

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 part of premises from workshop/store (Use Classes 22/24) for general retail (Use Class 10).

LOCATION: La Collette, Rue De L'Epinel, Forest.

APPLICANT: D W Lloyd 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: 29/12/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 11/10/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: JG Architecture Ltd: 2226/02.01A and letter date 09/11/2022

Application Ref: FULL/2022/1742

Property Ref: H003000000

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.This permission relates to the use of part of the existing warehouse for retail purposes in connection with and associated with the operation of the business, D W Lloyd only and on the cessation of the business by D W Lloyd the building shall revert to its existing, authorised use as a workshop (Use Class 22) as defined in 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 - The permission is personal to the applicant and based on their specific business needs.

5.The retail operation hereby approved in connection with and associated with DW Lloyd, shall operate during the opening/trading hours of the primary use of the building as a warehouse operated by D W Lloyd.

Reason - To manage and ensure the nature and operation of the retail operation connected to the principle warehouse use of the building operated by D W Lloyd.

Expiry Date: This permission will cease to have effect on 28/12/2025 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/2022/1742
Property Ref: H003000000
Valid date: 11/10/2022
Location: La Collette Rue De L'Epinel Forest Guernsey
Proposal: Change of use of part of premises from workshop/store (Use Classes 22/24) for general retail (Use Class 10).

Applicant: D W Lloyd Limited

RECOMMENDATION - Grant: Planning Permission with Conditions:

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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.

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OFFICER'S REPORT

Site Description:

The site is situated to the south of la Rue de L'Épinel and contains a number of industrial style buildings adjacent to the road and an area of hardstanding and parking to the south. The southernmost part of the site is a field and an area of agricultural land exists to the east of the site. To the west is a further industrial style building with hardstanding which wraps around the building for access and parking. Residential properties are situated to the north and southeast of the site.

The site is located Outside of the Centres as designated in the Island Development Plan.

Relevant History:

None.

Existing Use(s):

Warehouse

Brief Description of Development:

The application proposes the change of use of part of the warehouse, La Collette, to provide a retail area (Use Class 10) to be used in connection with the operation of the warehouse.

The application submission sets out that the footprint of the retail area meets the needs of the applicant, DW Lloyd. The application was however deferred in order to provide more detailed information as to how the proposed retail floorspace would facilitate and integrate with the existing light industrial use and not expand the operation to such a degree that the retail element becomes independent from the existing use.

The information confirms that the retail space would support the existing business (e.g. sell products related to the existing use and with a trade counter and small display of specialist products only) and that the retail element would facilitate the continuation of the business by responding to market research and enable stock to be managed more efficiently. The submission also notes that products are available to buy from this premises but a dedicated area for sales would offer better customer service and be more convenient for customers.

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

Island Development Plan policies:

OC3: Offices, Industry and Storage and Distribution Outside of the Centres

OC4: Retail Outside of the Centres

GP8: Design

GP9: Sustainable Development

IP7: Private and Communal Car Parking

IP9: Highway Safety, Accessibility and Capacity

Representations:

None.

Consultations:

None.

Summary of Issues:

The key issues in this case relate to the principle of the proposed change of use to offer retail floorspace Outside the Centres but in connection with the principal use of this premises.

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.

As laid out the proposal would see the retail area physically separate from the warehouse and with its own dedicated entrance, it would not form part of the workshop space and as such this represents development requiring permission, the subject of this application.

Whilst Policy OC3 of the Plan makes provision for the change of use away from storage/distribution and industrial uses such a scheme must also satisfy all other relevant policies in the Island Development Plan. Policy OC4 states that proposals for the creation of new comparison retail uses will not be permitted.

The floor area of the retail space, including a counter and limited storage/display space is approximately 18.76 sqm/4% of the overall industrial floorspace of the property. On the basis of the additional information provided and the limited floor area involved it is demonstrated that this proposed retail floorspace would be used in connection with the principal use of the accommodation as a warehouse/storage facility and would not suit a purpose as a separate retail entity. Its provision is considered reasonable and proportionate to enable the continuation of the existing business. It is reasonable however, to require a planning condition to be imposed regarding the retail operation (operating hours in line with principal use and when the current occupier vacates the premises that the retail use should cease because the application has been assessed based on the specific needs of the applicant).

The proposals do not include any external alterations and the site is within an existing commercial site. The change of use will not result in harm to the amenities of any surrounding occupiers. There is also ample off-street parking available to serve customers visiting the site in line with Policy IP7. The retail use proposed in connection with the existing storage/distribution/industrial use will not result in a significant change to vehicle movements to the site and will not have a detrimental impact on highway safety in accordance with Policy IP9.

In view of the above it is recommended permission is granted for the change of use proposed.

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: 15 December 2022

