

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 general industrial use (Use Class 25) to plumbing wholesale merchant (Storage and Distribution Use Class 22), erect single storey glazed lobby to southeast elevation, erect signage to southeast & southwest elevations, install roller door to southeast elevation, install cladding, ramps and alterations to fenestration and external steps.

LOCATION: Unit 1, Ocean Yard, Longue Hougue, Bulwer Avenue, St. Sampson.

APPLICANT: Infinity Group 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: 26/05/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 06/12/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Infinity Group: 99.GY-PD-01, -02, -03A, -04A & -05.

Application Ref: FULL/2022/2358

Property Ref: B003540001

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.The retail floorspace hereby approved shall be used only in connection with, ancillary to and shall operate only during the opening/trading hours of the main use of the building as a warehouse (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 - This permission is granted on the basis that the retail floorspace forms an ancillary function to the main use of the building only. A separate retail use at this site would raise different planning considerations.

5.No development shall begin until a scheme showing the provision to be made for the parking of cycles, under cover and secure, has been submitted to and agreed in writing by the Authority, and no part of the building or development hereby permitted shall be used or occupied until the agreed scheme has been fully implemented. The provision for cycles shall not be used for any other purpose.

Reason - To encourage the use of bicycles as an alternative to the car.

Expiry Date: This permission will cease to have effect on 25/05/2026 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

With regard to condition 4, should the amount of retail floorspace be required to intensify or increase, the Authority should be contacted in the first instance to determine the requirement for a further planning application.

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/2022/2358
Property Ref: B003540001
Valid date: 06/12/2022
Location: Unit 1 Ocean Yard Longue Hougue Bulwer Avenue St. Sampson
Guernsey
Proposal: Change of use from general industrial use (Use Class 25) to plumbing wholesale merchant (Storage and Distribution Use Class 22), erect single storey glazed lobby to southeast elevation, erect signage to southeast & southwest elevations, install roller door to southeast elevation, install cladding, ramps and alterations to fenestration and external steps.
Applicant: Infinity Group 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 - This permission is granted on the basis that the retail floorspace forms an ancillary function to the main use of the building only. A separate retail use at this site would raise different planning considerations.

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Reason - To encourage the use of bicycles as an alternative to the car.

INFORMATIVES

With regard to condition 4, should the amount of retail floorspace be required to intensify or increase, the Authority should be contacted in the first instance to determine the requirement for a further planning application.

OFFICER'S REPORT

Brief Description of the site:

The application site comprises a large industrial building that has been previously subdivided into three smaller units. The site is situated to the north of Longue Hougue. Surrounding the site the area comprises large industrial buildings to the north, east and west with the coast to the south.

The site is situated within a Main Centre Outer Area, a Key Industrial Area, a Harbour Action Area, and is within the Outer Zone of a Major Hazard Public Safety Zone (blast zone for the nearby fuel storage depot) as designated in the Island Development Plan.

Relevant History:

FULL/2021/1297	Change of use from General Industry (use class 25) to General Storage and Distribution (use class 22)	Granted 08/09/2021
FULL/2019/1374	Remove sliding doors and install windows and doors to south-east and south-west elevation and install windows and shutter door to north-west elevation.	Granted 29/08/2019
FULL/2018/1489	External modifications including installation of weighbridge and office, roller shutter doors in main building, fencing and lighting.	Granted 04/10/2018
FULL/2018/1252	Install GRP enclosed secondary substation.	Granted 22/08/2018
FULL/2018/0299	Change of use to Industrial Use Class 27: Waste - for the storage, sorting, processing, treatment, baling, disposal, recovery or transfer of waste.	Granted 24/07/2018 (permission never implemented)
FULL/2017/1409	Change of Use to Industrial Use Class 27 (Waste)	Granted 27/09/2017 (permission never implemented)
PAPP/2000/4667	Extend factory	Granted 16/03/2001
PAPP/2000/3007	Extend factory (Industrial Use Class 49).	Granted 05/12/2000

Existing Use(s):

Industrial use class 25: general industry.

Assessment: *(Tick as appropriate)*

no representation
 accords with policy
 within curtilage
 design acceptable

X
X
X
X

visual amenity acceptable
 no material neighbour impact
 traffic not affected

X
X
X

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;
 MC10: Harbour Action Areas;
 GP8: Design;

GP17: Public Safety and Hazardous Development;
IP6: Transport infrastructure and support facilities
IP7: Private and Communal Car Parking;
IP9: Highway Safety, Accessibility and Capacity

Conclusion/Brief comment:

The application relates to the change of use of the premises from a general industrial use (Use Class 25) to a plumbing wholesale merchant (Storage and Distribution Use Class 22). The scheme also proposes to remove the large side doors and erect a single storey glazed draft lobby and double sliding doors to the west end of the southeast elevation and insert a roller door to the east end of the southeast elevation, erect signage to the southeast and southwest elevations and install cladding, ramps, external steps and some alterations to the fenestration.

Policy MC5(A) makes provision for the change of use between storage and distribution and industrial uses within Key Industrial Areas in order to recognise market demands and offering flexibility in this regard. The policy also makes provision for alterations to existing industrial and storage and distribution developments and therefore offers a gateway for the change of use and other changes proposed. The office and staff facilities are necessary and ancillary to the primary storage and distribution use proposed.

On the basis of the information provided and the floor area involved (approx. 20%) it is demonstrated that the proposed trade counter and showroom would be used in connection with and ancillary to the principal use of the accommodation as a warehouse/storage facility. It is reasonable however, to require a planning condition to be imposed to ensure that the retail elements remain ancillary to and in connection with the operating hours of the principal use of the building as a warehouse on the basis that an independent retail use would not be supported within the Key Industrial Area.

The change of use and alterations to the building itself are in keeping with its design and appearance and will not result in harm to the locality or the amenities of surrounding occupiers.

The design of the signage is considered appropriate for the size and scale of the existing warehouse building and are not thought to impact on the character of the area.

The site is located within the outer zone of a Major Hazards Public Safety Zone. Although the proposed change of use is likely to increase the number of people on site, it is unlikely to attract large numbers of people or vulnerable people and therefore any increase to the level of risk to public health or safety is likely to be limited and accords with Policy GP17.

Car parking is indicated to the south-east and south-west of the building with some spaces providing direct access onto/off of the highway. The parking arrangements have the potential to create some road safety concerns due to the location of some of the spaces close to a bend in the highway and the use of the highway by heavy goods vehicles. However, there is nothing to prevent these areas from being used for parking at present. The overall car parking provision is satisfactory for the proposed use although no provision has been made for secure and covered bicycle parking, particularly for employees, as required by the Parking Standards Supplementary Planning Guidance. Details of bicycle parking can be requested by condition.

The proposals will not prejudice the outcomes or inhibit the implementation of a Local Planning Brief for the Harbour Area and they accord with all other relevant policies of the Island Development Plan

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.

Recommendation:

Grant with Conditions



Date: 25/05/2023