

DEVELOPMENT & PLANNING AUTHORITY

OPEN PLANNING MEETING AGENDA

An Open Planning Meeting will be held at Beau Sejour Centre, Cambridge / Delancey Room, on **Wednesday 12/04/2017** at 9.15am for a 9.30am start.

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

Agenda Item 1 :-

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| APPLICATION NUMBER: | FULL/2016/2878 |
| APPLICATION ADDRESS: | Pulias Vinery, Route Des Pecqueries, St. Sampson. |
| DESCRIPTION OF WORK: | Change of Use of land from Agricultural (Use Class 28) to Storage/Distribution (Use Class 22). |
| NAME OF APPLICANT: | Mr & Mrs M J Smith & Mr P Smith. |

The agenda for the open planning meeting, along with the planning application report relating to the application to be considered, which follows below, are made available five working days before the date of the Open Planning Meeting on the States website and also in hard copy at the Planning Service's offices. The planning application report below contains a summary of consultation responses and of any representations received on the applications from third parties.

There will be provision for **public speaking** at the open planning meeting. 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 for an OPM held on a Wednesday).



Application No: FULL/2016/2878
Property Ref: B01975A000+B01975C000
Valid date: 06/12/2016
Location: Pulias Vinery Route Des Pecqueries St. Sampson Guernsey GY2 4TQ
Proposal: Change of Use of land from Agricultural (Use Class 28) to Storage/Distribution (Use Class 22).
Applicant: Mr & Mrs M J Smith & Mr P Smith

RECOMMENDATION - Refusal with Reasons:

REASONS FOR REFUSAL:

1. Island Development Plan Policy OC3 states that proposals for new industrial and storage and distribution uses will be supported where there is a justifiable need for the business to be located outside the 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 in the Main Centres, Main Centre Outer Areas or Local Centres; and the site is either a brownfield or a redundant glasshouse site and complies with Policy OC7: Redundant Glasshouse Sites Outside of the Centres. If these criteria are met, then a proposal must also demonstrate that:

- 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.

Policy OC7 provides, inter alia, that proposals to develop redundant glasshouse sites for small scale industrial or storage and distribution use in accordance with the requirements of Policy OC3 will be supported where the site is not within or adjacent to an Agriculture Priority Area and the site would not contribute positively to a wider area of open land; and providing that in all cases requirements similar to those for Policy OC3 are demonstrated as being met, along with two additional criteria 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
- the proposal accords with all relevant policies of the Island Development Plan.

Policy GP1: Landscape Character and Open Land 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.

In this case, the glasshouse site is considered to be redundant and is not within or adjacent to an APA. However, the application site includes areas of open undeveloped land to the north and east of the redundant glasshouses and therefore only partially falls within the scope of Policy OC7.

With regard to criterion b) of Policy OC7, the immediate surroundings of this low-lying site are relatively open and the site is visible from the coastal road and path, and from other public areas. Les Vardes Quarry has been landscaped with earth mounding and tree planting undertaken in compliance with conditions attached to the planning approval for extension of the Quarry. A nature trail has subsequently been opened to the public. In this context, it is considered that the application site would contribute positively in visual terms to a wider area of open land.

Furthermore, although conditions could be imposed on any grant of planning permission to mitigate the visual impact of the proposed use, given the public visibility of this site, it is considered that the proposed use would be likely to have an adverse impact on the character and appearance of the area, contrary to Policies OC3, OC7 and GP1. This likely adverse impact is considered to outweigh the benefit to visual amenity arising from the clearance of the redundant glasshouses from part of the site in accordance with Policy OC7.

For the above reasons it is considered that the proposal conflicts with Policies OC3, OC7 and GP1 of the Island Development Plan.

OFFICER'S REPORT

Site Description:

The application site is known as Pulias Vinery and occupies low-lying land situated to the south and east of Route des Pecqueries, to the west of Les Vardes Quarry in St Sampson and south of Pulias Pond. The application states that the total land parcel measures 11,525 sq m plus 5,490 sq m (7 verges, 1.3 perch plus 3 verges, 14 perch).

