

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: Redevelopment of site: Change of use from part Storage and Distribution (Use Class 22) and part General Industry (Use Class 25) to a mixed use of Storage and Distribution and Light Industry; demolish existing building and erect new industrial building with associated parking and alterations to vehicle access.

LOCATION: Rossborough House, Bulwer Avenue, St. Sampson.

APPLICANT: J & D Norman 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: 06/04/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 20/10/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: DRP Architecture - 3036 DR-01, DR-02A, DR-100, DR-101, DR-200A, DR-201A & DR-202.

Application Ref: FULL/2022/1807

Property Ref: B001720000

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.No development, excluding demolition and site works, shall begin until large scale details of the proposals for the land located between the south-east elevation of the building hereby approved and the edge of the adjacent highway (Bulwer Avenue) have been submitted to and agreed in writing by the Authority. Those details shall cover any proposed public footway and shall contain a landscaping scheme, to include full details of tree and hedge planting, including planting schedules, noting the species, sizes, numbers and densities of plants.

The development shall be completed in accordance with the approved details prior to the occupation of the buildings hereby approved or, in respect of the planting, in the first planting season following the first occupation of any part of the development or completion of development whichever is the sooner, or in accordance with a programme previously agreed in writing by the Authority. Any trees or plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by trees or plants of a size and species similar to those originally required to be planted.

Reason - To make sure that a satisfactory scheme for the road frontage of the development is agreed and implemented, in order to help assimilate the development into its surroundings.

5.No development shall begin on site until details of the signs proposed to control vehicles entering and exiting the site from Longue Hougue Lane to the south have been submitted to and agreed in writing by the Authority. The signs shall be erected prior to the development hereby approved being first occupied and shall be retained in perpetuity.

Reason - The information provided with the application does not include full details of the proposed features. This condition is imposed to make sure that the traffic is managed in an appropriate manner in the interests of road safety.

6.No cladding shall be brought to the site until such time as details of the type, texture and colour of the cladding materials to be used have been submitted to and agreed in writing by the Authority. The work shall be completed in accordance with the agreed details.

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

7.No occupation of the buildings hereby approved shall take place until the alterations to the access on to Bulwer Avenue have been completed in accordance with the approved plans.

Reason - In the interests of road safety.

8.No occupation of the buildings hereby approved shall take place until such time as the parking has been completed and allocated in accordance with the submitted details, and the parking allocation shall be retained as approved in perpetuity.

Reason - To ensure adequate and appropriate parking provision in accordance with Policy IP7 (Private and Communal Car Parking) and the Parking Standards and Traffic Impact Assessment Supplementary Planning Guidance.

9.The development hereby permitted shall be carried out in accordance with the Site Waste Management Plan submitted as part of this application, and no part of the development shall be occupied or brought into use until there has been submitted to the Authority a report providing verification that the development has been carried out fully in accordance with the agreed Site Waste Management Plan. Where there has been any variation from the Site Waste Management Plan as originally submitted, the report shall highlight and detail the reasons for this.

Reason: To ensure that the development is managed to minimise waste during the demolition of any existing buildings or structures or during construction, that existing materials are reused, recycled or disposed of either on or off site, and that residual waste will be dealt with appropriately, in accordance with the aims and objectives of Policy GP9.

10.No storage of any description shall take place on the open land outside the building on the site.

Reason - To make sure that the site does not fall into an untidy condition and spoils the appearance of the area, and does not generate nuisance to adjoining premises.

Expiry Date: This permission will cease to have effect on 05/04/2026 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

For the avoidance of doubt, the provision of independent office space within the approved building would require a separate application for planning permission.

For the avoidance of doubt, the 'Existing External Yard Drop Off' identified on the submitted plans is located outside of the site boundary and this application confers no consent for any change of use or physical alterations to that area.

