

THE LAND PLANNING AND DEVELOPMENT (GUERNSEY) LAW, 2005
AND THE LAND PLANNING AND DEVELOPMENT (GENERAL PROVISIONS)
ORDINANCE, 2007

NOTIFICATION OF GRANT OF PLANNING PERMISSION

PROPOSALS: Change of use for the storage of goods and for data and archive storage (use class 22 b and c).

LOCATION: Yard, Colborne Road, St. Peter Port.

APPLICANT: Mr T Bean

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

Date of Grant of Permission: 18/10/2021

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 01/09/2021 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Application Ref: FULL/2021/1968

Property Ref: A408000000

Conditions and reasons:-

1. All development authorised by this permission must be carried out and must be completed in every detail in accordance with the written application, plans and drawings referred to above. No variations to such development amounting to development may be made without the permission of the Authority under the Law.

Reason - To ensure that it is clear that permission is only granted for the development to which the application relates.

2. The development hereby permitted shall be begun within 3 years from the date of grant of this permission.

Reason - This condition reflects section 18(1) of the Land Planning and Development (Guernsey) Law, 2005 which states that planning permission ceases to have effect unless development is commenced within 3 years of the date of grant (or such

shorter period as may be specified in the permission).

3. The development hereby permitted and all the operations which constitute or are incidental to that development must be carried out in compliance with all such requirements of The Building (Guernsey) Regulations, 2012 as are applicable to them, and no operation to which such a requirement applies may be commenced or continued unless (i) plans relating to that operation have been approved by the Authority and (ii) it is commenced or, as the case may be, continued, in accordance with that requirement and any further requirements imposed by the Authority when approving those plans, for the purpose of securing that the building regulations are complied with.

Reason - Any planning permission granted under the Law is subject to this condition as stated in section 17(2) of the Land Planning and Development (Guernsey) Law, 2005.

4. Notwithstanding the provisions of the Land Planning and Development (Exemptions) Ordinance, 2007 (or any other Ordinance replacing or re-enacting that Ordinance), the premises shall be used only for the storage of goods and for data and archive storage falling within use class 22 b and c) and for no other purpose including any other purpose in Use Class 22 or 24 of the Land Planning and Development (Use Classes) Ordinance, 2017, or in any provision equivalent to that Use Class in any Ordinance revoking or re-enacting that Ordinance.

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

Expiry Date: This permission will cease to have effect on 17/10/2024 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

Effect of planning permission:

Section 18 of the Land Planning and Development (Guernsey) Law, 2005 ('the Law') defines the effect of the planning permission hereby granted, namely:

(1) Planning permission ceases to have effect unless the development permitted by it is commenced within a period of three years immediately following the date on which it is granted (or such shorter period as may be specified in the permission).

(2) Planning permission enures for the benefit of the land concerned and of every person for the time being having an interest in it.

(3) Any conditions subject to which planning permission is issued are enforceable in accordance with the provisions of Part V of the Law.

(4) Planning permission for the erection of a building is only permission to use it for the purpose specified in the permission or, subject to any restriction so specified, for any other purpose for which it is designed.

(5) Planning permission is only permission to carry out the development specified in it (subject to any conditions so specified), and does not imply the giving of any other approval or consent required under this Law or any other enactment or under any rule of law.

Right of appeal against planning decisions:

Your attention is drawn to the provisions of Section 68(1) of the Land Planning and Development (Guernsey) Law 2005, which provides a right of appeal, on the merits against a decision to grant planning permission subject to conditions (except a building condition), to the Planning Tribunal, which is independent of the States of Guernsey. An appeal to the Planning Tribunal under section 68 of the Law against this decision must be made before the expiry of the period of six months beginning with the date on which the Authority made this decision. The official Appeal Notice Forms are available on the States of Guernsey website at www.gov.gg/planningpanel and must be completed with all enclosures in multiples as requested and received within the six months deadline.

Copy of representations made:

In reaching this decision the Authority took into account any written consultations made under Section 11(1) of the Land Planning and Development (General Provisions) Ordinance, 2007 ('the Ordinance'). A copy of any consultation responses made under section 11 will be included with this decision in accordance with section 19 of the Ordinance.

Other Remarks:

Please note that any work which abuts or affects the public highway requires prior approval by Traffic and Highway Services. Please contact Traffic & Highway Services (highways@gov.gg) for further advice. You must also ensure that any access/es to the development are constructed to meet the existing road/footway levels in accordance with their requirements.

This document is not a Building Licence and confers no approval under the Building Regulations.

A separate Building Control Licence may be required and it is the responsibility of the developer to ensure that ALL necessary consents are obtained and that any pre-commencement conditions are discharged prior to development being commenced.

A J ROWLES

Director of Planning
Planning Service

PLANNING APPLICATION REPORT

Application No: FULL/2021/1968
Property Ref: A408000000
Valid date: 01/09/2021
Location: Yard Colborne Road St. Peter Port Guernsey GY1 1EN
Proposal: Change of use for the storage of goods and for data and archive storage (use class 22 b and c).
Applicant: Mr T Bean

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. Notwithstanding the provisions of the Land Planning and Development (Exemptions) Ordinance, 2007 (or any other Ordinance replacing or re-enacting that Ordinance), the premises shall be used only for the storage of goods and for data and archive storage falling within use class 22 b and c) and for no other purpose

including any other purpose in Use Classes 22 or 24 of the Land Planning and Development (Use Classes) Ordinance, 2017, or in any provision equivalent to that Use Class in any Ordinance revoking or re-enacting that Ordinance.