The site is visible from the coast road and from the public coastal footpath. There is also a publicly accessible footpath around Les Vardes Quarry from which the site can be seen.

There are residential properties located to the north, adjacent to the site, and to the south and east. The property to the south is occupied by members of the applicant's family.

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

Relevant History:

Present Application site

Applications for residential development – refused 2003.

Les Vardes Quarry

FULL/2009/3593 - Application to extend Les Vardes Quarry for the extraction of granite (EIA application) – approved 13/07/2010.

Existing Use(s):

Redundant Vinery; Agricultural land

Brief Description of Development:

Planning permission is sought to change the use of the land from agriculture (now Use Class 28 under the Land Planning & Development (Use Classes) Ordinance, 2017 which came into force on 03/04/2017) to Storage and Distribution (now Use Class 22 under the same Ordinance).

The application envisages that the site may be suitable to accommodate open storage activities presently located at Fontaine Vinery, and follows work undertaken by the States Property Services to identify alternative sites for this use. For comparison, the existing Fontaine Vinery site area equates to circa 12,000m², whereas the total land parcel of the present application site is circa 17,000m².

The proposal involves removal of the existing redundant glasshouses from the site, laying of hardstanding and creation of open storage yards in three phases.

An existing field or paddock area to the west, adjoining Route des Pecqueries, would remain undeveloped.

Some additional screen planting is proposed, particularly at the rear of the paddock area.

Further information regarding the proposed use and operation of the site was received from the applicant in January 2017 in response to initial comments from the Office of Environmental Health & Pollution Regulation (see 'Consultations' section of this report below). This information included an assessment of potential for nuisance through noise, light, dust and odour.

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

Island Development Plan 2016

- Plan objectives:
 - Objective 1: Make the most effective and efficient use of land and natural resources;
 - Objective 2: Manage the built and natural environment;
- Spatial Policy
 - S1: Spatial Policy
 - S4: Outside of Centres;
- Policies for Outside of Centres:
 - OC3: Offices, Industry and Storage and Distribution Outside of the Centres;
 - OC6: Horticulture Outside of the Centres;
 - OC7: Redundant Glasshouse Sites Outside of the Centres;
- General & Infrastructure Policies
 - GP1: Landscape Character and Open Land;
 - GP7: Archaeological Remains
 - GP8: Design;
 - IP9: Highway Safety, Accessibility and Capacity.

Representations:

15 letters or emails of representation have been received objecting to the proposal. Two representors have each both written twice and three other letters are from different occupiers of the same property. Two representations are from States Deputies. The principal grounds of objection are summarised as follows:-

- Use of the site for industrial storage would have a significant detrimental effect on the natural beauty and landscape quality of the area which includes a nature trail with vantage points overlooking the west coast;
- Les Vardes Quarry is protected from view and has been enhanced with planting and the nature trail;
- The old vinery at Pulias occupies a unique position on the west coast with a nature trail, sandy beaches and part freshwater pond all contributing to its appeal for walkers, bird watchers and nature lovers;
- The proposed use would be far more unsightly than the existing derelict vinery;
- The application could potentially have a significant environmental impact and an Environmental Impact Assessment should be considered;
- The creation of a storage/distribution site would be extremely unsightly and incongruous with the predominantly open and rural aspect of the locality;
- The proposed development can be easily seen from public areas, by road users and pedestrians walking on the coastal path/common land;
- The heavily used public coastal road is higher than the site and the coastal path/common land is higher still; it would be very difficult or impossible to effectively screen the development from public view by tree planting;
- The site has been used for growing within about the last 17 years;