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/2022/1807
Property Ref: B001720000
Valid date: 20/10/2022
Location: Rossborough House Bulwer Avenue St. Sampson Guernsey GY2 4LF
Proposal: Redevelopment of site: Change of use from part Storage and Distribution (Use Class 22) and part General Industry (Use Class 25) to a mixed use of Storage and Distribution and Light Industry; demolish existing building and erect new industrial building with associated parking and alterations to vehicle access.

Applicant: J & D Norman 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. No development, excluding demolition and site works, shall begin until large scale details of the proposals for the land located between the south-east elevation of the building hereby approved and the edge of the adjacent highway (Bulwer Avenue) have been submitted to and agreed in writing by the Authority. Those details shall cover any proposed public footway and shall contain a landscaping scheme, to include full details of tree and hedge planting, including planting schedules, noting the species, sizes, numbers and densities of plants.

The development shall be completed in accordance with the approved details prior to the occupation of the buildings hereby approved or, in respect of the planting, in the first planting season following the first occupation of any part of the development or completion of development whichever is the sooner, or in accordance with a programme previously agreed in writing by the Authority. Any trees or plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by trees or plants of a size and species similar to those originally required to be planted.

Reason - To make sure that a satisfactory scheme for the road frontage of the development is agreed and implemented, in order to help assimilate the development into its surroundings.

5. No development shall begin on site until details of the signs proposed to control vehicles entering and exiting the site from Longue Hougue Lane to the south have been submitted to and agreed in writing by the Authority. The signs shall be erected prior to the development hereby approved being first occupied and shall be retained in perpetuity.

Reason - The information provided with the application does not include full details of the proposed features. This condition is imposed to make sure that the traffic is managed in an appropriate manner in the interests of road safety.

6. No cladding shall be brought to the site until such time as details of the type, texture and colour of the cladding materials to be used have been submitted to and agreed in writing by the Authority. The work shall be completed in accordance with the agreed details.

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

7. No occupation of the buildings hereby approved shall take place until the alterations to the access on to Bulwer Avenue have been completed in accordance with the approved plans.

Reason - In the interests of road safety.

8. No occupation of the buildings hereby approved shall take place until such time as the parking has been completed and allocated in accordance with the submitted details, and the parking allocation shall be retained as approved in perpetuity.

Reason - To ensure adequate and appropriate parking provision in accordance with Policy IP7 (Private and Communal Car Parking) and the Parking Standards and Traffic Impact Assessment Supplementary Planning Guidance.

9. The development hereby permitted shall be carried out in accordance with the Site Waste Management Plan submitted as part of this application, and no part of the development shall be occupied or brought into use until there has been submitted to the Authority a report providing verification that the development has been carried out fully in accordance with the agreed Site Waste Management Plan. Where there has been any variation from the Site Waste Management Plan as originally submitted, the report shall highlight and detail the reasons for this.

Reason: To ensure that the development is managed to minimise waste during the demolition of any existing buildings or structures or during construction, that existing materials are reused, recycled or disposed of either on or off site, and that residual waste will be dealt with appropriately, in accordance with the aims and objectives of Policy GP9.

10. No storage of any description shall take place on the open land outside the building on the site.

Reason - To make sure that the site does not fall into an untidy condition and spoils the appearance of the area, and does not generate nuisance to adjoining premises.

INFORMATIVES

For the avoidance of doubt, the provision of independent office space within the approved building would require a separate application for planning permission.

For the avoidance of doubt, the 'Existing External Yard Drop Off' identified on the submitted plans is located outside of the site boundary and this application confers no consent for any change of use or physical alterations to that area.

OFFICER'S REPORT

Site Description:

The application site is located to the north-west of Bulwer Avenue, to the north of the traffic light junction of Bulwer Avenue, Longue Hougue lane and Longue Hougue road, and to the north-east of Longue Hougue Lane, separated from that lane by an office building. The site comprises a large warehouse building, abutting the adjacent office building, with parking to the front and smaller buildings and parking to the rear, accessed from Longue Hougue Lane to the south. The site is bounded by industrial/storage buildings to the north and west, with the service road accessing those buildings running along the north-east gable of the building. More industrial/storage buildings are located across the road to the south-east.

