

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

NOTIFICATION OF GRANT OF PLANNING PERMISSION

PROPOSALS: Change of use from gym (Public Amenity use class 21) to general storage/distribution (use class 22), alterations to fenestration and extend external staircase platform to south (rear) elevation.

LOCATION: Guilbert Industrial Estate, Collings Road, St. Peter Port.

APPLICANT: A.J. Guilbert & Sons Ltd

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: 06/07/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 25/10/2021 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Jason Hobbs drawing no: 6208/A/1a.

Application Ref: FULL/2021/2336

Property Ref: A208070000

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.

Expiry Date: This permission will cease to have effect on 05/07/2025 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/2021/2336
Property Ref: A208070000
Valid date: 25/10/2021
Location: Guilbert Industrial Estate Collings Road St. Peter Port Guernsey
Proposal: Change of use from gym (Public Amenity use class 21) to general storage/distribution (use class 22), alterations to fenestration and extend external staircase platform to south (rear) elevation.

Applicant: A.J. Guilbert & Sons Ltd

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.

OFFICER'S REPORT

Site Description:

Guilbert Industrial Estate is located to the west of Collings Road and is occupied by industrial pitched roof buildings to the north and south of the access road.

The site is located in the Main Centre Outer Area as designed in the island Development Plan.

Relevant History:

Unit 10B FULL/2017/1086 - Change of use of warehouse from Storage/Distribution Use Class 22 to Public Amenity Use Class 21 (to use as a gymnasium) - granted

Existing Use(s):

Unit 10A – self store (Use Class 22)

Unit 10B – gym (Use Class 21)

Brief Description of Development:

The application relates to the change of use of unit 10B Guilbert Industrial Estate, Collings Road from a gym to additional self-storage. Although planning permission is not required for internal works, it is proposed to join units 10A and B internally. Externally, alterations are proposed to both units with alterations to the external fire escape, ground and first floor fenestration.

The application was deferred because the application was not accompanied by any supporting information regarding Policies MC9(B) and MC5(B). There were also discrepancies between the built development and proposed plans and external alterations shown on the application drawings.

The application was held in abeyance in order for the gym to be found suitable alternative premises. Application reference, FULL/2022/1007, relates to the change of use from General Storage and Distribution (Use Class 22) to Gymnasium (Public Amenity Use Class 21) and has been granted permission thereby enabling the gym to relocate.

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

Island Development Plan policies:

MC9(B): Leisure and Recreation in Main Centres and Main Centre Outer Areas - Change of Use

MC5(B): Industry, Storage and Distribution Uses in Main Centres and Main Centre Outer Areas - outside of the Key Industrial Areas and Key Industrial Expansion Areas

GP8: Design

GP9: Sustainable Development

IP7: Private and Communal Car Parking

Representations:

None.

Consultations:

None.

Summary of Issues:

The key issues in this case relate to principle of the proposed change of use and external changes and their impact on the locality and the amenities of surrounding occupiers.

Assessment against:

1 - Purposes of the law.

The objectives set out in Section 1(2) of The Land Planning and Development (Guernsey) Law, 2005, 'the Law', have been considered and this report forms part of the assessment, with policy issues set out in Section 2 below.

2 - Relevant policies of any Plan, Subject Plan or Local Planning Brief.

Policy MC9(B) sets out that the change of use of existing leisure or recreation facilities will be supported where it is demonstrated that there will be adequate replacement and there would be no adverse impact on the vitality of the Main Centres. Given that a permission for the gym to relocate now exists MC9(B) a. has now been satisfied. Given the location of the site, on an industrial estate and where an existing self-store facility exists, the proposal would have no unacceptable impact on the vitality of the Main Centres in line with MC9(B) b.

Policy MC5(B) sets out that proposals for new storage and distribution uses in locations such as Guilbert Industrial Estate may be supported where there would not

be an unacceptable adverse impact on the amenities of the surrounding uses and through the conversion of redundant buildings.

Given the location of the premises in an industrial estate where there is an existing storage and distribution facility and that the site is adjacent to the car park serving Waitrose, away from residential properties, the scheme would not have an unacceptable adverse impact on the amenities of surrounding uses in accordance with criteria a. of Policy MC5(B). Criteria c. relates to industrial development and is not considered relevant in this case, for a storage and distribution use and the amenities of surrounding uses is addressed through criteria a of the Policy.

In relation to criteria b. this sets out that new storage and distribution uses in Main Centre Outer Areas (and Main Centres) should be achieved through the conversion of redundant buildings in accordance with Policies GP16(A) and GP16(B) of the Island Development Plan. Although the gym that currently occupies the premises has found an alternative site to operate from so the space is no longer required by this specific operator, it does not demonstrate that the building is redundant for its current or last known use.

The agent in this case has requested that the Planning Service consider this aspect of the development as a minor departure from the Island Development Plan. The scheme, as set out in this report, does accord with all other aspects of Policy MC5(B) and therefore the request is reasonable having regard to Section 12 (2) of The Land Planning and Development (General Provisions) Ordinance, 2017 which relates to minor departures from the adopted Plan. The proposals can be considered as a minor departure from the Island Development Plan in this respect as the siting of a storage and distribution (self-store) facility within an existing industrial estate to enhance an existing self-store facility would be the ideal location for such a development and would support the vitality and viability of the Centre with regard to criterion d.

The external alterations proposed are in keeping with the building and will not result in harm to the character and appearance of the locality nor the amenities of surrounding occupiers. The scheme therefore meets the aims of Policies GP8 and GP9 in this respect.

With regard to Policy GP9: Sustainable Development, it has been demonstrated that the proposed development will comply with Building (Guernsey) Regulations 2012 and therefore has taken into account the use of energy, resources and any adverse impact on the environment.

The application sets out that there will be no changes to parking provision and that 20 spaces are available for the self-storage operation from the site. The adopted parking standard in a Main Centre Outer Area such as this requires 1 space per 50 sqm of floorspace. Unit 10B has an overall floor area of 325 sqm which would indicate that a maximum of 6 spaces should be provided. On site it was noted that 4 spaces have been allocated to the gym at unit 10B which would become available as

part of the proposed change of use and presumably account for some of the 20 spaces indicated to be available. Given the nature of the use, the infrequent and varied times of visits, the provision of 4 off-road parking spaces, in addition to the current available spaces associated with the existing self-storage facility, are considered satisfactory when considering Policy IP7.

In view of the above, it is recommended planning permission is granted for the proposed development.

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; any possible fall-back position by way of extant planning permissions or exempt development; 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 have no adverse impact on protected trees, buildings or sites.

Date: 05 July 2022