- The land is low-lying with a high water table and liable to water-logging;
- Existing screening is limited; intended landscape screening along the west boundary is not a practical proposition due to the coastal location and prevailing winds, and if able to be provided it would take several years to establish an effective screen;
- Other more suitable sites exist for the proposed use, including Extension Vineries on Route Militaire or at Les Vardes;
- The application site is larger than Fontaine Vinery and the area would be larger than required for light industry in Guernsey, particularly if the application for Extension Vineries was approved;
- The proposal would subvert a States Resolution requiring investigation to identify a States-owned or controlled area, or areas, of at least 4 acres that could be used for light industrial use if suitable amendments were made to Guernsey's planning regime, and approval would be premature in advance of the outcome of that investigation;
- The claim that DDT contamination may be present is an assumption and without evidence should be disregarded; even if present this would not necessarily prevent future agricultural use;
- Sandy soil and a saline micro-climate would also not prevent future agricultural use;
- The overall site is not small in scale and is linked to a wider area of open land;
- The site of 'phase 3' of the proposal is a field and should be treated as such and returned to agricultural use; by any measure this land cannot be argued as being a glasshouse or ex-vinery;
- A one-phase-only option that removes the existing greenhouses and omits other parts of the site might be a more practical, fairer and rational scheme;
- Access may increase road safety risks due to the slope down to the site;
- Additional traffic on the coast road is an added burden and may increase danger for pedestrians in the area;
- Increased danger from heavy vehicles using the Route de la Passee and Pleinheume Road, between La Passee junction and Camp du Roi, where there are numerous pinch points and the only pavement is for the first 240 metres;
- Noise and disturbance to nearby residents.

One further letter of representation has been received from a neighbour of the Extension Vineries site on Route Militaire, St Sampson, which was subject of a separate application for a similar proposal which was considered at a previous Open Planning Meeting. The representor objected to that application but noted that the site at Pulias Vinery is larger and less residential and would have far less of an impact on surrounding properties and traffic as there is already the working site of Ronez and opposite is the coast.

Consultations:

Traffic & Highway Services

As per our usual standards, I would reiterate that the access should as a minimum:-

- a. enable a driver to see a minimum of 33m in the direction of oncoming traffic from a point 2.4m back from the edge of carriageway;
- b. not have any obstructions or planting greater than 900mm high above the road surface within the visibility splays;
- c. have sufficient width to enable heavy goods vehicles to enter and exit the access without crossing into the path of vehicles on the opposite side of the carriageway;
- d. be square to the carriageway;
- e. be sited at a distance not less than 20m from a junction.

The site adjoins a Traffic Priority Route (TPR) located on the Island's west coast. However, traffic flows are considered to be at the lower end of the scale in comparison to the Island's other TPRs which is because it falls outside of the Main Centres, there are no schools and limited business premises nearby. In light of this, the site does not experience the same level of traffic management concerns as those identified at the Route Militaire site that is also under consideration at this time.

In terms of the road network in the immediate vicinity of the site, the bulk of it is appropriate width to accommodate 2-way flow of HGVs but it should be noted that the roads in the immediate vicinity of the site do not include footpaths, albeit there are coastal paths nearby. Of concern however, is that the site would link with the centre of the Island via roads such as Rue des Cottés and Pleinheume Road which are narrower and do not include footpaths which has led to concerns being raised with Traffic and Highway Services regarding pedestrian safety.

The sightlines observed from the vehicular access to the site are in excess of 33m in the direction of oncoming traffic and 33m to the south. The access width is approximately 3.7m of tarmac surface and a further 2m of mixed surfacing to the south. The access does not currently include bellmouth radii.

In light of the above, there are no road safety concerns regarding access from the site onto the highway although it is considered necessary to upgrade the entrance to meet the minimum recommended design standards in terms of width and bellmouth radii. There are also no significant traffic management concerns with regard to a likely increase in traffic movements that this development would bring. There are however some road safety concerns with regard to the likely increase in commercial movements travelling inland through roads without footpaths but it should be borne in mind that this type of issue is likely to arise to some extent wherever development of this type is permitted unless a site could be found linking with the Inter Harbour Route.

Business, Innovation & Skills

BIS would wish to make the following comments:

- The above site is one of two which the Committee *for* Economic Development ("the Committee"), on the advice of States of Guernsey Property Services and BIS, agreed to endorse as alternatives to the temporary open storage compounds at Fontaine Vinery, which is due to close later this year. Whilst the application has been made by the private landowner (with technical assistance by Property

Services), it is necessary to declare that for the reasons above, BIS and the Committee have an interest in this application.