The site is located within a Main Centre Outer Area and the Longue Hougue Key Industrial Area in the Island Development Plan. The site is also located within the Outer Consultation Zone of the Major Hazards Public Safety Zone which surrounds the nearby fuel storage site.

Relevant History:

FULL/2015/0551 Change of use of eastern part of storage building (Use Class 30) to Industrial Use Class 38 (General Industrial). Approved 23/04/2015. Implemented.

Existing Use(s):

Storage and Distribution Use Class 22
General Industry Use Class 25

Brief Description of Development:

Permission is sought to demolish the existing part Storage and Distribution (Use Class 22) and part General Industry (Use Class 25) warehouse, and the ancillary structures to the rear, and to construct a new L-shaped two storey warehouse, incorporating 8 individual units, each arranged over two floors. The application seeks permission for the units to be used as either Light Industry (Use Class 24) or Storage & Distribution (Use Class 22).

The application includes realigning the access road to the north, and improving the existing junction of that road with Bulwer Avenue, together with the extension and reorganisation of the parking area (currently providing 45 spaces) to the rear of the warehouse, with the proposed parking to be allocated as follows:

- 45 spaces: Rossborough House (office)
- 16 spaces: Warehouse spaces
- 24 spaces: Relocated from the north of the realigned access road to the north
- 2 spaces: Visitor

The application proposes to create a new access from the parking area on to the site access road to the north, whilst retaining the existing access on to Longue Hougue Lane to the south. All parking along the Bulwer Avenue road frontage is to be removed.

A Site Waste Management Plan has been submitted in support of the application.

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

MC5(A)	Industry, Storage and Distribution Uses in Main Centres – within the Key Industrial Areas
GP8	Design
GP9	Sustainable Development
GP17	Public Safety and Hazardous Development
IP6	Transport Infrastructure and Support Facilities
IP7	Private and Communal Car Parking
IP9	Highway Safety, Accessibility and Capacity

Representations:

None received.

Consultations:

The Health and Safety Executive raise no objection.

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

I have reviewed the proposed plans for the change of use to mixed storage and distribution and light industry which were received by email on 4th November 2022 and there are a number of issues of concern that I must raise. I am concerned about the potential for noise nuisance to arise. Whilst I am aware that the area is predominantly commercial there are a small number of residential properties in the vicinity. As such I would recommend that the following conditions are attached to the consent:

- The hours of the permitted use of the units shall be 07:00 – 18:00 Monday – Friday, 07:00 – 13:00 on Saturdays. There shall be no operation of the units on Sundays or bank holidays.
- Doors and windows shall remain closed except for access and egress to the units.

Summary of Issues:

Management of the proposed uses;
Design and appearance of the proposed development;
Impacts on road safety;
Parking provision;
Sustainable development;
Health & Safety;
Impacts on amenity.

Assessment against:

- 1 - Purposes of the law.**
- 2 - Relevant policies of any Plan, Subject Plan or Local Planning Brief.**
- 3 - General material considerations set out in the General Provisions Ordinance.**
- 4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).**

The existing building is partially used for storage & distribution, and partially as general industry. The current application proposes a change of use to allow the proposed units to be either storage & distribution or light industry, depending on the needs of the unit tenant, and does not therefore specify the particular use of each unit.

Policy MC5(A) states that proposals for the change of use from storage & distribution to industrial uses and vice versa will be supported to ensure flexibility within these areas to accommodate market demand. The proposed change of use would therefore be supported. Whilst the specific end use of each unit is not specified, policy allows for either use. Furthermore, the Land Planning and Development (Exemptions) Ordinance, 2023 allows for the change of use between light industry and storage & distribution without the need for planning permission. There is therefore no need to limit the uses of each unit to one or the other of the proposed uses. It is also noted that subdivision or amalgamation of these type of uses, within the same building, would not require planning permission and, given the location within a KIA and the flexibility towards industrial uses set out within the IDP, it is not necessary to control the number or size of units within the proposed building.

