

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 1st floor from disaster recovery unit to self-storage unit (use class 22: general storage or distribution). Install canopy, alterations to fenestration and install bollards to existing north vehicle access.

LOCATION: Harbour House, Rue Dorey, St. Sampson.

APPLICANT: Fuller Group

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: 17/05/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 12/01/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Lovell Ozanne & Partners - H26-10517-S1-09A -10A, -11A & -12.

Application Ref: FULL/2021/2696

Property Ref: B003550000

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. Prior to the first use of the site, the proposed bollards shall have been installed in the position shown on the approved drawing (Ref: H26-10517-S1-10) to close the existing access point in that position onto Rue Dorey. The bollards shall remain as such in perpetuity .

Reason - In the interests of highway safety.

5. Precise details of the proposed traffic light system and how this will function shall be provided to the Authority. The traffic light system shall be installed in accordance with the agreed details prior to the first use of the first floor of the building hereby approved.

Reason - The information provided with the application does not include full details of the proposed feature(s). This condition is imposed to ensure that the method of controlling traffic at the site is acceptable in the interests of highway safety.

Expiry Date: This permission will cease to have effect on 16/05/2025 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

For the avoidance of doubt, the sign proposed to the canopy must be non-illuminated. Any form of illumination, whether by external or internal means, will require a separate grant of planning permission.

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/2021/2696
Property Ref: B003550000
Valid date: 12/01/2022
Location: Harbour House Rue Dorey St. Sampson Guernsey GY2 4LS
Proposal: Change of use of 1st floor from disaster recovery unit to self-storage unit (use class 22: general storage or distribution).
Install canopy, alterations to fenestration and install bollards to existing north vehicle access.
Applicant: Fuller Group

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. Prior to the first use of the site, the proposed bollards shall have been installed in the position shown on the approved drawing (Ref: H26-10517-S1-10) to close the

existing access point in that position onto Rue Dorey. The bollards shall remain as such in perpetuity .

Reason - In the interests of highway safety.

5. Precise details of the proposed traffic light system and how this will function shall be provided to the Authority. The traffic light system shall be installed in accordance with the agreed details prior to the first use of the first floor of the building hereby approved.

Reason - The information provided with the application does not include full details of the proposed feature(s). This condition is imposed to ensure that the method of controlling traffic at the site is acceptable in the interests of highway safety.

INFORMATIVES

For the avoidance of doubt, the sign proposed to the canopy must be non-illuminated. Any form of illumination, whether by external or internal means, will require a separate grant of planning permission.

OFFICER'S REPORT

Site Description:

The application site comprises a two storey pitched roof building, situated to the south of Rue Dorey and to the north of Mont Crevelt Road. Surrounding the site the area comprises a mixture of uses with a cemetery to the west, and industry to the north and south. To the east is the Mont Crevelt landmark.

The site is situated within a Main Centre Outer Area, A Key Industrial Area, Harbour Action Area and a Major Hazard Public Safety Zone (for the nearby fuel storage depot) as designated in the Island Development Plan. The site, although not within one, borders a Conservation Area to the north, east and west.

Relevant History:

PAPP/2004/4591	Utilise part of warehouse / light industrial unit for business continuity purposes	Granted 08/02/2005
PAPP/2001/1754	Vary previously approved proposals for the use of premises	Granted 29/06/2001
PAPP/2000/4666	Variations to works under construction	Granted 14/03/2000
PAPP/2000/0296	Reconstruct premises to provide a two-storey warehouse/light industrial unit (revised)	
PAPP/2000/0110	Utilise part of proposed warehouse/light industrial unit for business continuity purposes.	Granted 24/01/2000

Existing Use(s):

The site is currently used for a mixture of uses comprising Storage and Distribution (Use Class 22), Light Industry (Use Class 24) and as a temporary location for an administrative office in the event of an emergency for a maximum period of 18 months (disaster recovery unit).

Brief Description of Development:

Planning permission is sought to change the use of the first floor from a disaster recovery unit to a self-storage unit (Use Class 22: general storage or distribution). Install a canopy, alterations to the fenestration and install bollards to the vehicle access point to the north of the site.