- The Fontaine Vinery open storage compounds provide storage facilities for 11 businesses, most of which are in the construction sector although some are involved in inert waste management. These facilities are due to close later this year, although Property Services has sought an extension of the current temporary planning permission, to enable tenants to make the transition from Fontaine Vinery to an alternative site or sites – see FULL/2016/2900.
- Last year, Property Services identified a number of privately-owned sites which were potentially able to accommodate the existing tenants of Fontaine Vinery. After a desktop evaluation exercise, Property Services recommended the site at Route Des Pecqueries and another site at Route Militaire (which is the subject of a separate application – FULL/2016/2864) as its two preferred sites. The Committee endorsed the selection of these two sites at its meeting on 29 September 2016.
- BIS is of the view that an alternative site(s) to Fontaine Vinery is required to ensure that existing tenants have access to suitable accommodation, once Fontaine Vinery closes. There is a demonstrable need for facilities of this type, specifically, basic but secure and affordable open storage. BIS interviewed tenants of Fontaine Vinery twice over the past two years and a recurring theme was the lack of such premises and the impact that this level of availability had on the affordability of such sites in the market. The closure of Fontaine Vinery therefore represents a significant challenge for these businesses as they do not currently have the certainty that alternative accommodation will become available once the States-owned facility at Fontaine Vinery closes. The introduction of an alternative site(s) such as the one put forward in this application should provide greater certainty to these businesses.
- BIS understands that at the last count, there was an oversupply of storage premises in Guernsey. The most recent Employment Land Monitoring Report (July to December 2015) identified a vacancy level of 11% of the Island's total stock in December 2015. However, BIS understands that this level of vacancy relates principally (if not solely) to built storage premises. From interviewing tenants of Fontaine Vinery, BIS understands that the type of built storage premises available on the commercial property market is largely of a standard, and therefore at a cost, in excess of what is required by these businesses, which simply require open yard areas for storage of goods and equipment. BIS also receives anecdotal comments that there is also a 'hidden' market of businesses (other than those at Fontaine Vinery) which require open storage but which are currently using premises not authorised for that use. BIS is of the view, therefore, that whilst built storage may in theory be available on-island, the reality is that such accommodation would not meet the needs of the type of businesses currently situated at Fontaine Vinery.
- BIS understands that the above location includes land which is the site of a redundant vinery (although States of Guernsey Agriculture, Countryside and Land

Management Services is better placed to comment in respect of any agricultural matters). On the understanding that the site is no longer in commercial use for agricultural purposes, BIS would advise that the application has the benefit of putting back into economic use land which currently is not economically productive.

- The types of business which would be accommodated at this site carry out essential functions for the Island's economy. These businesses include some which may employ in the region of 20 people at any one time (although this can vary with demand). In addition to the primary benefits generated through wages, these businesses are also generating primary economic benefits that 'stick' to Guernsey through spend on local goods and services, for example, on vehicle and plant maintenance, fuel, and insurance, as well as through sub-contracting local labour. The tenants at Fontaine Vinery include businesses carrying out functions which are essential for the Island's economic and social infrastructure and which, if local businesses were not available to do the work, would need to be carried out by off-island businesses. It is therefore in the best interests of the Island's economy that alternative accommodation for tenants of Fontaine Vinery is made available on the Island, once that facility is no longer available.
- This particular planning application would enable the businesses accommodated at Fontaine Vinery (and potentially others) to find alternative storage in the private marketplace. The provision of accommodation in private sites may have the effect of encouraging competitor sites to be established elsewhere, which would increase the level of choice for businesses seeking open storage and may in turn help to ensure that rates charged at this and any other such private sites are competitive.
- It may also be relevant to note that a recent States Resolution directed the States Trading Supervisory Board, in consultation with the Committee, to identify sites over four acres in area, owned or controlled by the States, which could be used to accommodate light industry. However, there is as yet no direction from the States that would require any of these sites to be used for this purpose.

BIS therefore supports the proposal by Mr & Mrs M J Smith & Mr P Smith for the Change of Use of land from Agricultural (Use Class 44) to Storage/Distribution (Use Class 30) at Pulias Vinery, Route Des Pecqueries, St Sampson's

The response also notes that the Committee *for* Economic Development requested the opportunity to review BIS's comments prior to submission to Planning Services, and agreed, by a majority, to endorse BIS's comments without amendment.