The application form and follow up letter refer to the provision of office space within the units. For the avoidance of doubt, this permission would confer consent for industrial/storage & distribution uses only and any office space provided would only be permissible as an ancillary and incidental function to those uses. The provision of independent office space would require a separate application for planning permission.

Notwithstanding the site section, the proposed building is shown on the block plan to be set 3m back from the edge of the highway, which is 3m closer than the front façade of the existing building. The proposal would however remove all roadside

parking from along Bulwer Avenue, enhancing the safe use of that road and providing the opportunity for amenity enhancements in the form of planting along the building frontage. Whilst this is described in the covering letter to the amended plans it is not clearly shown on the plans, and it is recommended that large scale details of the strip between the building and the highway, including a planting scheme, are required by condition.

The position of the building, and design and materials proposed, is appropriate in this industrial context and would respect the local built environment. The removal of buildings to the rear of the site, and opening up of that area to provide parking would not have any adverse visual impacts in this context. The existing site is entirely covered with buildings or hardsurfacing and, with the exception of the planting referenced above, this would remain substantially the same under the current proposals. Whilst opportunities to provide landscaping within the parking area would be welcomed, there are limited areas to achieve this under the revised proposals, and it is not considered necessary to require additional landscaping by condition of this decision.

The proposal involves the creation of an improved junction on to Bulwer Avenue, to the north of the building, and alterations to the access road located within the site area. This would comprise a significant improvement in road safety terms, with no adverse visual impacts. It is however recommended that the access is set out as approved prior to the new buildings being brought into use. The realignment of the access road would result in the loss of a number of spaces to the north of that road, which would be replaced within the extended parking areas within the site boundaries. The plans show a blue shaded area to the north of the realigned road, labelled as Existing External Yard dropoff space. For the avoidance of doubt, that area is outside of the site boundary and this application confers no consent for any change of use or physical alterations to that area.

The proposed works would create an opportunity for a through-route across the site, increasing the number of vehicles which could utilise the existing southern access on to Longue Hougue Lane. By virtue of the sightlines achieved and position in relation to the adjacent road junction, that access is poor in road safety terms and additional vehicular movements through it should not be encouraged. The access currently serves the 45 vehicle spaces serving Rossborough House, and it is proposed that this access will be signposted to ensure it is only used by vehicles associated with that premises moving forward. Details and implementation of this signage can be controlled by condition.

The proposed parking provision would retain the existing number of spaces for Rossborough House and the additional parking proposed to serve the industrial/storage uses falls within the maximum standards set out in the Parking Standards. A condition should be applied to ensure that the parking is laid out and maintained as approved.

Confirmation has been received that the proposed development has been designed to take into account matters of energy efficiency and current Building Regulations in accordance with Policy GP9. A Site Waste Management Plan has been received, implementation of which can be controlled by condition.

The Health and Safety Executive raise no objections and the proposal is unlikely to cause or increase any significant risks to public health and safety.

The Office for Environmental Health and Pollution regulation propose restrictions on the operating hours of the units, and requirements that the doors and windows are kept shut. There are however no such planning controls in respect of the existing use at the site, and the proposal would represent an upgrade in respect of the building fabric which would reduce any acoustic transfer. Taking into account the industrial context of this site, the location within a Key Industrial Area and the absence of such controls over the existing use at the site, or those within adjacent buildings, it is not considered reasonable to apply these restrictions in this case.

Subject to the addition of the conditions outlined above, the proposal accords with the purpose of the Law, material considerations and relevant planning policies.

Date: 04/04/2023

