

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 of land for the temporary parking of buses and commercial vehicles (temporary period of 2 years). (retrospective)

LOCATION: Pitronnerie Road Industrial Estate, Pitronnerie Road, St. Peter Port.

APPLICANT: Property Services

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: 23/02/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 15/12/2021 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Block Layout Plan (1:500)

Application Ref: FULL/2021/2694

Property Ref: A10059B002

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. This permission is given for a limited period, expiring on 21st February 2024, by which time the works carried out under this permission shall be removed and the land reinstated to its former condition, unless otherwise approved by the Development and Planning Authority. The temporary consent reflects the location of the site within the Pitronnerie Road Key Industrial Expansion Area. This permission does not infer

that a further permission would be forthcoming if it is considered that retention of the development for a further period would be likely to prejudice or inhibit the comprehensive development of the Pitronnerie Road Key Industrial Expansion Area in accordance with Policy MC5(A) of the Island Development Plan.

Reason - The site is within Pitronnerie Road Key Industrial Expansion Area in the Island Development Plan; a grant of permission for a limited period ensures that the development will not inhibit the implementation of industrial or storage and distribution development, or inhibit the implementation of a Development Framework, or prejudice the comprehensive development of the Pitronnerie Road Key Industrial Expansion Area in accordance with Policy MC5(A) of the Island Development Plan.

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. The site shall be used only for the storage or parking of commercial vehicles, and for no other purpose including any other 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.

Reason - The permission is limited to the specific use applied for and subject to such restriction can be met on site without unacceptable harm to other interests.

Expiry Date: This permission will cease to have effect on 21/02/2024 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

This decision relates only to the temporary use outlined in the description of the proposal set out above. It does not permit any lighting or signage to be erected or installed on the site. Such proposals would require a separate grant of planning permission and/or approval under the Building Regulations.

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/2021/2694
Property Ref: A10059B002
Valid date: 15/12/2021
Location: Pitronnerie Road Industrial Estate Pitronnerie Road
Pitronnerie Road St. Peter Port Guernsey
Proposal: Change of use of land for the temporary parking of buses and
commercial vehicles (temporary period of 2 years).
(retrospective)
Applicant: Property Services

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. This permission is given for a limited period, expiring on 21st February 2024, by which time the works carried out under this permission shall be removed and the land reinstated to its former condition, unless otherwise approved by the Development and Planning Authority. The temporary consent reflects the location of the site within the Pitronnerie Road Key Industrial Expansion Area. This permission does not infer that a further permission would be forthcoming if it is considered that retention of the development for a further period would be likely to prejudice or inhibit the comprehensive development of the Pitronnerie Road Key Industrial Expansion Area in accordance with Policy MC5(A) of the Island Development Plan.

Reason - The site is within Pitronnerie Road Key Industrial Expansion Area in the Island Development Plan; a grant of permission for a limited period ensures that the development will not inhibit the implementation of industrial or storage and distribution development, or inhibit the implementation of a Development Framework, or prejudice the comprehensive development of the Pitronnerie Road Key Industrial Expansion Area in accordance with Policy MC5(A) of the Island Development Plan.

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. The site shall be used only for the storage or parking of commercial vehicles, and for no other purpose including any other 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.

Reason - The permission is limited to the specific use applied for and subject to such restriction can be met on site without unacceptable harm to other interests.

INFORMATIVES

This decision relates only to the temporary use outlined in the description of the proposal set out above. It does not permit any lighting or signage to be erected or installed on the site. Such proposals would require a separate grant of planning permission and/or approval under the Building Regulations.

OFFICER'S REPORT

Brief Description of the site:

The application site comprises a vacant parcel of land situated to the east of Pitronnerie Road Industrial Estate. Surrounding the site the area comprises residential properties to the east and south, industrial units to the west and open fields to the north.

The application relates to the continued use of the land for the parking of buses and commercial vehicles for a further 2 years. The application is retrospective because the parking of vehicles on the site has continued since the expiry of the previous permission (September 2021).

The site is situated within a Main Centre Outer Area and a Key Industrial Expansion Area as designated in the Island Development Plan.

Relevant History:

FULL/2019/0494	Erect 2400mm high Palisade fencing and gates to west boundary.	Granted 03/04/2019
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FULL/2019/1344	Change of use of land for the temporary parking of buses and commercial vehicles and install security fencing and gates.	Granted 23/09/2019
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Existing Use(s):

Vacant land used for parking buses and commercial vehicles.

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:

Island Development Plan Policies:

- MC5(A): Industry, Storage and Distribution Uses in Main Centres and Main Centre Outer Areas – within Key Industrial Areas and Key Industrial Expansion Areas;
- GP8: Design;
- IP9: Highway Safety, Accessibility and Capacity

Conclusion/Brief comment:

Planning permission is sought for a temporary period to allow the continued use of the site to be used for the temporary parking of buses and commercial vehicles.

The area in question forms part of a Key Industrial Expansion Area for the nearby Pitronnerie Road Industrial Estate. Policy MC5(A) of the IDP states that “Key Industrial Expansion Areas will be reserved for industrial or storage and distribution uses. A Development Framework will be required for each Key Industrial Expansion Area. Once approved the Development Framework for the site will form Supplementary Planning Guidance and will be taken into account when considering proposals for the site. Development of Key Industrial Expansion Areas will only be supported where it has been demonstrated that no suitable alternative sites are available within any of the Key Industrial Areas or Main Centres and Main Centre Outer Areas.

Development may be supported prior to the approval of a Development Framework where it is unlikely to inhibit the implementation of industrial or storage and distribution development and would not prejudice the comprehensive development of the site and will only be released for development where it has been demonstrated

that no alternative sites are available within any of the Key Industrial Areas or Main Centres and Main Centre Outer Areas.”

A letter has accompanied this application setting out that planning permission was previously granted for the use of the site for parking commercial vehicles and buses for a period of 2 years from September 2019 and outlining that the proposal would not inhibit the implementation of development for industrial or storage and distribution uses. Nor would the use prejudice the comprehensive development of the site in future.

The proposed use is for a temporary period and is a use that would be supported in a Key Industrial Area. Furthermore, the Authority does not have a timeline for when development of this KIEA might be required or progress. Under the Island Development Plan the permanent use of this site would also require a Development Framework to be produced, involving public consultation prior to being approved by the Authority. A planning application would then need to be lodged, assessed and granted before development commences. To date, there has been no indication of the requirement for the permanent use of this land and even if work on the Development Framework commenced imminently, it is unlikely that it would be approved/adopted and a planning application lodged to redevelop the site within the next 12 – 18 months.

The IDP was adopted in November 2016 and although as part of the earlier application it was identified that a review would be carried out and concluded by November 2021 this has not occurred due to the global pandemic and there is no indication that there is a requirement to bring forward this KIEA. A further temporary grant of planning permission for a two year period (controlled by planning condition) would not inhibit the implementation of industrial or storage development and would not prejudice the comprehensive development of the site.

It is important to note that should this land be required for development the temporary use would be required to vacate and it is recommended that users of the site continue to seek alternative, permanent facilities for the storage of vehicles.

The proposed access point already exists into the site and is served by Route de la Garenne, which links to Pitronnerie Road to the south. The access road is suitable and capable of accommodating any additional vehicle movements resulting from the proposed temporary use of the site. The proposal would therefore not harm highway safety.

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.

In view of the above, it is recommended planning permission is granted for the proposed temporary use, subject to an appropriately worded planning condition limiting the timeframe for use.

Recommendation:
Grant with Conditions



Date: 21 February 2022