Office of Environmental Health & Pollution Regulation

Letter of 21/12/2016:

There is currently insufficient information for me to be able to comment on the application. I would welcome the following additional information:

- The proposed end use of the site
- Information on the potential for nuisance (noise, dust, light, odour) to arise from the site (this should include specific operations and pieces of equipment and how it is proposed to control any nuisance)
- The proposed operating hours of the site
- Confirmation on whether there will be any breaking of ground on site?

The information submitted with the application acknowledges that there may be presence of contamination on site. As such dependant on end usage and the extent of the works proposed a contaminated land condition may be recommended to be attached to the consent.

I would summarise that further information is required in relation to this application. Should further information be submitted I will be happy to review this and revise my comments.

Letter of 23/01/2017:

I have reviewed the additional information submitted in relation to the proposed plans for change of use to storage and distribution and there are a number of outstanding concerns. To ensure that these concerns are addressed I would recommend that the following condition is attached to the planning consent:

- The use hereby permitted is only permitted between the hours of 07:00 and 19:00 on Mondays to Fridays and 08:00 and 13:00 on Saturdays and not at any time on Sundays, Bank or Public Holidays.

Discovery Strategy (not to be applied as a condition but rather an informative to be applied to any applications that may raise concerns)

If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted to Planning Services a method statement to identify, risk assess and address the unidentified contaminants, and obtained written agreement from Planning Services for the works to continue. Any subsequent works shall be carried out only in accordance with the conclusions and recommendations contained in the agreed report.

I would be grateful if an informative could be placed on the consent to make the applicant aware that should any fixed plant and machinery and external lighting be introduced to the site a separate application is likely to be required.

Archaeology

The States Archaeologist, Culture & Heritage, notes that the application includes the proposal to 'grub up existing hedge and leave flat and level', for a short section of bank extending northwards from the derelict greenhouses to the Route des Pecqueries. The bank is marked on the Duke of Richmond map of 1787 and is thus of some historic

interest. The area in general is also of some interest because of the presence of Pulias Harbour and the existence of a medieval chapel, the exact location of which is unknown.

In the event that approval is granted, the States Archaeologist would be pleased to have the opportunity to remove a short stretch of the bank as an archaeological exercise, in advance of the removal of the remainder. This might provide some useful dating evidence for the construction of the pre-1787 hedge boundaries marked on the Duke of Richmond map.

If any significant ground-breaking work takes place on the eastern part of the area covered by the application it is recommended that an archaeological watching brief be carried out as part of that work, in the event that any traces of the medieval chapel or any other structure are revealed.

Summary of Issues:

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

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

Assessment against:

- 1 - Purposes of the law.**
- 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).**

Background to the application

The application envisages that the site may be suitable to accommodate open storage activities presently located at Fontaine Vinery. The Fontaine Vinery site, situated on Le Murier, St Sampson, is an allocated housing site that is currently used for temporary storage compounds. The application site (the subject of this report) is one of two sites shortlisted by States of Guernsey Property Services and endorsed by the Committee for Economic Development, to potentially accommodate the open storage compounds currently at the Fontaine site.

Planning Policy Framework

The Strategic Land Use Plan specifically states 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. 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 (paragraph 17.1.3 of the IDP).

The application site is situated Outside the Centres in the Island Development Plan (IDP). The Plan policies allow for the development of certain new uses Outside of the Centres. These include small scale industrial and storage businesses where they are of a scale and form that respects the character of the surroundings and do not introduce unnecessary development which is otherwise capable of being located within the Centres and 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.

They are also directed to either brownfield sites or redundant glasshouse sites. This will 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 will also ensure that small scale industrial or storage uses do not occupy open land and, in some cases, the development may positively enhance a site through the clearance of redundant glass or associated structures from the landscape.

Under the Planning Law, horticultural premises, including redundant glasshouse sites and any ancillary structures, are treated as agricultural land and so, on clearance of the structures, the land is expected to revert to agricultural use. However, development proposals on agricultural land in the specific circumstances where they relate to redundant glasshouse sites may be permitted for another purpose where they are consistent with the policies of the Island Development Plan.

