

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: Demolish existing outbuildings and erect single storey outbuilding/garage to south of site and erect shed/sanitary unit to north of site.

LOCATION: Garage/Store behind Tighsona, Les Sauvagees, St. Sampsons.

APPLICANT: Mr N Simon

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: 19/08/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 09/02/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: ArcTech NP-20-02A, ArcTech letter dated 20/01/2022 and ArcTech email dated 15/07/2022.

Application Ref: FULL/2022/0355

Property Ref: B01017A000

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.The site to which this permission relates shall be used only for the storage and maintenance of the applicant's vehicles, materials and boats and shall not be used in relation to any trade or business (sui generis use), as set out in the ArcTech letter dated 20/01/2022 and the ArcTech email dated 15/07/2022.

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.

5.The compressor shall only be operated within the building hereby approved and only while all doors and windows remain closed.

Reason - To protect the reasonable amenities of neighbouring residents.

6.Prior to the first use or completion of the building hereby approved, whichever is the sooner, full details of hedge and tree planting along the north and south boundaries and including species, sizes, numbers and densities of plants at the time of planting, shall be submitted to and agreed in writing by the Authority (see notes below).

Reason - To make sure that a landscaping scheme for the development is agreed, in order to help assimilate the development into its surroundings and to screen the activities on the site.

7.The landscaping scheme shall be fully completed, in accordance with the details agreed under the terms of the above condition 6, in the first planting season following the first use or completion of the building hereby approved whichever is the sooner, or in accordance with a programme previously agreed in writing by the Authority. Any trees or plants removed, dying, being severely damaged or becoming seriously

diseased, within 5 years of planting shall be replaced in the following planting season by trees or plants of a size and species similar to those originally required to be planted.

Reason - To make sure that a landscaping scheme for the development is implemented, in order to help assimilate the development into its surroundings and to screen the activities on the site.

8. The existing hedges along the east and west boundaries shall be retained and protected during construction. Any plants which die or become seriously damaged or diseased within 1 year of the completion of the building hereby approved shall be replaced in the next planting season with others of similar size and species unless the Authority gives written approval to any variation.

Reason - To make sure that existing hedges are retained and replaced where necessary, in order to help assimilate the development into its surroundings and to screen the activities on the site.

Expiry Date: This permission will cease to have effect on 18/08/2025 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

With regards to condition 6, to further screen the activities on the site, it is recommended that the proposed hedge along the south boundary is supplemented by the planting of native trees.

If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until a method statement has been submitted to the Planning Service to identify, risk assess and address the unidentified contaminants, and obtained written agreement from the Authority 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.

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/2022/0355
Property Ref: B01017A000
Valid date: 09/02/2022
Location: Garage/Store behind Tighsona Les Sauvagees St. Sampsons
Guernsey
Proposal: Demolish existing outbuildings and erect single storey
outbuilding/garage to south of site and erect shed/sanitary
unit to north of site.
Applicant: Mr N Simon

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. The site to which this permission relates shall be used only for the storage and maintenance of the applicant's vehicles, materials and boats and shall not be used in relation to any trade or business (sui generis use), as set out in the ArcTech letter dated 20/01/2022 and the ArcTech email dated 15/07/2022.

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.

5. The compressor shall only be operated within the building hereby approved and only while all doors and windows remain closed.

Reason - To protect the reasonable amenities of neighbouring residents.

6. Prior to the first use or completion of the building hereby approved, whichever is the sooner, full details of hedge and tree planting along the north and south boundaries and including species, sizes, numbers and densities of plants at the time of planting, shall be submitted to and agreed in writing by the Authority (see notes below).

Reason - To make sure that a landscaping scheme for the development is agreed, in order to help assimilate the development into its surroundings and to screen the activities on the site.

7. The landscaping scheme shall be fully completed, in accordance with the details agreed under the terms of the above condition 6, in the first planting season following the first use or completion of the building hereby approved whichever is the sooner, or in accordance with a programme previously agreed in writing by the Authority. Any trees or plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by trees or plants of a size and species similar to those originally required to be planted.

Reason - To make sure that a landscaping scheme for the development is implemented, in order to help assimilate the development into its surroundings and to screen the activities on the site.