Relevant Policies of any Plan, Subject Plan or Local Planning Brief:**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;
- MC10: Harbour Action Areas;
- GP8: Design;
- GP9: Sustainable Development;
- IP7: Private and Public Parking;
- IP9: Highway Safety, Accessibility and Capacity.

Representations:

One letter of representation was received, the grounds for objection are summarised as follows:

- The applicants are using the building as a stepping stone approach to eventually be able to convert a commercial building or agricultural land to residential accommodation.
- As with Le Grais Farm, they start off with an application to convert to self-storage and then within a few months claim there is no longer a requirement for such self-storage units.

Consultations:**Health and Safety Executive**

“Looking at the application, in conjunction with the HSE’s planning methodology I would make the following comments.

- My understanding of the area in question is that the majority of the development falls into the Middle Zone but straddles the Inner Zone at the north east corner. Therefore Rule 1a applies.
- In this instance the building would normally be considered as being in the INNERMOST zone (Inner Zone) unless (Rule 1 Para 45 point 1) less than 10% of the area marked on the application for that particular development type is inside that boundary.
- Should Rule 1 Para 45 point 1 be the case then the development is considered in the OUTERMOST zone (Middle Zone).
- At this time I believe the **Middle Zone** to be the correct zone.
- The development itself appears to be a level 1 sensitivity as a warehouse facility providing for less than 100 occupants in each building and less than 3 occupied storeys.
- That said the rationale for sensitivity levels does not comment specifically in relation to storage units for public use (Level 1 being based on 'normal working population' and Level 2 being based on the general public – at home and involved in normal activities.) However, taking a pragmatic view 5 units will require infrequent visits by members of the public, and possibly business purposes, for relatively short periods of time throughout the day and night (assuming 24/7 access). In any event it appears that there will be significantly less than 100 persons on site at any given time.
- At this time I have considered the development to be **Level 1 Sensitivity**.
- Considering the above I would place the Development in the **Sensitivity level 1 x Middle Zone** and therefore the HSE advice is Don't Advise Against development (DAA). (See table below)

Level of Sensitivity	Development in Inner Zone	Development in Middle Zone	Development in Outer Zone
1	DAA	DAA	DAA
2	AA	DAA	DAA
3	AA	AA	DAA
4	AA	AA	AA

DAA = Don't Advise Against development

AA = Advise Against development

Traffic and Highway Services

By email dated 12th May 2022 stated the following:

"Thank you for sight of the plans, regarding this application, I can comment as follows;

Per my previous email correspondence with the applicant's architect, I am satisfied that the areas of concern that I highlighted have been addressed under the application.

In particular, I welcome the changes which will prevent vehicles egressing onto Rue Dorey, which has to date represented the single biggest road safety risk in relation to the site.

Beyond that, the only other area of comment in relation to traffic management and road safety relates to the provisioning / use of the loading bay areas which are accessed from the Mont Crevault Road. As highlighted in my email previously, THS concerns were centred around the site boundary being passed by commercial vehicles from the nearby scrap metal facility, and that the use of this side of the building by pedestrians and vehicles could raise road safety concerns.

As such, I welcome the provisioning of a painted pedestrian footway alongside the building, which will offer both pedestrians and drivers a visual clue of where to walk, and that pedestrian use of what is otherwise seen as a commercial road is present. Furthermore, the use of a single red-traffic signal that is activated by a driver when egressing the loading bay area, will again assist drivers (mostly commercial vehicles) that a vehicle is manoeuvring onto the road section.

Overall, I am satisfied that THS concerns in relation to the changes under this application at the site, have been mitigated, and in some respects greatly improved the road safety concerns previously highlighted. On this basis, THS would support the application in its current form."

Summary of Issues:

- Whether the principle of the development is acceptable in this location;
- Impact on residential amenity;
- Highway safety, parking 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).**

Whether the principle of the development is acceptable in this location;

The ground floor of the premises currently comprises light industrial/storage and distribution use split into two units. Under this proposal the use of the ground floor will remain as light industrial/storage and distribution use but will be subdivided to create four individual units. The range of uses of the ground floor, falls within the

recognised use of the building and permission is therefore not required for the subdivision.

The first floor of the building has permission to be used as a disaster recovery unit i.e. for the temporary relocation of an administrative office in the event of an emergency to be used for a maximum period of 18 months. The proposal includes the change of use of the first floor to create a self-store storage and distribution unit (Use Class 22).