In certain circumstances it may be acceptable to permit redundant glasshouse sites Outside of the Centres to be utilised for small scale industrial, storage and distribution uses if all glasshouses and ancillary structures which are not capable of being used for a use in accordance with the relevant policies of the Island Development Plan are demolished and removed from the site. In all cases, however, proposals will need to demonstrate that the development would not have an unacceptable adverse impact on the character and amenity of the locality concerned.

The most relevant IDP policies in this respect are Policies OC3 and OC7.

The appropriateness of using certain redundant glasshouse sites for particular uses will be assessed against considerations including adjacent land uses, open amenity value, access provision and neighbour impact. The Authority will need to be satisfied that there would be no adverse effect on the living conditions of neighbouring occupiers by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit or significant visual intrusion. In addition, proposals that jeopardise highway safety and the free flow of traffic on the adjoining highway will not be acceptable.

In all cases there will be a requirement for the site to 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. In addition, the proposal will be expected to make a positive

contribution to the visual quality of the environment through an appropriate soft landscaping scheme designed to sufficiently screen the activities on the site and mitigate impacts, details of which are required to be included with any planning application for development of redundant glasshouse sites.

For the avoidance of doubt, the States Resolution at the time of the Island Development Plan debate concerning land for industry is not a material planning consideration in determination of this planning application, which must be considered having regard to the current relevant policies set out in the approved Island Development Plan. The States Resolution regarding land for industry may, or may not, lead to future changes to planning policy contained in the Development Plan but this possibility does not override or alter the current policies of the Island Development Plan which were approved by the States in November 2016 and must be considered in relation to this application.

Whether the principle of change of use of the site to storage and distribution is appropriate

IDP Policy OC3 states that proposals for new industrial and storage and distribution uses will be supported where there is a justifiable need for the business to be located outside the 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 in the Main Centres, Main Centre Outer Areas or Local Centres; and the site is either a brownfield or a redundant glasshouse site and complies with Policy OC7: Redundant Glasshouse Sites Outside of the Centres. If these criteria are met, then a proposal must also demonstrate that:

- 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.

This application relates to the change of use of the application site to provide open storage yards, for which there is a recognised difficulty in finding suitable sites as identified by the Strategic Land Use Plan.

As part of the application process, the States Business Innovation and Skills (BIS) service was consulted. BIS states: *“There is a demonstrable need for facilities of this type, specifically, basic but secure and affordable open storage.”* Whilst recognising that there is currently an over provision of storage and distribution facilities/sites in Guernsey, BIS understands that the type of built storage premises available on the commercial property

market is largely of a standard, and therefore at a cost, in excess of what is required by these businesses, which simply require open yard areas for storage of goods and equipment.

BIS supports the application and comments that: *“This particular planning application would enable the businesses accommodated at Fontaine Vinery (and potentially others) to find alternative storage in the private marketplace. The provision of accommodation in private sites may have the effect of encouraging competitor sites to be established elsewhere, which would increase the level of choice for businesses seeking open storage and may in turn help to ensure that rates charged at this and any other such private sites are competitive.”*

It is considered that there is a justifiable need to provide this type of storage use as proposed Outside of the Centres as facilitated through the policies of the IDP owing to the special nature or requirements of such a use and the lack of suitable alternative sites within the Centres. The proposal is therefore considered to comply with this criterion of Policy OC3 which has to be met for consideration of the application to proceed further.

Compliance with the further criteria of Policy OC3 including the status of the site as a redundant glasshouse site and compliance with Policy OC7 are assessed below and in the following sections of this report.

Policy OC7 provides, inter alia, that proposals to develop redundant glasshouse sites for small scale industrial or storage and distribution use in accordance with the requirements of Policy OC3 will be supported where the site is not within or adjacent to an Agriculture Priority Area and the site would not contribute positively to a wider area of open land; and providing that in all cases requirements similar to those for Policy OC3 are demonstrated as being met, along with two additional criteria 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
- the proposal accords with all relevant policies of the Island Development Plan.

