

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: Erect valeting bay (retrospective).

LOCATION: Rabey's Garage, Vale Castle Industrial Estate, Castle Road, Vale.

APPLICANT: Rabey's Property Limited

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: 26/07/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 10/06/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Block Plan and Photograph of Valeting Bay Dimensions (both date stamped 10/06/2022)

Application Ref: FULL/2022/0878

Property Ref: C005370003

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 valeting structure hereby approved shall only be used for vehicle valeting carried out in connection with the operation of Rabey's Commercial Vehicles.

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.

5.The valeting structure hereby approved shall be removed and the land restored to its former condition when the valeting structure is no longer required for vehicle valeting carried out in connection with the operation of Rabey's Commercial Vehicles or within one month of the cessation of the use of the site by Rabey's Commercial Vehicles, whichever is the sooner.

Reason - To ensure that the development does not prejudice the comprehensive development of the Key Industrial Expansion Area or the outcomes of the Local Planning Brief process for the Harbour Action Area.

Expiry Date: This permission will cease to have effect on 25/07/2025 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/2022/0878
Property Ref: C005370003
Valid date: 10/06/2022
Location: Rabey's Garage Vale Castle Industrial Estate Castle Road Vale
Guernsey
Proposal: Erect valeting bay (retrospective).
Applicant: Rabey's Property Limited

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 valeting structure hereby approved shall only be used for vehicle valeting carried out in connection with the operation of Rabey's Commercial Vehicles.

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.

5. The valeting structure hereby approved shall be removed and the land restored to its former condition when the valeting structure is no longer required for vehicle valeting carried out in connection with the operation of Rabey's Commercial Vehicles or within one month of the cessation of the use of the site by Rabey's Commercial Vehicles, whichever is the sooner.

Reason - To ensure that the development does not prejudice the comprehensive development of the Key Industrial Expansion Area or the outcomes of the Local Planning Brief process for the Harbour Action Area.

OFFICER'S REPORT

Brief Description of the site:

Retrospective planning permission is requested to erect a valeting bay measuring 6m by 8m by 3m (high).

Rabey's Commercial Vehicles, North Side is situated to the north of Castle Road and the site is slightly elevated above the road. A single-storey building exists adjacent to Castle Road which is identified as a site office. The Rabey's site is recognised as a sui generis use for the displaying of motor vehicles for sale or hire with an ancillary industrial use for servicing vehicles.

The site is located within a Conservation Area, Harbour Action Area, Key Industrial Expansion Area and a Main Centre Outer Area.

Relevant History:

26/01/2018 - FULL/2017/3047 – Permission granted to construct temporary valeting bay for two years.

Existing Use(s):

Sui Generis – displaying of motor vehicles for sale or hire with an ancillary industrial use for servicing vehicles.

Assessment: *(Tick as appropriate)*

no representation
accords with policy
within curtilage
design acceptable

✓
✓
✓
✓

visual amenity acceptable
no material neighbour impact
traffic not affected

✓
✓
✓

Policies considered most relevant:

Policy 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
GP4 – Conservation Areas
GP8 – Design
GP9 – Sustainable Development
GP17 – Public Safety and Hazardous Development

Conclusion/Brief comment:

Policy MC5(A) sets out that development may be supported within a Key Industrial Expansion Area 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. In addition, Policy MC10 provides scope for development of a minor nature which would not prejudice the outcomes of the Local Planning Brief process for the Harbour Action Area.

The application represents an extension to an existing industrial use on the site for the servicing of vehicles and is considered to be ancillary to the established use of the site. The applicant suggests rewording previous conditions to the extent that the structure is removed if the existing business ceases trading from the site.

By virtue of its light weight construction and modest size the proposed development is of a minor nature. Provided that the structure is removed if the existing business operation ceases or if it is no longer required for the existing business operation, the proposed development is unlikely to prejudice the comprehensive development of the Key Industrial Expansion Area and is unlikely to prejudice the outcomes of the Local Planning Brief process for the Harbour Action Area. It is considered, therefore, that the scheme meets the aims of Policies MC5(A) and MC10 of the Island Development Plan.

The application would result in the partial enclosure of an open area and would not be highly visible due to the high walls that enclose the site from Castle Road. Although the building is not of a high standard of architectural design, by virtue of its relatively modest size and taking into account the industrial nature of its

surroundings, the proposal would have a neutral effect on the character and appearance of the Conservation Area, in accordance with Policies GP4 and GP8.

The structure would be situated within the inner zone of the Northside fuel storage Major Hazards Public Safety Zone. The structure would be ancillary to an existing established use on the site and by virtue of its nature, modest size and the proposed use, the development is unlikely to result in an increase in the risk to public health and safety, in accordance with Policy GP17.

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.

Recommendation:

Grant with Conditions



Date: 26/07/2022