8. The existing hedges along the east and west boundaries shall be retained and protected during construction. Any plants which die or become seriously damaged or diseased within 1 year of the completion of the building hereby approved shall be replaced in the next planting season with others of similar size and species unless the Authority gives written approval to any variation.

Reason - To make sure that existing hedges are retained and replaced where necessary, in order to help assimilate the development into its surroundings and to screen the activities on the site.

INFORMATIVES

With regards to condition 6, to further screen the activities on the site, it is recommended that the proposed hedge along the south boundary is supplemented by the planting of native trees.

If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until a method statement has been submitted to the Planning Service to identify, risk assess and address the unidentified contaminants, and obtained written agreement from the Authority 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.

OFFICER'S REPORT

Site Description:

The application site comprises a parcel of land located behind the roadside residential development along the south side of Les Sauvagees. The site includes three sheds of varying size and an area of hardsurfacing which is largely filled by parked vehicles, with a grassed area to the rear (south). The site is bounded by residential properties to the north, east and west and an area of open agricultural land to the south. The site is located Outside of the Centres.

Relevant History:

06/12/2021 – CLU/2021/0690 – Certificate of Lawful Use granted to regularise use of land for the storage of vehicles, materials and boats and the use of the buildings for the storage and maintenance of vehicles, materials and boats (sui generis).

Existing Use(s):

Storage and industrial – sui generis

Brief Description of Development:

Planning permission is requested to demolish two sheds/stores and to erect a single storey garage/store to the south of the site and to erect a sanitary unit in the north-west corner of the site. The garage/store would comprise of a shallow pitched roof building measuring 18m by 10m by 3.8m (ridge height) and finished with emerald green profile sheeting. The sanitary unit would comprise of a shallow pitched roof building measuring 2.6m by 2.5m by 2.9m (ridge height) and finished with emerald green profile sheeting.

The application is accompanied by a letter from the agent dated 20/01/2022 which provides supporting comments about the application in relation to Policies OC3, GP1, GP8 and GP9. The agent advises that the site has been continuously used for the storage and maintenance of vehicles since approximately 1979 as a low key hobby interest, rather than in relation to any trade or business, and the proposal does not reflect an increase in the proposed operation but a consolidation of the existing site. The proposed shed is to enable greater storage and for the removal of some of the external clutter and external storage of materials. It is proposed to erect a 1.8m high timber fence and gate to the north boundary and hedging to the south and north boundaries to provide screening of the site.

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

Policy OC3: Offices, Industry and Storage and Distribution Outside of the Centres
Policy OC5(B): Agriculture Outside of the Centres – outside the Agriculture Priority Areas
Policy GP1: Landscape Character and Open Land
Policy GP8: Design
Policy GP9: Sustainable Development
Policy GP15: Creation and Extension of Curtilage
Policy IP9: Highway Safety, Accessibility and Capacity

Representations:

None

Consultations:

05/08/2022, The Office of Environmental Health and Pollution Regulation

“I have reviewed the proposed plans for the demolition and subsequent erection of a shed which were received by post on 18th July 2022. I have concerns about the potential for noise nuisance to arise. To ensure that these concerns are mitigated I would recommend that the following condition is attached to the consent:

- The compressor shall be operated in the building only while all doors and windows remain closed.

In addition, I would be grateful if the applicant could also be made aware of the following informative

- 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 the Department 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.

Please do not hesitate to contact me at the above address should you require any additional information regarding this matter”.

Summary of Issues:

The main issues in deciding this application are:

1. Whether the principle of the extension of the storage/industrial use is acceptable.
2. Design and impact of the development on the appearance and character of the area.
3. The impact of the development on the amenity of people living in the area.
4. Road safety and traffic management.

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).**

A Certificate of Lawful Use was granted in December 2021 (CLU/2021/0690) to regularise the use of the land for the storage of vehicles, materials and boats and the use of the buildings for the storage and maintenance of vehicles, materials and boats. The area of land laid to grass to the east and south of the store to be demolished, measuring approximately 220sqm, did not form part of the approved Certificate of Lawful Use. As a result, to enable the enlarged replacement garage/store to be located on the grassed area to the south of the site a change of use of land is required. As such Policies OC3, OC5(B) and GP15 will apply as well as Policies GP1, GP8, GP9 and IP9.

