

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 from general retail (Use Class 10) to car sales.

LOCATION: Unit 2, Lowlands Industrial Estate, La Route Du Braye, Vale.

APPLICANT: Regency 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: 26/10/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 29/06/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Site and Block Plans (dated 29/06/22) & hand drawn plan (dated 16/09/2022).

Application Ref: FULL/2022/1377

Property Ref: C00792F000

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 area shown on the approved plans as office accommodation shall be used only as ancillary offices associated with the primary use of the site for car sales.

Reason - For the avoidance of doubt and to ensure that the principle use of the site is for car sales.

5.The area shown on the approved plans as valet and servicing area shall be used only as an ancillary use associated with the primary use of the site for car sales.

Reason - For the avoidance of doubt and to ensure that the principle use of the site is for car sales.

Expiry Date: This permission will cease to have effect on 25/10/2025 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

The offices, valet and service area hereby approved as part of the application are considered ancillary to the use of the site for car sales. On this basis, you are advised that should there be any increase in the size of the area hereby approved, you should seek the advice of the Planning Authority to determine whether any increase in floor area remains as ancillary and incidental to the main use as car sales. Should the above uses not remain as such, this may result in the Authority taking enforcement action against you.

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/2022/1377
Property Ref: C00792F000
Valid date: 29/06/2022
Location: Unit 2 Lowlands Industrial Estate La Route Du Braye Vale
Guernsey GY3 5XD
Proposal: Change of use from general retail (Use Class 10) to car sales.
Applicant: Regency 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 area shown on the approved plans as office accommodation shall be used only as ancillary offices associated with the primary use of the site for car sales.

Reason - For the avoidance of doubt and to ensure that the principle use of the site is for car sales.

5. The area shown on the approved plans as valet and servicing area shall be used only as an ancillary use associated with the primary use of the site for car sales.

Reason - For the avoidance of doubt and to ensure that the principle use of the site is for car sales.

INFORMATIVES

The offices, valet and service area hereby approved as part of the application are considered ancilliary to the use of the site for car sales. On this basis, you are advised that should there be any increase in the size of the area hereby approved, you should seek the advice of the Planning Authority to determine whether any increase in floor area remains as ancillary and incidental to the main use as car sales. Should the above uses not remain as such, this may result in the Authority taking enforcement action against you.

OFFICER'S REPORT

Brief Description of the site:

The site known as 'Unit 2, Lowlands Industrial Estate' is a large 1970's single storey commercial building. The estate access road runs along the west boundary and north boundary and in each direction there are other commercial structures. The property is located within the St Sampson Main Centre as defined in the Island Development Plan.

Relevant History:

Pre-application advice was sought in this case.

Existing Use(s):

Retail use class 10: general retail.

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:

MC6: Retail in Main Centres

GP8: Design

GP9: Sustainable Development

IP6: Transport Infrastructure and Support Facilities

IP7: Private and Communal Parking

IP9: Highway Safety, Accessibility and Capacity.

Conclusion/Brief comment:

This application is for a change of use from general retail (use class 10) to car sales/showroom (sui generis).

The sale of vehicles does not fall into any of the recognised use classes, and therefore is known as a sui generis use. Although car sales do not have a specific retail use, the sale of a car is the equivalent of comparison retail and policy MC6 states that within the Main Centres, new convenience and comparison retail provision will be supported and encouraged. Therefore the application complies with the gateway Policy MC6.

The supporting statement notes that there will be an element of servicing and valeting of vehicles on site, but that the activities will be on an ancillary basis and only for/on cars which pass through the salesroom. The submitted hand drawn sketch (not to scale) shows the area of the ancillary activities, offices & store rooms and valeting & servicing.

Based on the overall area of the car sales room being roughly 540sqm, the ancillary part of the building would occupy circa 30% and car sales would occupy circa 70%. The ancillary part can be broken down to approximately 12% of space for offices and store room and approximately 18% for valeting and servicing.

From these figures, it shows that the additional elements of the valeting and servicing will be ancillary to the sale of vehicles and the principle use is that of car sales. Should these ancillary uses increase however, they may no longer be ancillary to the principle use of the site for car sales but could then represent a mixed use development. Should such changes occur, a further planning application may be necessary, at which time different policy considerations would apply, and the valeting/servicing aspect of the development may not be supported by the planning policies in place at the time.

The use as a car sales/showroom will bring some vitality to the area, and due to the location, in the middle of a commercial estate and away from residential properties, the proposals are not thought to impact on the character of the area or have any detrimental effects on neighbouring residential properties, the proposals are considered to comply with Policy GP8(c) & (d).

The submitted block plan indicates areas to be used for the display of vehicles for sale, customer car parking (cars and motorbikes) and areas for bicycle parking, with further cycle parking internally for the staff. The proposals provide enough parking to comply with policies IP6 and IP7.

There are not thought to be any impacts on the highway to warrant a refusal, therefore in this instance, Policy IP9 is adhered to.

Due to the nature and type of development, it is not considered necessary for the applicant to demonstrate that the proposal has been designed to take into account the criteria of Policy GP9 (Sustainable Development).

The proposals are considered to conform to the above policies of the Island Development Plan and grant of permission is recommended, subject to conditions.

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: 14/10/2022

