of Policies OC3 and OC7, both policies require that a proposal meet the following detailed criteria:

- 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 requires that 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 that the proposal accords with all relevant policies of the Island Development Plan.

In this respect Policies GP1 (Landscape character and open land), GP8 (Design) and GP9 (Sustainable development) would also 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”*. Policy GP9 relates primarily to the use of sustainable construction techniques.

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

As previously identified, the site is prominent in views along Oatlands Lane. It is also visible across the open land to the south from the Les Sauvagees/Duveaux Lane/Epinnelle Road junction, but is screened in longer views by surrounding development. At present, the site's contribution to landscape character and openness is limited, there is minimal landscaping on site and, as identified above, although the site abuts a larger area of open land, the structures on the site and the development on the properties to either side screen that land in views from Oatlands Lane.

The proposals for the site would consolidate the built form and associated external storage in the south-east corner of the site, set c80m back from Oatlands Lane, minimising the visual impact in views from that road. The retained structures would be generally of low profile form and, with the installation of a high acoustic fence along the west boundary of the area, would be largely screened in views from the lane. Alterations to the structures would be limited to re-cladding in some areas and applying vinyl wrap to Glasshouse G3. Details of the proposed materials should be provided (Condition 8), however, in principle, these alterations would not have a significant impact on the appearance of the structures. The fence itself would however be an intrusive feature in public views and, whilst of appropriate species, the extent of planting shown would not be sufficiently robust to provide adequate screening. To ensure that the development is appropriately screened, it is therefore recommended that a more robust landscaping scheme is required as a condition of the decision (Condition 6).

The removal of the glasshouses and ancillary structures at the front (west) of the site, and those adjacent to the north boundary, would create new areas of open land and would open up vistas from Oatlands Lane through to the open land to the north and south of the site. In views from Oatlands Lane, the proposal would therefore make a significant contribution to openness. To ensure that this open area is not compromised and that the uses on the site are constrained within the approved areas, screened from outside of the site, it is recommended that the decision also be conditioned to ensure all structures from outside of the designated storage areas are removed, to prevent external storage outside of the designated yards, and that materials within those yards are not stacked to a height greater than 3m (Conditions 13, 15 and 16).

Views from the south are directed towards the south-east section of the site, where the existing structures would be retained and a fence would be erected along the boundary. The proposed site clearance would not therefore have a significant impact in views from the south, however those views are more distant than the views from Oatlands Lane and the clearance of the glass to the west of the site would result in a significantly greater enhancement in terms of openness than could be achieved through clearance of the south-east corner. Whilst not achieving an enhancement in views from the south, neither would the proposal result in any additional visual impacts, and the proposal would not have a detrimental impact on landscape character or openness. Whilst the introduction of landscaping along the south boundary could reduce the impact in views from the south, the ground conditions and positioning of structures on the site would prevent this.

As identified above, Policy OC7 requires that all glasshouses and ancillary structures which are not capable of being used for a purpose in association with the proposed development are demolished and removed from the site. Initially there were concerns regarding the extent of clearance on the site. The revised proposal however includes the clearance of all glasshouses, substructures and associated structures from the north and west parts of the site, with the exception of Buildings B1 (Substation), B1 (Toilet block), B7 (Canteen) and B18 (Substation) and selected areas of hardsurfacing.

Buildings B1 & B18 contain electricity substations and must therefore be retained. Buildings B1 (Toilet block) and B7 (Canteen) are well related to the storage area and would provide functions ancillary to that use. Provided that those buildings are retained for the stated purposes and are not utilised for any other purpose, there would be no objection to their retention (Condition 12). The areas of hardsurfacing to be retained comprise a substantial depth of concrete, which would be difficult and costly to remove and would not, in themselves, detract from the enhancements that would be achieved in terms of open land and landscaping.

The proposed consolidation of the units and associated clearance of glass from the whole of the north and west parts of the site would provide a significant enhancement to the character of the area and, in light of the explanation above, it is considered that the retention of limited areas of hardsurfacing would be acceptable, provided that those areas are not used for any other purpose. In respect of Buildings B1 and B18, it is observed that both buildings are prominent from the road and detract from the character of the area. It is therefore recommended that, where possible in terms of ground conditions, additional landscaping is undertaken to screen those structures from the road, and details of this landscaping should form part of the scheme required under Condition 6.

