

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 Storage and Distribution to Light Industrial Use (Use Class 24) and remove kerb to widen forecourt to east boundary.

LOCATION: Unit 1, Hanois Property Complex, Braye Road Industrial Estate, La Route Du Braye, St. Sampson.

APPLICANT: Hanois Property (Guernsey) 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: 17/10/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 18/08/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Turnstone Architecture - 328 - 02

Application Ref: FULL/2022/1718

Property Ref: C00842A000

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.

Expiry Date: This permission will cease to have effect on 16/10/2025 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

Please note that, in order for the permitted activity to be considered as 'light industrial', the processes carried on and the machinery installed must be carried on or installed in a way that does not affect the amenities enjoyed by people living or working in the area by giving rise to noise, vibration, offensive odours, fumes, smoke, ash, dust, grit or effluent.

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/2022/1718
Property Ref: C00842A000
Valid date: 18/08/2022
Location: Unit 1 Hanois Property Complex Braye Road Industrial Estate La Route Du Braye La Route Du Braye St. Sampson Guernsey GY2 4WX
Proposal: Change of use from Storage and Distribution to Light Industrial Use (Use Class 24) and remove kerb to widen forecourt to east boundary.
Applicant: Hanois Property (Guernsey) 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).

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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.

INFORMATIVES

Please note that, in order for the permitted activity to be considered as 'light industrial', the processes carried on and the machinery installed must be carried on or installed in a way that does not affect the amenities enjoyed by people living or working in the area by giving rise to noise, vibration, offensive odours, fumes, smoke, ash, dust, grit or effluent.

OFFICER'S REPORT

Site Description:

The application site comprises a substantial industrial style building with a double pile, pitched roof and gables facing north to Braye Road. The building is set back behind the line of frontage residential development to the east and the other industrial buildings to the west, on the opposite side of the Braye Road Industrial Estate road. To the north of the building is an area of hardstanding with a verge to the east site boundary.

The site is located in the Main Centre Outer Area, Saltpans Key Industrial Area and area at risk of flooding (from overtopping of the coastal defences at both The Bridge to the east and Le Grand Havre at the western end of the Braye du Valle) as designated in the Island Development Plan. Protected Buildings are situated to the east, northwest and northeast of the site.

Braye Road Industrial Estate Development Framework was adopted as an SPG in June 2021 in relation to the Key Industrial Expansion Area to the east of the site.

Relevant History:

FULL/2015/2112 – Unit 2 - Change of use from Industrial (storage-distribution) to Social Enterprise Hub – withdrawn

FULL/2015/2211 – Units 2 and 3 - Install fire escape door (north elevation) – granted

FULL/2017/0423 – units 2 and 3 - Erect extension and alterations to premises and parking area – granted

Existing Use(s):

Storage and Distribution

Brief Description of Development:

The application relates to the change of use (984 sqm) of part of the Hanois Property Complex (unit 1) from storage and distribution to light industry (Use Class 24) and for the removal of a kerb to the east boundary in order to widen the forecourt area.

The application submission sets out that the building has been unlet for over a year. The alterations to the forecourt area are to improve the external operational area, with the existing kerbline and front portion of grass maintained to ensure vehicular access from Braye Road is unaffected.

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

Island Development Plan policies:

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

GP5: Protected Buildings (setting)

GP8: Design

GP9: Sustainable Development

IP7: Private and Communal Car Parking

Representations:

None.

Consultations:

None.

Summary of Issues:

The key issues in this case relate to the principle of the proposed change of use and the impact of the change of use and other works on the character and appearance of the locality.

Assessment against:

1 - Purposes of the law.

The objectives set out in Section 1(2) of The Land Planning and Development (Guernsey) Law, 2005, 'the Law', have been considered and this report forms part of the assessment, with policy issues set out in Section 2 below.

2 - Relevant policies of any Plan, Subject Plan or Local Planning Brief.

The Island Development Plan makes provision for the change of use from storage and distribution to industrial uses to ensure flexibility within these areas to accommodate market demand therefore the principle of the proposed change of use is supported (Policy MC5(A)).

The application does not specify an end user for the proposed light industrial unit however does set out that there is a demand for such accommodation. The building is situated within an industrial estate and although residential development is situated close by there are no external changes that would impact on residential amenity or on the setting of Protected Buildings (Policy GP5).

In relation to the activities to be carried out within the building, for the use to represent a light industrial use they should be “capable of being carried on in any residential area without detriment to the amenity of that area for any reason including by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit, artificial lighting or discharge of solid or liquid substances” (The Land Planning and Development (Use Classes) Ordinance, 2017).

The proposed light industrial use will not therefore, have a detrimental impact on the amenities that are enjoyed by the occupiers of surrounding dwellings in accordance with Policies GP8 and GP9 of the Plan.

The level of off-road parking associated with the development is not shown to alter despite the enlargement of hardstanding to the front of the site. Nonetheless, there will be a larger area in which vehicles can be parked and turned to enable them to leave the site in a forward gear.

Whilst the loss of soft landscaping along the east site boundary is regrettable it does not make a particular nor outstanding contribution to the character and appearance of the locality to warrant its retention. A fence currently exists between the site and adjoining dwelling, a Protected Building, which will provide sufficient screening between the proposed area of hardstanding and the residential property and garden to the east of the site to ensure that the development will not have an unacceptable impact on residential amenity or on the setting of the Protected Building in line with Policies GP5, GP8 and GP9 of the Plan.

In view of the above it is recommended planning permission is granted for the proposed development.

3 - General material considerations set out in the General Provisions Ordinance.

In addition to the consideration of policy issues, Section 13 of the Land Planning and Development (General Provisions) Ordinance, 2007 identifies other material planning considerations which could be relevant. These include; the appropriateness

of the development in relation to its surroundings in terms of design, layout, scale, siting and materials; the likely effect on the character and amenity of the locality; any possible fall-back position by way of extant planning permissions or exempt development; the likely effect on the reasonable enjoyment of neighbouring properties. These issues where relevant are considered above.

4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).

The proposal would have no adverse impact on protected trees, buildings or sites.

Date: 12 October 2022