The application site comprises a former vinery with a proportion of the land accommodating timber framed glasshouses. Paragraph 17.5.3 of the IDP defines a redundant glasshouse as:

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

It is evident that the existing glasshouse structures are in a state of disrepair and are no longer required or capable of being used for horticultural purposes. For the purposes of applying Policy OC7, the glasshouse site is therefore considered redundant.

However, in this case the application site extends beyond that of the existing redundant glasshouses and includes open land to the north and east of this. For this reason, and

whilst noting that the field or paddock to the west would remain undeveloped, it is considered that the application only partially falls within the scope of Policy OC7 which relates to the redevelopment of redundant glasshouse sites for small scale industrial or storage and distribution use.

Policy OC7 notes that horticultural premises, including redundant glasshouse sites, are considered to be agricultural land, so there is a presumption that when the horticultural use ceases the site will be cleared and returned to agricultural use. However, Policy OC7 also states that proposals to use redundant glasshouse sites for other purposes will be subject to an assessment of possible alternative uses of the site. In this respect, Policy OC7 sets out two criteria (a) and b)) which must be satisfied prior to considering possible alternative uses:

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

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

With regard to criterion b), there are residential properties located to the north, adjacent to the site, and more distantly to the south and east. There is industrial development to the east including that associated with Les Vardes Quarry. Furthermore the proposal involves a change of use to provide for open storage yards and no structures are proposed as part of the application. However, the immediate surroundings of this low-lying site are otherwise relatively open and the site is visible from the coastal road and path, and from other public areas. Les Vardes Quarry has been landscaped with earth mounding and tree planting undertaken in compliance with conditions attached to the planning approval granted in 2010 for extension of the Quarry. A nature trail has subsequently been opened to the public. In this context, it is difficult to say that the application site would not contribute positively in visual terms to a wider area of open land.

Consequently, the proposal is considered to only partially fall within the scope of Policy OC7 and furthermore is not considered, on balance, to satisfy criterion b) of Policy OC7.

For completeness, compliance with the further detailed criteria of Policy OC7, which are similar to those for Policy OC3 but include two further specific criteria as referred to above, is assessed in the following sections of this report.

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

Policy OC3 requires that the proposal must demonstrate that 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. Policy OC7 requires that the proposal must accord with all relevant policies of the IDP, which in this case would include Policies GP1 and GP8, as well as Policy OC3.

Policy GP1: Landscape Character and Open Land 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”* (criterion c).

Both Policies OC3 and OC7 require that 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 that the proposal includes details of an appropriate soft landscaping scheme which will make a positive contribution to the visual quality of the environment and which will sufficiently screen the activities on the site and mitigate impacts. Policy OC7 also 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 IDP.

The proposal includes the demolition and removal of the glasshouses which are not capable of being used, in accordance with Policy OC7. It is unclear from the application that all minor ancillary structures would be cleared but this could be ensured by a planning condition in the event that permission is granted. Conditions could also be imposed on any grant of planning permission to mitigate the visual impact of the proposed use, for example in relation to a requirement for screen planting and a restriction on the height of open storage. However, screen planting would take some time to become established and given the visibility of this low-lying site from the coastal road and path, and from other public areas restrictions on storage height, if enabling the proposed use to operate effectively, would be likely to have limited effect in safeguarding visual amenity. It is considered on balance that notwithstanding the proposed planting and potential for mitigation through the use of planning conditions the proposed use would be likely to have an adverse impact on the character and appearance of the area. This likely adverse impact is considered to outweigh the benefit to visual amenity arising from the clearance of the redundant glasshouses from part of the site in accordance with Policy OC7.

For the above reasons it is considered, on balance, that the proposal conflicts with Policies OC3, OC7 and GP1 in this respect.

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

Residential properties are situated to the north, adjacent to the site, and more distantly to the south and east.

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

In response to initial comments of the Office of Environmental Health and Pollution Regulation (OEHPR) the applicant provided further information regarding the proposed use and operation of the site. On consideration of this further information OEHPR recommended that a planning condition is included on any permission to limit the use of the site to between the hours of 07:00 and 19:00 Mondays to Fridays and 08:00 and 13:00hrs on Saturdays and prevent working at any time on Sundays, Bank or Public Holidays.