Whilst the proposal now includes the return of the glasshouse footprints to open grassland, limited planting is proposed to mitigate any impacts of the development, or to enhance the landscape character. The proposed mixed hedge planting of Blackthorn and Hawthorn would be appropriate to the landscape character, however the hedge planting proposed is limited to two sections and it is recommended that this be increased to provide more robust development buffers. The proposed species could also be supplemented with species such as Gorse and Sallow (Condition 6).

As proposed under the previous version of the application, the existing access was to be extended to 12m (measured across the bellmouth), to ensure acceptable manoeuvring space for large vehicles. The proposed access width was however considered excessive for the size of vehicle proposed under the application, and there were concerns regarding the visual impact of such a large opening. The application was therefore deferred to seek a reduction in access width. The revised plans remove all alterations to the access, which is to remain as existing. There would therefore be no impact on the character of the area in terms of access improvements. Impacts on road safety are addressed under the relevant section below.

The south access is to be closed with a lockable gate. Whilst this is unlikely to have any significant impact on the character of the area, details should be submitted for approval prior to installation (Condition 4).

Overall therefore the proposal would make a significant contribution to the openness of the area through the clearance of land along the roadside, whilst limiting the visual impact of the proposed development. Subject to the conditions outlined above, the proposals also have the potential to make a positive contribution to the character and appearance of the area.

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

Policies OC3, OC7 and GP9 all 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.

The proposed uses would be consolidated in the south-east corner of the site, approximately 40m from the north site boundary and 80m back from Oatlands Lane. The proposed uses would be limited to the provision of secure storage within the existing structures, with external storage only within the two designated open yards. One yard would be located centrally within the proposed area of development and the other would be located at the western end, and would be enclosed by acoustic fencing to the west and south. Users have been specified for five units (B10, B11, B12, B14 & B16) and generally comprise small firms associated with the building trade, whose primary activities would take place off site. The user of the western yard would be a stone mason, however it is stated that there would be no cutting or working of stone on the site, and no manufacturing or production is proposed to be undertaken at the site. If approved, it is recommended that this be reinforced by condition (Condition 14). No operator has been specified for the other yard, and details of any proposed operator would need to be submitted for approval by the Authority prior to commencing operations on site, under

the provisions of Condition 10.

Given the limited size of the proposed operators and the nature of their operations, the uses would be relatively low impact in terms of nuisance generation. Furthermore, the days and hours of operation are proposed by the applicant to be restricted, to 7:30-18:00 Monday-Friday and 7:30-13.30 Saturdays. These days and hours would be consistent with the operations approved on similar sites, with the exception of the commencement time. Given the proximity to residential properties, the Office of Environmental Health recommend that in this case the hours of operation are limited to prevent commencement of operations prior to 08:00. In the interest of nearby residents, it is therefore recommended that a condition be attached to the decision limiting the days and hours of operation as recommended by Environmental Health (Condition 20). No additional external lighting is proposed under this application, and the installation of any such lighting would need to be subject to a separate application for planning permission.

Vehicles would access the site using the existing gateway in the north-west corner and the access drive would pass through the north section of the site; the existing southern access and the link with the site to the east would be closed.

The land parcels to the north of the site extend from the site boundary to the Braye du Valle to the north, with the dwellinghouses located to the north of each land parcel, adjacent to the road. Domestic curtilage has not been established for these properties, however the southern part of each land parcel was formerly under glass and it is likely that the domestic curtilage would extend no further than 60m from the Braye du Valle. The land adjacent to the north boundary of the application site would therefore be classified as agricultural land, and the dwellings and associated curtilages would be located over 100m from the site boundary, and further from the proposed units. Taking into account the distance of the dwellinghouses and associated curtilages from the site boundary, and the positioning of the proposed units on the application site, it is considered that the proposals would not have a significant impact on the residential properties to the north. It is noted that the realignment of the site access road would reduce the distance to the site boundary, however the overall distance from the residential properties would prevent any notable impact on those properties. The request from the owners of the adjacent properties to seek repair of the boundary wall is noted however, as that wall is not directly related to the proposals and the works would have little impact in mitigating any impacts of the proposal, it would not be reasonable to impose a condition in this case.