The site is situated in a Key Industrial Area where Policy MC5(A) supports proposals for new or alteration, extension or redevelopment of existing industrial or storage and distribution developments and related ancillary development. The use of the site as proposed is therefore supported by planning policy.

The previously approved use of the first floor of the building as a disaster recovery unit was established well prior to the current policies of the Island Development Plan and is in effect a non-conforming use within the Key Industrial Area. There is no policy objection to the principle of change of use from this previously authorised use to storage and distribution use as proposed.

The site is situated within a Major Hazard Public Safety Zone for the nearby fuel storage depot on Bulwer Avenue. Paragraph 19.18.4 of the IDP (which forms the preceding text to Policy GP17 and carries equal weight) states: *"The Authority, in consultation with relevant bodies and States Committees where appropriate, will consider the impacts on public health or safety of all development proposals which fall within the Public Safety Areas."*

Policy GP17 does not support development proposals if the level of risk to public health or safety associated with the development is considered to be unacceptable.

As part of the consideration of this application the States' Health and Safety Executive has been consulted, with particular regard to the impact of the proposed development on any occupiers of the building due to its proximity to the nearby fuel storage depot. For the reasons contained within their consultation response (which can be found in the consultation section of this report) HSE have raised no objections to the development proposed.

Although a Local Planning Brief (LPB) for this Harbour Action Area has not been produced to date, the proposal for a change of use of an existing building is of a minor and consequential nature that would not prejudice the outcomes of an LPB; would not inhibit the implementation of an approved LPB; and accords with other relevant policies of the IDP. The proposal therefore complies with Policy MC10 of the IDP.

Based on the above the principle of the proposed development is acceptable and is encouraged within this location.

Impact on residential amenity

Policy GP8 seeks to ensure that new development achieves a particularly high standard of design and makes an effective use of land whilst respecting the character of the local built environment. Development should also consider the amenities of occupiers and surrounding neighbours.

Surrounding the site the area is generally industrial in nature and the proposed external alterations to the property would be seen in context with the host building and the character and appearance of the surrounding area.

The nearest residential property is situated circa 70m to the west of the application site and situated off the Inter Harbour Route, and within a Key Industrial Area the proposal would not cause any undue harm to residential amenity due to the activities on site or the increased traffic movements generated from the site. The proposal therefore accords with the policies of the IDP in this respect and is therefore considered to be acceptable.

Highway safety, parking and access issues

On-street parking currently available to the east and west of the building will continue to serve the building under this proposal. Although a shortfall of car parking spaces will be provided when compared to the standards set out within Supplementary Planning Guidance: Parking Standards and Traffic Impact Assessments, these are maximum standards that can be applied flexibly. Furthermore, given the nature of the development proposed as a self-storage facility, this has the potential to require limited car parking requirements as people will tend to visit the site for short periods of time to pick up or drop of items stored within the building. The refusal of permission based on lack of car parking is therefore unreasonable and unjustifiable.

At present the sightlines from the access road to the east of the building onto Rue Dorey are extremely limited. The proposal intends to block off this access point and create a one way system around the building using the access point from Bulwer Avenue to the east via Mont Crevelt Road exiting the site onto Rue Dorey to the north. A red light system is proposed to be introduced which will be activated via a button and will temporarily stop vehicles on Mont Crevelt Road to allow vehicles using the site to safely reverse out of the building. Mont Crevelt Road is a side road which serves the application site, and Guernsey Metal Recycling to the west. The road is not heavily trafficked and it is not anticipated that the proposal will create significant additional vehicle movements above that already present at the site.

Based on the above, given that the closure of one of the existing access points onto Rue Dory will improve highway safety (encouraged by THS) and in the absence of any objection from THS, the proposal is considered to be acceptable in this respect. However in the event that planning permission is granted it is recommended that

conditions are included for the bollards shown on the application drawing and the traffic light safety system to be installed prior to the first use of the building.

Other matters

Regarding the representation received, use of this site within the Key Industrial Area for residential development would not be acceptable in principle under the policies of the Island Development Plan.

Conclusion

Based on the above it is recommended that the planning permission is granted subject to conditions.

Date: 17/05/2022

