

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: Create storage/work compounds, erect shed/workshop.

LOCATION: Bulwer Avenue Carpark - Longue Hougue Reclamation Site, Bulwer Avenue, St. Sampson.

APPLICANT: States Property Unit

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: 27/09/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 10/08/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: States Property Unit - 1595PR22 - 9014/4/1 & /2

Application Ref: FULL/2022/1392

Property Ref: B003540000

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. This permission is given for a limited period of three years, expiring on 26 September 2025, for the use of the storage/work compounds and associated development as hereby approved, by which time the use of the compounds shall cease, the building and all other structures be removed and the land be re-instated to its former condition, in accordance with a scheme which has been first submitted to

and agreed in writing by the Authority.

Reason - The site is within a Key Industrial Expansion Area in the Island Development Plan; a grant of permission for a limited period ensures that the development will not inhibit the implementation of industrial or storage and distribution development and would not prejudice the comprehensive development of the site in accordance with 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.

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. Notwithstanding the submitted information, no development to erect the shed/workshop building shall be commenced on the site before precise details of the external colour/s of the walls and roof of the building have been submitted to and approved in writing by the Authority. Only the specific colour/s agreed in writing by the Authority shall be used in carrying out the development.

Reason - To secure the satisfactory appearance of the completed development.

5. Materials shall not be stacked or deposited to a height exceeding 3 metres at any time on any part of the site.

Reason - To make sure that the use does not become unsightly.

Expiry Date: This permission will cease to have effect on 26/09/2025.

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/2022/1392
Property Ref: B003540000
Valid date: 10/08/2022
Location: Bulwer Avenue Carpark - Longue Hougue Reclamation Site
Bulwer Avenue St. Sampson Guernsey
Proposal: Create storage/work compounds, erect shed/workshop.
Applicant: States Property Unit

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. This permission is given for a limited period of three years, expiring on 26 September 2025, for the use of the storage/work compounds and associated development as hereby approved, by which time the use of the compounds shall cease, the building and all other structures be removed and the land be re-instated to its former condition, in accordance with a scheme which has been first submitted to and agreed in writing by the Authority.

Reason - The site is within a Key Industrial Expansion Area in the Island Development Plan; a grant of permission for a limited period ensures that the development will not inhibit the implementation of industrial or storage and distribution development and would not prejudice the comprehensive development of the site in accordance with 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.

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. Notwithstanding the submitted information, no development to erect the shed/workshop building shall be commenced on the site before precise details of the external colour/s of the walls and roof of the building have been submitted to and approved in writing by the Authority. Only the specific colour/s agreed in writing by the Authority shall be used in carrying out the development.

Reason - To secure the satisfactory appearance of the completed development.

5. Materials shall not be stacked or deposited to a height exceeding 3 metres at any time on any part of the site.

Reason - To make sure that the use does not become unsightly.

OFFICER'S REPORT

Brief Description:

The application is to create storage/work compounds and erect a shed/workshop at Longue Hougue Reclamation site. The proposal relates to reclaimed land to the north of the existing Waste Transfer Station (WTS). The site is within the Main Centre Outer Area and a Key Industrial Expansion Area designated in the Island Development Plan (IDP).

The proposal relates to accommodation of two 'bad neighbour' general industrial uses currently located on Fontaine Vinery, which in turn is proposed for residential development as an allocated housing site. The application proposes this to be a temporary measure, for an initial period of three years, so as not to prejudice longer-term development of the site.

The proposal includes relocation of an existing building from Fontaine Vinery, which would be reduced from its current size and is of a form of construction which can be easily removed or relocated at the end of the temporary period. Compound fencing would be similarly removable. The building would be painted to match the existing WTS. A screen earth bund has already been constructed to the north of the site.

Relevant History:

FULL/2016/0001 - Erect a waste transfer station building, with associated hardstanding for up to 180 shipping containers and ancillary plant including a 20 metre high chimney, two weighbridges, fire water tank and pump house, electricity sub-station and fuel storage area. Erect a facilities building. Construct a Household Waste Recycling Centre. Construct associated roads and parking and a bund along the

southern site boundary (Environmental Impact Assessment development). Granted 27/07/2016.

Existing Use(s):

Designated Key Industrial Expansion Area. The area subject of this application was previously used for the Household Waste Recycling Centre (HWRC), prior to opening of the WTS, and is currently being used for storage of waste hard plastic and refrigerators pending shipment off-Island in association with the adjacent waste transfer station.

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:

MC5(A): Industry, Storage and Distribution Uses in Main Centres and Main Centre Outer Areas – within Key Industrial Areas and Key Industrial Expansion Areas.

GP8: Design

GP9: Sustainable development

Conclusion/Brief comment:

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.

The IDP notes that the Longue Hougue Key Industrial Area is reserved for heavy and specialist industrial development which cannot be easily located on other industrial sites owing to its potential negative impacts on neighbours. Policy MC5(A) requires that there be a Development Framework approved for each of the Key Industrial Expansion Areas. Development may however be supported 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, and it is demonstrated that no suitable alternative sites are available within any of the Key Industrial Areas or Main Centres and Main Centre Outer Areas.

In this case, the specific uses proposed are 'bad neighbour' heavy industrial uses. Given the locational constraints concerning such uses in terms of their neighbour impacts, the absence of any suitable alternative site at the present time and the proposed temporary nature of the use and associated physical development which

can all be removed or relocated at the end of the temporary period, it is concluded that the proposal can be accepted in principle in this location, subject to conditions, in the absence of a Development Framework for the site.

In terms of visual impact, the proposals would have a limited impact particularly in more distant views from the north, which could be suitably mitigated through the painting of the proposed building to match the adjacent WTS building. The height of any external storage should be controlled by condition.

The proposal contributes to sustainable development by virtue of the nature of the uses proposed and the re-use of an existing building.

The proposal does not require an Environmental Impact Assessment under Planning legislation. The Office of Environmental Health & Pollution Regulation has confirmed that matters relating to dust and noise can be addressed via conditions attached to a Waste Management Licence.

Recommendation:

Grant with Conditions



Date: 27/09/2022