The residential properties along Route Militaire to the east and the Clos de Sauvagees to the south-east are located c60m and 35m from the site boundaries respectively and are separated from the site by a field. The proposed area of operation would be located immediately adjacent to the site boundary, however, as stated above, the uses are considered to be relatively low impact and the proposal includes the erection of 1800mm timber fencing along part of the east and south boundaries to mitigate any impacts. In addition, the existing access to the adjacent site to the east would be closed, preventing through traffic to Route Militaire. Any impact on the properties to the east and south-east is therefore unlikely to be significant.

There are two residential properties located immediately to the south of the site, facing

on to Oatlands Lane, both with amenity spaces bounding the site in the south-west corner. As part of the proposal, the southern access would be closed to through traffic, and vehicles associated with the proposed uses would be redirected to the north access, away from these properties and reducing any impact on the amenity of the properties. The properties would however be located c27m from the open yard at the closest point. As noted above, the external operations would be limited and any noise arising would be related primarily to the delivery and collection of the materials, which is stated to be a single skip delivery per week. The revised proposal incorporates provision of 3m high acoustic fencing and a landscape buffer between these properties and the area of development, and, as previously noted, the hours of operation would be limited. As discussed previously, the landscape buffer is however limited and, to provide further protection to the adjacent amenity spaces, it is recommended that a more robust buffer is required by condition (Condition 6). On balance, taking into account the protective fencing and landscaping measures, the nature of the proposed uses and the limitations on hours of operation, the impact on the amenities of these properties would not be sufficient to warrant refusal of planning permission.

There are a number of residential properties located on the opposite side of Oatlands Lane, a further residential property abutting the north-west corner of the site and the site wraps around a single dwellinghouse in the centre of the west boundary (Avondale). Those properties would be located over 70m from the primary area of use, and the proposed acoustic fencing and improved landscape buffer would prevent any significant impacts from the uses themselves. These properties would however be located adjacent to the site access.

The site access already exists, and no alterations are proposed to the access itself. There would therefore be no additional impact on the properties located opposite the access, in respect of the access itself.

The dwelling on the residential property to the north-west is set back from the roadside and the primary private amenity space is set away from the application site, behind the building. The realignment of the driveway would not therefore significantly impact on the amenity of that property.

Whilst the realignment of the existing driveway would curve it away from the dwelling known as Avondale, the proposal is likely to result in increased vehicle movements over the existing situation and the landscaping between that drive and the dwelling is limited. It is therefore recommended that a more robust planting buffer be provided between Avondale and the driveway to protect the amenity of that dwelling (Condition 6).

Concerns have been raised in a number of letters of representation regarding the impacts associated with additional traffic movements from the site, particularly in terms of noise and dust. The indicated traffic movements for the specified operators would average c11 return trips a day, primarily cars and small vans. If the proposed units were fully occupied, this would scale up to 25-35 movements per day. Whilst this would be likely to represent an increase on the current low key use of the site, it is lower than the stated vehicle movements associated with a vinery in full production. Taking into account this former use of the site, the size and nature of the vehicles specified and the restricted hours of operation, the traffic created would be unlikely to result in significant nuisance

generation. It is however recommended that the decision be conditioned to limit the size of vehicle permitted on the site (Condition 17).

In summary, taking into account the distance of the surrounding residential properties from the area of the proposed units and yards, the nature of the proposed users, the restrictions on activities and hours of operation, the provision of acoustic fencing and robust landscaping and the indicated number of vehicle movements, any impact on the amenities of the adjacent properties would not be significant.

To ensure that the amenity of adjacent properties is protected it is recommended that the following conditions are applied to the decision:

- Limitation on external storage (Conditions 15 & 16) and operations undertaken at the site (Conditions 10 and 14);
- Limitations on days and hours of operation (Condition 20);
- Limitations on vehicle size (Condition 17);
- Details of acoustic fencing (Condition 5);
- Details of landscaping (Condition 6).

Traffic and access issues

A significant amount of representation has been received in relation to the potential impact on traffic and road safety, and the Constables of St Sampson also object to the proposal on traffic grounds.