Paragraph 17.1.1 of the Island Development Plan acknowledges that there are existing industrial, storage and distribution uses located Outside of the Centres that have developed over time and may pre-date any strategic approach to land use planning. These include small scale industries such as those requiring workshops, secure storage and open yards.

As set out in paragraph 17.1.8, Policy OC3 supports the extension of existing storage and industrial uses where they would have no adverse effect on the amenities of neighbouring occupiers, would not adversely affect highway safety and the free flow of traffic and where the development respects the scale and character of the surrounding area. However, it goes on to states that in the event that the activity increases in scale to the extent where significant additional land, buildings or extensions are required, the Island Development Plan will expect the relocation of the activity to a suitable site within one of the Centres. This will ensure small scale sites Outside of the Centres remain available for small scale activities.

The proposed use of the site for storage and its limited use as a workshop is a type of use envisaged by the Island Development Plan and the Strategic Land Use Plan, and an extension of such a use would be supported providing those certain criteria are met, as set out above.

The total floor area of the existing buildings on the site is approximately 123sqm. The total floor area of the proposed buildings is approximately 215sqm. This would equate to a floor area increase of 92sqm or 74%. Whilst the proposed increase in the total floor area is relatively substantial, the total floor area of 215sqm remains within the scope of what could be considered as a small scale business/use. Together with the proposed use of the site for the storage and maintenance of vehicles as a low key hobby interest and not in relation to a trade or business, it is concluded that the proposal can be considered as a small scale storage/industrial use and in principle the proposal is supported by Policy OC3.

The site is not prominent in public views due to its location to the rear of neighbouring properties that front onto the highway and the well-established hedging and planting along the boundaries and on neighbouring properties. The relatively low profile of the replacement building would limit the visibility of the building outside of the site. Additional hedging is proposed to the south and north boundaries which would further screen the building and this proposed screening could be enhanced by supplementing the hedge along the south boundary by the planting of native trees, this can be dealt with by condition.

The Office of Environmental Health and Pollution Regulation raise concerns about the potential for noise nuisance. To mitigate these concerns it is recommended that a condition is applied to ensure that all doors and windows of the building are closed when the compressor is in use. Provided that the site remains in use for the storage and maintenance of vehicles as a low key hobby interest, rather than in relation to any trade or business, the proposal is unlikely to have a material adverse effect on the amenities of neighbouring residents.

By virtue of the relatively low scale and low intensity of the use, the proposal is unlikely to have any significant additional adverse effects on road safety and traffic management.

The extended building and layout of the site represents an effective and efficient use of the land. Setting the building back from the south boundary helps to limit its encroachment into the undeveloped land to the south and would minimise the visual impact of the extended building on the landscape character of the area. Soft landscaping is proposed along the south and north boundaries to help screen the building and this could be enhanced by the addition of tree planting along the south boundary, this could be dealt with by condition.

With regards to the change of use of the parcel of land measuring approximately 220sqm, the site is not within an Area of Biodiversity Importance or an Agriculture

Priority Area. No changes to the existing boundaries are proposed and as set out above, with the inclusion of the suggested condition to limit noise and disturbance, the proposed use of the site is unlikely to have a significant adverse effect on the amenities of neighbouring residents.

Due to the location of the site to the rear of neighbouring properties that front onto the highway, the pattern of built development along the highway and well-established planting along the boundaries of the application site and neighbouring properties, the land the subject of this application is not prominent in public views. The south boundary of the site would approximately align with residential property boundaries to the east and west and forms a logical divide between the built development and their associated curtilage along Les Sauvagees and the swathe of open and undeveloped land to the south. Together with the modest size of the parcel of land involved, the proposed change of use of the land is unlikely to have a significant adverse effect on the landscape character of the area, in accordance with Policies GP15 and GP1.

To address the concerns raised by The Office of Environmental Health and Pollution Regulation if contaminated land is identified during construction, it is recommended that a note to this effect is attached to the decision.

In summary, the proposal amounts to the extension of a small scale storage/industrial use. The scale and form of the extended building and the proposed use would respect the character of the surrounding area and could operate without having any material adverse effects on the amenities of neighbouring residents. The proposal would not adversely affect road safety and traffic management, it amounts to the effective and efficient use of the site and soft landscaping is proposed to screen the development. The proposal is in accordance with Policy OC3.

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.

It is recommended that the application is approved.

Date: 12/08/2022

