

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 outbuilding (Residential Use Class 1) to General Storage and Distribution (Use Class 22).

LOCATION: 29 Vauvert, St. Peter Port.

APPLICANT: Mr & Mrs N Piper

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: 24/07/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 14/02/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Paul Vaudin & Associates Ltd: 22-046-01B.

Application Ref: FULL/2023/0227

Property Ref: A202190000

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 storage of any description shall take place on the site outside of the storage building hereby approved.

Reason - In the interest of visual amenity and to ensure that the proposal does not cause harm to the character or appearance of the surrounding Conservation Area.

Expiry Date: This permission will cease to have effect on 23/07/2026 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

Please ensure that you notify the Planning Service in writing of the date on which the change of use takes place. Once the change has been made the property will be classified as shown above. Failure to notify the Planning Service as required may lead to delay in any future property search or use class enquiry resulting from incorrect classification of the property.

This decision relates only to the change of use outlined in the description of the proposal set out above. It does not permit any alteration or extension of this building. Any alteration or extension may require a separate grant of planning permission and/or approval under the Building Regulations.

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/2023/0227
Property Ref: A202190000
Valid date: 14/02/2023
Location: 29 Vauvert St. Peter Port Guernsey GY1 1NQ
Proposal: Change of use of outbuilding (Residential Use Class 1) to General Storage and Distribution (Use Class 22).

Applicant: Mr & Mrs N Piper

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 storage of any description shall take place on the site outside of the storage building hereby approved.

Reason - In the interest of visual amenity and to ensure that the proposal does not cause harm to the character or appearance of the surrounding Conservation Area.

INFORMATIVES

Please ensure that you notify the Planning Service in writing of the date on which the change of use takes place. Once the change has been made the property will be classified as shown above. Failure to notify the Planning Service as required may lead to delay in any future property search or use class enquiry resulting from incorrect classification of the property.

This decision relates only to the change of use outlined in the description of the proposal set out above. It does not permit any alteration or extension of this building. Any alteration or extension may require a separate grant of planning permission and/or approval under the Building Regulations.

OFFICER'S REPORT

Brief Description of the site:

29 Vauvert is an end of terrace property with render exterior and pantile roof. A high granite wall exists to the roadside/west boundary and a single-storey lean-to exists attached to the side wall of the neighbouring property to the north. Vehicular access is to the immediate south of the outbuilding and the external space on the site is currently entirely gravelled to provide parking and turning for the site. The outbuilding has been separated/sold separately from no. 29 Vauvert.

The application relates to the residential outbuilding being converted through a change of use to be used for storage and distribution purposes not associated with no. 29. As originally submitted the application did not include any information regarding the nature of the proposed storage and distribution use nor operating hours. The application was deferred in order to seek this information.

The site is located in the Main Centre Inner Area and a Conservation Area as designated in the Island Development Plan.

Relevant History:

Pre-application advice was sought in this case.

Existing Use(s):

01 dwellinghouse

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:

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
GP8: Design
GP9: Sustainable Development
IP7: Private and Communal Car Parking

Consultation:

Office of Environmental Health and Pollution Regulation (OEHPR) by letter dated 28th February 2023 stated the following:

"I have reviewed the proposed plans for change of use to storage which were received by email on 27th February 2023, and I do not wish to raise any objections to the proposals."

OEHPR were consulted on the additional information received following deferral of the application and by email dated 21st June 2023 stated that they do not wish to amend their response.

Conclusion/Brief comment:

Policy MC5(B) supports proposals for new industrial and storage and distribution uses outside of the Key Industrial Areas and the Key Industrial Expansion Areas where:

- The new use would not have an unacceptable adverse impact on the amenities of surrounding uses; and,
- In the case of new industrial uses in Main Centre Outer Areas and new storage and distribution uses in Main Centres and Main Centre Outer Areas, it is achieved through the conversion of redundant buildings in accordance with Policies GP16(A) and GP16(B) of the Island Development Plan; and,

- c) In the case of new industrial uses the type of industry proposed can be located within the Main Centres and Main Centre Outer Areas without adverse impacts on the amenities of the surrounding uses; and
- d) The type of industry would support the vitality and viability of the Main Centre.

With regard to criteria (b) above, Paragraph 19.17.5 of the IDP states that, *“for the avoidance of doubt, the conversion of redundant buildings that are located within the Main Centres, the Main Centre Outer Areas, or the Local Centres will not be assessed against Policy GP16(A) or (B), but instead will be assessed against the relevant policies of the IDP that relate to the development type proposed.”* Therefore, Policy GP16(A) is not engaged and does not need to form part of the assessment of this application.

With regard to criteria (c) and (d) above, Paragraph 7.2.13 of the IDP which forms the preceding text to Policy MC5(B) clarifies that *“new industrial uses will only be supported where this is of a type that could be acceptably located within a Main Centre on upper floors or is in relation to an industry that has a locational requirement to be located in the Main Centres for its successful operation, such as the fishing industry in St Peter Port and St Sampson Harbours. Therefore, depending on an assessment of the likely impact of the particular use on surrounding uses and infrastructure, it can be acceptable for these uses to be located within the Main Centres, including on upper floors within the Core Retail Areas, where appropriate, where this would support the vitality and viability of the Main Centre.”*

The application building comprises a total of 17.16m² floorspace and will be used for the running of a local landlord business storing equipment and tools required to look after a portfolio of properties, and in some instances tenant's personal effects. Information has been provided by the applicant's agent to demonstrate that the hours of use, and the operational characteristics of the site would not harm the amenities of the surrounding uses or the vitality and viability of the Main Centre. In the absence of any objection from OEHPR, the limited floorspace involved and the number of associated visits to the site, it would be unreasonable to restrict operating hours at the premises. Furthermore, a Storage and Distribution Use by nature of definition is an acceptable use within a residential area and given the size of the unit involved there is no requirement in this instance to remove Exemption Rights to allow this building to revert to a light industrial use should this arise in the future.

Given the limited floorspace and nature of the storage use, it is of such a type that could be acceptably located within a Main Centre on upper floors. Furthermore, to ensure that the applicant seeks a premises within a Key Industrial Area would seem unreasonable and would not make the most effective and efficient use of such a site. The scheme therefore accords with the provisions of Policy MC5(A).

No external alterations are proposed to the existing building. However, to protect the visual amenity of the surrounding Conservation Area and the amenities of neighbouring properties in accordance with Policy GP4 and GP8, it is recommended

that a condition is included on any permission for no outside storage of equipment or materials of any type.

The information and revised plans submitted demonstrates that sufficient space exists within the site to the rear of the outbuilding to allow vehicles associated with the proposed use to safely park whilst loading and unloading without hindering traffic movements on Vauvert. Space also exists to allow vehicles to access, turn within the site and leave forward facing. Bicycle and vehicle parking associated with 29 Vauvert and the neighbouring property Vaudinerie would also remain undisturbed. The scheme would not cause a detriment to highway safety or accessibility in accordance with Policies IP7 and IP9.

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.

For the reasons contained within this report and subject to the recommended condition, the scheme accords with all relevant policies of the Island Development Plan.

Recommendation:

Grant with Conditions



Date: 20/07/2023