In terms of the proposed access itself, Traffic & Highway Services note that the visibility splays would exceed the minimum requirements as set out within the Traffic Engineering Guidelines for Guernsey. As submitted 16/07/19, the plans were however inaccurate and there were concerns, supported by photographic evidence accompanying the letters of representation, that vehicles exiting the site would cross over into the cycle path on the opposite side of the lane, resulting in road safety issues. A revised plan was received 05/08/19, amending the road width. The swept path analysis shown on the plan indicates only a marginal encroachment on to the cycle path from vehicles exiting the site, however the plan demonstrates that this can only be achieved if the vehicle exits the site from the far side of the access. It is noted that the analysis relates to a larger vehicle than the maximum sized vehicles associated with the proposed uses, and those vehicles would have a smaller turning circle, however the plans as submitted do not clearly demonstrate that the smaller vehicles could exit the site without impacting on either vehicles entering the site or the cycle lane.

Traffic & Highway Services note that it would be desirable to extend the width of the access and/or to incorporate a bellmouth to the south-east side of the access to improve the angle of egress. An increased width of access has been proposed previously, however the extent of extension was such that there was considered to be an unnecessary impact on the character of the area. Whilst there could be a balance between the existing access width and that previously proposed, subsequent to that submission the applicant and agent have confirmed that the wall to the south-east of the access is not within the sole ownership of the applicant, and the width of the access cannot therefore be altered.

Whilst it may not be possible to extend the width of the access, there is potential within the site to further amend the alignment of the driveway, altering the angle at which a vehicle would approach the exit and this would reduce the possibility of encroachment on to the cycle path.

In light of the above, and notwithstanding the comments made in support of the application, concerns are retained regarding the use of the access as shown on the submitted plans, however, as there appears to be potential to address these concerns within the site boundary, it is recommended that a condition be added to the decision requiring revised access proposals which demonstrate appropriate access arrangements to be submitted prior to implementation of the permission (Condition 4). It is also recommended that the size of vehicle using the site is limited to prevent use of the access, and consequently the wider road network, by large vehicles (Condition 17).

Whilst it was initially proposed to maintain both existing accesses, as an in-out arrangement, the southern access has more limited sightlines and turning capacity than the northern access, and the associated driveway runs adjacent to the private amenity spaces of two dwellings. To minimise the number of access points on to the road, and therefore the impact on road safety, and to reduce the impact on neighbour amenity, this access is proposed to be closed, with a lockable gate. Whilst it would be preferable for the access to be permanently closed, the access is stated to be retained for maintenance purposes, and the site layout and landscaping would prevent use of this gate by traffic associated with the proposed units. The closure of this access as proposed is therefore acceptable, provided that the gate is installed as proposed (Condition 4).

In terms of the impact on the wider road network, it is noted that the roads in the immediate vicinity of the site are of limited width and do not all include footpaths. Furthermore, it is noted that the area is frequently used by vulnerable users, including pedestrians, cyclists and horse riders, particularly in association with the nearby schools and Oatlands Village, both of which are likely to be subject to further development in the future.

The applicant contends that the proposed uses would result in a reduced number of traffic movements from the site than when the horticultural operation was in peak operation, in the mid 1990s. A statement has been provided from Guernsey Clematis, estimating vehicle movements at that time at c55 movements a day, although, notwithstanding the comments made by the applicant, it is unclear whether these movements related solely to the access on to Oatlands Lane, as the site was operated in conjunction with the site to the north-east at that time. It is also noted that a number of changes have occurred in the area subsequent to the peak operation of Guernsey Clematis, including re-organisation of the road network in association with the construction of the new schools at Baubigny.

In respect of the proposal as submitted, for general storage and distribution uses, Traffic & Highway Services identify potential for significant traffic management and road safety concerns arising from the proposal. As noted above, the specified uses would however generate c11 return vehicle movements a day, which would scale up to approximately 25-35 movements if all units were occupied, predominantly of cars and vans. Traffic & Highway Services note that these uses are relatively low impact, and the overall extent of impact will be dependent on the exact nature of the remaining uses at the site. The

Service therefore observe that, if the uses can be limited to those which predominantly use cars and vans, as for the operations named within the application, road safety concerns would not be overly significant.

In light of these comments, and taking into account the number and type of vehicle movements associated with the specified operators, it is considered that the impact on road safety arising from the proposals could be mitigated by control over the uses and it is recommended that the following conditions are applied to the decision:

- Revised proposals for the access to be submitted (Condition 4);
- Details of all operators to be submitted to the Authority for approval prior to operating from the site (Condition 10);
- Limitations on the type of vehicle permitted on the site (Condition 17).

