

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: Erect signage to west (front) elevation (Retrospective).

LOCATION: Clemrose, La Rue Des Fosses, Forest.

APPLICANT: Mr J Biggs

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: 21/12/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 17/11/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Block Plan & Elevation Photograph

Application Ref: FULL/2022/2081

Property Ref: H000970000

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 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 20/12/2025 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

For the avoidance of doubt, the sign to which this permission relates is non-illuminated. Any form of illumination, whether by external or internal means, will require a separate grant of planning permission.

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/2022/2081
Property Ref: H000970000
Valid date: 17/11/2022
Location: Clemrose La Rue Des Fosses Forest Guernsey GY8 OJA
Proposal: Erect signage to west (front) elevation (Retrospective).

Applicant: Mr J Biggs

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 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.

INFORMATIVES

For the avoidance of doubt, the sign to which this permission relates is non-illuminated. Any form of illumination, whether by external or internal means, will require a separate grant of planning permission.

OFFICER'S REPORT

Brief Description of the site:

The site is a large industrial building within the Clemrose Commercial Estate, which is located between Les Reines to the west and Le Rue des Fosses to the east. The building subject to this application is the central building between the two roads. The building is located Outside of the Centres as defined in the Island Development Plan.

The application seeks retrospective permission for the erection of a sign attached to the west elevation of the industrial unit occupied by JA Biggs Engineering at Clemrose.

Relevant History:

None relevant.

Existing Use(s):

Industrial use class 24: Light Industrial
Industrial use class 25: General Industrial

Assessment: *(Tick as appropriate)*

no representation	☐	visual amenity acceptable	☒
accords with policy	☒	no material neighbour impact	☒
within curtilage	☒	traffic not affected	☒
design acceptable	☒		

Policies considered most relevant:

Island Development Plan policies:

OC3 – Offices, Industry and Storage and Distribution Outside of the Centres
GP8 – Design

Representation:

One letter of representation has been submitted raising the following points:

- This business is using Rue De La Fosse which is the other lane, the entrance to which is gated and permanently closed
- Raises no objection to the size of the signage
- Objects to the location of the signage – the sign cannot be seen from the road but can be clearly seen from the adjoining residential property, in the same way the JL Innovation sign can

- If the height of the sign were lowered so that no part of it were more than 2m high then no objection would be raised
- There is a 2m high restriction that is supposed to be observed on the exterior of these premises
- A condition should be imposed regarding that the height of the sign, and all sheds, rubbish etc are kept at 2m or lower, which is permissible and reasonable in a residential area

Conclusion/Brief comment:

The concerns raised regarding the height of the sign and its visibility from adjoining gardens are noted. Simply because the sign is visible does not automatically mean that it is unacceptable. Being visible does not result in harm to residential amenity with regard to overlooking, loss of privacy or nuisance.

The non-illuminated sign is proportionate to the scale of the building and is set back within the site, away from the road frontage. It represents a good standard of design and will not have a detrimental impact on the character and appearance of the area being situated within an existing, established industrial site.

Whilst there may be restrictions/covenants etc placed on the site these are entirely separate from the planning process and cannot prevent the grant of planning permission. Nor does the grant of planning permission override any such legal restrictions. As the application does not relate to external storage on the site it is not possible to bring that matter within the remit and control of this application.

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.

In view of the above it is recommended planning permission is granted for the retention of the sign as shown in this application submission.

Recommendation:

Grant with Conditions



Date: 20 December 2022

