

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 workshops for storage purposes

LOCATION: Le Bourg, Rue Des Auberts, Forest.

APPLICANT: Mr P Langmead

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: 13/09/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 21/06/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Application block layout Plan (date stamped 21 June 2022); Property plan and photograph sheet (date stamped 27 May 2022); Letter dated 17th June 2022; Email dated 10 August 2022.

Application Ref: FULL/2022/1178

Property Ref: H00241A000

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 premises shall be used only for storage purposes as set out within the letter of application dated 17/06/22 and email dated 10/08/22 and for no other purpose including any other purpose 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 - Permission has been granted on the basis that the use will be limited to that outlined above. Any other use would need to be assessed to ensure no adverse impacts on residential amenity.

5.No use of the premises shall be carried out other than between 0730 hours and 1800 hours on Mondays to Fridays, and 0730 hours and 1300 hours on Saturdays, and there shall be no working on Sundays or Public Holidays.

Reason - The premises are close to residential property and a limit on the use is needed to prevent a nuisance or annoyance to nearby residents.

Expiry Date: This permission will cease to have effect on 12/09/2025 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/2022/1178
Property Ref: H00241A000
Valid date: 21/06/2022
Location: Le Bourg Rue Des Auberts Forest Guernsey GY8 0AN
Proposal: Change of use of workshops for storage purposes

Applicant: Mr P Langmead

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.

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OFFICER'S REPORT

Brief Description of the site:

The application site is a mixed use site, with the building located to the south of the site formerly comprising a garage with ancillary shop and office and an independent dwellinghouse. The northern part of the site contains two large workshops.

The site is bounded by residential properties to the north and south, and across the road to the east, with open land in use as allotments located to the west.

The whole of the exterior of the building known as Le Bourg, including the existing dwelling, former shop and office, and the roadside wall extending 8m north of the dwelling, is protected. The glazed lean-to attached to the north-east gable of the dwelling, and the workshops located to the north of the site, are excluded from the listing.

The site is located within the Forest Local Centre in the Island Development Plan. The southern part of the site, including the protected features but excluding the workshops, forms part of the Forest Church Conservation Area.

Relevant History:

FULL/2020/2404 Partially demolish, extend and convert workshop to create dwelling, demolish workshop and erect 2 dwellings, create access and parking. Refused 23/12/21.

Existing Use(s):

Dwelling: Residential Use Class 1

Remainder of site: Sui generis – Mixed use falling outside of the use classes, comprising a former garage, workshops, ancillary shop and office.

Consultation response:

The Office for Environmental Health and Pollution Regulation comment as follows:

I have reviewed the proposed plans for change of use to storage and distribution and I am concerned about the potential for noise nuisance and the proximity to residential neighbours. I would therefore recommend that the following condition is attached to the consent:

- Access to the premises for the purposes of loading / unloading vehicles shall only occur between the hours of 08:00 and 18:00 Monday - Saturday. There shall be no loading or unloading on Sundays or bank holidays.

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:

LC4(B) Offices, Industry and Storage and Distribution in Local Centres – Change of Use

GP5 Protected Buildings

GP8 Design

GP9 Sustainable Development

IP7 Private and Communal Car Parking

IP9 Highway Safety, Accessibility and Capacity

Conclusion/Brief comment:

Permission is sought for a change of use of the two workshops to the north of the site to allow for general storage and distribution, falling within Use Class 22. In support of the application it is advised that the premises will be used for the storage of windows and doors only, with a shipment being delivered once a week by lorry and collection being between 7.30-8.30 daily, by 4 vehicles.

Whilst the site is in a mixed use, the part which forms the subject of this application would have been industrial in nature. Policy LC4(B) supports a change of use between industrial and storage and distribution uses, where the new use is of a scale that is appropriate to the Local Centre concerned and there would not be unacceptable adverse impacts on neighbouring uses.

In this case there is no proposal for alterations to the buildings and the physical scale would remain as existing. The level of activity associated with the proposed use, as described in the letter of application, is likely to comprise a reduction over the former use, and to give rise to less disturbance to neighbouring properties.

Permitting a general and unrestricted storage and distribution use at this site could however result in a greater number of vehicle movements at the site, of vehicles of varying sizes. Given that the site access is through an existing building, and in close proximity to residential property, there are concerns that an unrestricted use could have adverse impacts on residential amenity. It is therefore recommended that the permission is limited to the business operation set out within this application. Whilst the Office of Environmental Health & Pollution Regulation set out a recommendation that operating hours are limited to 8:00 to 18:00, the operating start time requested by the applicant is only 30 minutes prior to that time and, given that there is currently no restrictions at the site, the potential for additional controls as part of the consideration of this application would comprise an improvement over the existing situation. In this case it is therefore considered reasonable to limit the operating hours to 07:30-18:00.

The number of vehicle movements associated with the proposed use would be likely to be lower than those associated with the former use and would not give rise to any road safety impacts. There is sufficient parking on site to cater for the proposed use.

In the absence of any physical alterations, there would be no impacts on the setting of the protected building.

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.

Recommendation:

Grant with Conditions



Date: 07/09/22