Other issues raised by consultees and representors

The Office of Environmental Health and Pollution Regulation identify potential for land contamination at the site. As the clearance of the structures and realignment of the driveway are likely to require some ground works, it is recommended that a condition be applied to the decision requiring a desktop study be submitted to the Authority to ascertain the likelihood of contamination at the site and, following the outcome of that study, it may be necessary to provide a method statement for undertaking works at the site and to address issues of contamination (Condition 9).

There is a culverted stream running along the south-west (roadside) and part of the north-west site boundaries. As part of the revised plans, the only works proposed in the vicinity of the stream are site clearance and landscaping, and these works are unlikely to have any impact on the stream. An informative should however be added to the decision recommending that the applicant contact Guernsey Water prior to commencing work.

A number of users are operating from the site without the benefit of planning permission and there is a current enforcement case in respect of those users. That case is held pending the outcome of the current application, and will be progressed upon determination.

In relation to references by some representors to devaluation of property, this is not a material planning consideration.

Two site notices were displayed for each of the first three versions of the application, one at each access point to the site, as well as advertisement in the Guernsey Press. These notices were correctly displayed and dated. The final version of the application did not significantly alter the proposals and the application was not therefore advertised. All those who has previously made representation on any of the former versions were however notified by letter of the changes.

In respect of the potential for future development following approval of the current application, any such application, if submitted, would have to be assessed on its merits in light of the relevant policies. It is however noted that, once the existing glasshouses outside of the proposed storage area have been removed, that land will revert to open

land and the current policies would not allow for any expansion of the storage use on to that land. There is no potential under the IDP for new-build residential development on this site.

Conclusions

The IDP, in accordance with the SLUP, sets out a planning policy framework that enables certain small scale businesses, such as those requiring workshops, secure storage or open yards, to develop Outside the Centres on redundant vinery sites in appropriate circumstances, as set out principally in Policies OC3 and OC7.

In this case, the glasshouse site is considered to be redundant, cannot contribute positively to the commercial use of an APA and the proposal as revised would maximise the potential contribution to a wider area of open land, whilst enabling facilitating development.

Subject to mitigation, which can be achieved by the recommended planning conditions, the development would be of a scale and form that would respect the character of the area, would make most effective and efficient use of the land and would include appropriate soft landscaping. Subject to control over the types of operation and vehicles permitted at the site, the proposal would not jeopardise highway safety or the free flow of traffic, and would not detract unacceptably from neighbour amenity. Furthermore, the proposal would result in the demolition and removal of the majority of the redundant glasshouses and ancillary structures from the land, and clearance of two thirds of the site.

The proposal would therefore comply with Policies OC3 and OC7, as well as other relevant policies of the IDP.

It is consequently recommended that planning permission with conditions be granted as set out above.

Date: 05/08/2019

Development & Planning Authority

Open Planning Meeting – Evidence

An Open Planning Meeting was held on application FULL/2017/0995 – Domarie & Avondale Vineries. Ahead of this, video evidence was supplied by the applicant and commissioned by the Authority. All videos are available on the States of Guernsey's YouTube page, but links are provided below.

Applicant submission of the skip lorry entering the site	https://www.youtube.com/watch?v=Siehmf86Qfc&feature=emb_logo
Applicant submission of the skip lorry exiting the site	https://www.youtube.com/watch?v=jQFNdi0yrgg&feature=emb_logo
DPA evidence of skip entering - 1	https://www.youtube.com/watch?v=L9EMS VceTZA&feature=emb_logo
DPA evidence of skip entering - 2	https://www.youtube.com/watch?v=y_theK8-ILI&feature=emb_logo
DPA evidence of skip exiting - 1	https://www.youtube.com/watch?v=w8ZoSdlxF_E&feature=emb_logo
DPA evidence of skip exiting - 2	https://www.youtube.com/watch?v=yxeb2l6w-gY&feature=emb_logo
DPA evidence of skip exiting - 3	https://www.youtube.com/watch?v=ZSTfnLCqv1w&feature=emb_logo
DPA evidence of skip exiting - 4	https://www.youtube.com/watch?v=P1CeBtbvqYU&feature=emb_logo