

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 1st floor from flat (Use Class 2) to office (Use Class 16).

LOCATION: Metro Building, Lowlands Industrial Estate, La Route Du Braye, Vale.

APPLICANT: Pine Trees Properties 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: 23/03/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 02/02/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Hunt Brewin - 16844.02.03a

Application Ref: FULL/2023/0197

Property Ref: C00792H000

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 22/03/2026 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/2023/0197
Property Ref: C00792H000
Valid date: 02/02/2023
Location: Metro Building Lowlands Industrial Estate La Route Du Braye
Vale Guernsey GY3 5XE
Proposal: Change of use of 1st floor from flat (Use Class 2) to office (Use
Class 16).

Applicant: Pine Trees Properties 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.

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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.

OFFICER'S REPORT

Brief Description of the site:

The unit known as the 'Metro Building' is a 1970's industrial building which is one of six such structures collectively known as Lowlands Industrial Estate. The site is south of Le Route du Braye and the Metro Building is to the west of the access road behind the residential properties which form the ribbon development either side of Route du Braye (the three directly north of the site are Protected Buildings). The property is located in the St Sampson Main Centre as defined in the Island Development Plan.

Relevant History:

FULL/2023/0065 – Install roller door to west elevation, erect fence to north and west boundaries, erect fence and gate to south boundary and resurface outdoor area – Pending.

Existing Use(s):

Storage/Distribution use class 22: general storage or distribution.
Residential use class 2: Flat.

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:

MC5(B): Industry, Storage and Distribution Uses in Main Centres and Main Centre Outer Areas – outside of the Key Industrial Areas and Key Industrial Expansion Areas
MC4(A): Office Development in Main Centres
GP5: Protected Buildings (Setting)
GP8: Design
GP9: Sustainable Development
GP12: Protection of Housing Stock

Conclusion/Brief comment:

This application is for a change of use of the first floor of the industrial building from a self-contained flat into offices for the business.

The submitted information states that in the 1970's, when the estate was being built, the new owners of this building requested that the first floor become a flat

rather than offices, specifically for use by the owner of the premises. It is noted that the flat has not been lived in for quite a number of decades.

Following deferral, information has been submitted which demonstrates that the size and standard of the flat means it is not appropriate for it to remain as residential accommodation. Both the bedrooms are inadequate compared to Guernsey Technical Standard Part G's minimum standards (A single room size = 7sqm and a double room size = 12sqm). The two bedrooms are 5.2sqm and 10.85sqm and, due to the layout, cannot be increased in size, therefore the accommodation would equate to a single person one bed flat.

Although some upgrades were put in place when the first floor became a residential unit, the requirements with regard to sound insulation, thermal insulation and fire protection that would need to be put in place to meet the current standards are considered to be excessive for the retention of a single person dwelling.

In addition to the above, it is noted that the remainder of the site is authorised for storage and distribution use, a use which is not compatible with residential use.

In light of the above it is accepted that the accommodation is substandard for the purposes of Policy GP12.

This application is to return the first floor residential use back to offices, falling with Use Class 16. Policy MC4(A) supports the creation of new office, which is much more in keeping with the industrial nature of the site and is not reliant on specific room sizes or the need to upgrade to current residential building standards.

The proposals are to strip the domestic elements out of the building, but for the layout and fenestration to remain the same. The proposals would not create any external changes and so the character of the area will remain the same and there will be no detrimental impacts on the setting of the nearby Protected Buildings or on neighbour amenity.

Confirmation has been received that the development proposed has been designed to take into account matters of energy efficiency and current Building Regulations in accordance with Policy GP9.

The proposals are considered to conform to the above policies of the Island Development Plan and grant of permission is recommended, subject to conditions.

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: 23/03/2023