No details of the site layout have been provided, however should planning permission be granted, a condition could be included for a detailed plan to be approved by the Authority to show how the site will be subdivided into individual storage yards or compounds. Conditions could also be included to control the hours of use of the site (as recommended by OEHPR), to prevent the erection of any buildings or other structures (without first applying for planning permission) and for a detailed landscaping scheme to be approved by the Authority.

Having regard to the comments received from the OEHPR, and subject to conditions, it is concluded that the proposed development would not be likely to adversely affect or detract from the amenities of existing surrounding uses especially with regard to noise, vibration, smell, fumes, smoke, soot, ash, dust or grit. Any detriment to the amenities of nearby residential properties is expected to be within acceptable limits and would not of itself justify the refusal of planning permission.

Traffic and access issues

The site is accessed to the west onto Route des Pecqueries which is a Traffic Priority Route.

Traffic and Highway Services was consulted on the application and have raised no road safety concerns regarding access from the site onto the highway although it is considered necessary to upgrade the entrance to meet the minimum recommended design standards in terms of width and bellmouth radii. This could be addressed through imposition of a suitable planning condition in the event that planning permission is granted.

Comments have been made by some representors regarding the impact of increased traffic from the proposed development on the surrounding road network. Traffic & Highway Services confirm that there are no significant traffic management concerns with regard to a likely increase in traffic movements that this development would bring. Although there are some road safety concerns with regard to the likely increase in commercial movements travelling inland through roads without footpaths it should be borne in mind that this type of issue is likely to arise to some extent wherever development of this type is permitted unless a site could be found linking with the Inter Harbour Route. It is not considered that this aspect would of itself justify the refusal of planning permission.

Other matters

The matters raised by the States Archaeologist could be addressed by planning conditions in the event of planning approval for the development being granted, having regard to Policy GP7: Archaeological Remains.

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.

It is considered that there is a justifiable need to provide this type of storage use Outside of the Centres which has been demonstrated having regard to the provisions of the Strategic Land Use Plan and the comments of Business, Innovation and Skills which have been endorsed by the Committee *for* Economic Development.

In this case, the glasshouse site is considered to be redundant and is not within or adjacent to an APA. However, the application site includes areas of open undeveloped land to the north and east of the redundant glasshouses and as such only partially falls within the scope of Policy OC7. In addition, particularly given that the immediate surroundings of this low-lying site are otherwise relatively open and given its visibility from the coastal road and path, and from other public areas, it is difficult to say that the site would not contribute positively in visual terms to a wider area of open land.

Furthermore, although conditions could be imposed on any grant of planning permission to mitigate the visual impact of the proposed use, for example in relation to a requirement for screen planting and a restriction on the height of open storage, such screening would take some time to become established whilst restrictions on storage height, if enabling the proposed use to operate effectively, would be likely to have limited effect in safeguarding visual amenity. Given the public visibility of this site, it is considered on balance that the proposed use would be likely to have an adverse impact on the character and appearance of the area, contrary to Policies OC3, OC7 and GP1. This likely adverse impact is considered to outweigh the benefit to visual amenity arising from the clearance of the redundant glasshouses from part of the site in accordance with Policy OC7.

For the above reasons it is considered, on balance, that the proposal conflicts with Policies OC3, OC7 and GP1 of the Island Development Plan.

It is therefore recommended that the application be refused.

3 - General material considerations set out in the General Provisions Ordinance.

In addition to the consideration of policy issues, Section 13 of the Land Planning and Development (General Provisions) Ordinance, 2007 identifies other material planning considerations which could be relevant. These include; the appropriateness of the

development in relation to its surroundings in terms of design, layout, scale, siting and materials; the likely effect on the character and amenity of the locality; the effect of the proposed which the site could be put without further planning permission; the likely effect on the reasonable enjoyment of neighbouring properties. These issues where relevant are considered above.

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

The proposal would not impact on any protected buildings, trees, monuments or SSS's.

Date: 03/04/2017