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

OFFICER'S REPORT

Brief Description:

Change of use for the storage of goods and for data and archive storage (use class 22 b and c).

Existing Use(s):

Building – Storage of amusement equipment.

Assessment: *(Tick as appropriate)*

no representation	☒	visual amenity acceptable	☒
accords with policy	☒	no material neighbour impact	☒
within curtilage	☒	traffic not affected	☒
design acceptable	☒		

Policies considered most relevant:

MC1	Important Open Land
MC5(B)	Industry, Storage and Distribution Uses in Main Centres and Main Centre Outer Areas
GP3	Areas of Biodiversity Importance
GP4	Conservation Areas
GP8	Design
GP9	Sustainable Development
IP7	Private and Communal Car Parking
IP9	Highway Safety, Accessibility and Capacity

Relevant History:

27/04/00 - Permit for change of use of boat storage building to storage of amusement equipment.

16/02/16 - FULL/2016/0055 Permit for variation to condition 3 & 4 of permission for storage of amusement equipment - to allow external storage, conditioned as follows:

4. There shall be no parking of vehicles outside the principal building, other than in the course of unloading/loading of amusement equipment stored within the principal building or during the operation of the Petit Train, at any time.

Reason - To control the use of the site and in the interests of visual amenity.

5. Excepting the storage of the Petit Train, there shall be no external storage of amusement equipment or of any other goods or materials whatsoever outside the principal building at any time.

Reason - In the interests of visual amenity

03/02/2021 - FULL/2020/2250 - Permit for Use of site for storage of Le Petit Train and TukTuks granted with condition that: *"The premises shall be used only for the storage purposes set out within the application letter received 06/11/2020 and for no other purpose, including any other purpose in Storage & Distribution Use Class 22 of the Land Planning and Development (Use Classes) Ordinance, 2017, or in any provision equivalent to that Use Class in any Ordinance revoking or re-enacting that Ordinance."* This decision is currently subject of an appeal.

Conclusion/Brief comment:

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

The site is a former quarry located on the north-east side of Colborne Road and accessed from that road. The site is fairly level, with ground levels rising steeply to the north, east and south-east. A single building is located on the site, clad in corrugated sheeting, and the ground is either unsurfaced or scattered with hardcore. The site is located in a Main Centre Outer Area in the Island Development Plan and is within a designated Conservation Area, Area of Biodiversity Importance and area of Important Open Land.

The recognised use of the building at the above site is for storage of amusement equipment, as approved 27/04/00. That decision was however conditioned to be for no other purpose, including within the Storage & Distribution Use Classes; to exclude the parking of vehicles outside of the principal building, other than in the course of unloading/loading the amusement equipment; and to ensure that there was no external storage outside of the building. Consent was granted in 2016 to amend those conditions to allow for the storage of Le Petit Train outside of the building, and for the parking of a single vehicle on the site during the operating times of Le Petit Train.

Permission was granted most recently on 03/02/2021 to use the site for storage of Le Petit Train and TukTuks on condition, inter alia, that: *"The premises shall be used*

only for the storage purposes set out within the application letter received 06/11/2020 and for no other purpose, including any other purpose in Storage & Distribution Use Class 22 of the Land Planning and Development (Use Classes) Ordinance, 2017, or in any provision equivalent to that Use Class in any Ordinance revoking or re-enacting that Ordinance."

In imposing this condition, the Authority was concerned to avoid an expansion of the existing storage use at the site which could have an adverse impact on road safety, given the nature and limitations of the existing vehicular access onto Colborne Road.

This decision has however been appealed by the applicant, and in the context of the appeal and further related discussions it is agreed that there is scope to consider other specific potential storage uses falling within use class 22 (general storage or distribution) which would of themselves be unlikely to have a significant impact in terms of traffic generation or consequent safety. The application therefore relates to change of use for the storage of goods and for data and archive storage (use class 22 b and c).

This excludes other uses within use class 22, such as the storage or parking of motor vehicles, transfer of goods and the distribution of goods in connection with their commercial storage, all of which would be likely to generate additional traffic to and from the site to the detriment of highway safety.

It is concluded that the proposed uses as defined in this application (specifically those falling within use class 22 b and c) are acceptable in relation to the above policies and other material planning considerations. A condition is however required to restrict the approved uses within use class 22 and also to prevent change of use to light industrial use (use class 24) occurring under the Planning Exemptions as such an uncontrolled change of use could lead to intensification of use of the site to the detriment of highway safety.

Conditions were previously imposed on consents to control storage and parking outside the building, as mentioned above. However, in view of the specific range of uses that would be possible on approval of this current application and their limited likely impacts on visual amenity, such further controls on use of the site are considered unnecessary.

Recommendation:

Grant with Conditions



Date: 18/10/2021

