

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 Industrial Use (Use Class 25) to Builders' Merchants (Storage and Distribution Use Class 22), demolish outbuilding, alter shutter door and fenestration, remove earthbank to create vehicle access and erect boundary fence and gates.

LOCATION: Circuit House, Route De La Garenne, Pitronnerie Road, St. Peter Port.

APPLICANT: Sydenhams 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: 15/03/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 07/02/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: PF+A Ltd: 7710-01/B1, /B2, /B3 & /B4.

Application Ref: FULL/2023/0313

Property Ref: A100740000

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.Within four weeks of the new access being brought into use, the end(s) of the new opening shall be finished off using materials and a method of construction which match the remainder of the boundary.

Reason - In the interests of visual amenity.

5.Prior to the commencement of any work on site a scheme showing details of car, motorcycle and cycle parking (including accessible parking bays) and servicing arrangements has been submitted to and agreed in writing by the Authority, and no part of the development, hereby permitted, shall be occupied or used until the parking and servicing areas have been laid out/delineated in accordance with the agreed details. Those areas shall not thereafter be used for any purpose other than the parking of vehicles and for servicing.

Reason - To make sure that adequate off-street parking is provided and maintained, in the interests of road safety and effective traffic management.

6.No development shall begin on site until details of the external storage including the layout, design and height of all features of the external storage have been submitted to and agreed in writing by the Authority. The development shall be carried out only in accordance with the agreed details.

Reason - The information provided with the application does not include full details of the proposed feature(s). This condition is imposed to make sure that the development does not have an adverse impact on the character and appearance of the locality or on the adjoining Site of Special Significance.

7.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.

Expiry Date: This permission will cease to have effect on 14/03/2026 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

1. With regard to condition 7, 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/2023/0313
Property Ref: A100740000
Valid date: 07/02/2023
Location: Circuit House Route De La Garenne Pitronnerie Road
Pitronnerie Road St. Peter Port Guernsey
Proposal: Change of use from Industrial Use (Use Class 25) to Builders' Merchants (Storage and Distribution Use Class 22), demolish outbuilding, alter shutter door and fenestration, remove earthbank to create vehicle access and erect boundary fence and gates.
Applicant: Sydenhams 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. Within four weeks of the new access being brought into use, the end(s) of the new opening shall be finished off using materials and a method of construction which match the remainder of the boundary.

Reason - In the interests of visual amenity.

5. Prior to the commencement of any work on site a scheme showing details of car, motorcycle and cycle parking (including accessible parking bays) and servicing arrangements has been submitted to and agreed in writing by the Authority, and no part of the development, hereby permitted, shall be occupied or used until the parking and servicing areas have been laid out/delineated in accordance with the agreed details. Those areas shall not thereafter be used for any purpose other than the parking of vehicles and for servicing.

Reason - To make sure that adequate off-street parking is provided and maintained, in the interests of road safety and effective traffic management.

6. No development shall begin on site until details of the external storage including the layout, design and height of all features of the external storage have been submitted to and agreed in writing by the Authority. The development shall be carried out only in accordance with the agreed details.

Reason - The information provided with the application does not include full details of the proposed feature(s). This condition is imposed to make sure that the development does not have an adverse impact on the character and appearance of the locality or on the adjoining Site of Special Significance.

7. 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.

INFORMATIVES

1. With regard to condition 7, 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

Site Description:

Circuit House is substantial building with an industrial appearance situated to the north of Route de la Garenne. It is situated on an industrial estate made up of other warehouse/industrial style buildings. Land to the north of the site is open and undeveloped.

The site is located in the Main Centre Outer Area and Key Industrial Area as designated in the Island Development Plan. Land to the immediate north of the site falls within the Agriculture Priority Area and is a combination of a Site of Special Significance and an Area of Biodiversity Importance.

Relevant History:

Pre-application advice was sought in this case.

Existing Use(s):

25 general industrial

Brief Description of Development:

The application relates to the change of use from of the premises from a general industrial use (Use Class 25) to a builders' merchants (Storage and Distribution Use Class 22). The scheme also proposes to demolish an outbuilding to the east of the main building with alterations to fenestration to the east elevation including the installation of a full height roller shutter door. An 8.5m wide vehicular access is proposed through the removal of an section of earthbank to the south boundary, adjacent to the east boundary. A security fence/gates are also proposed to secure the site.

An area of hardstanding is proposed in the northeast corner of the site for use, in part, for customer and staff parking, parking of company vehicles and for the storage of goods and materials. The hardstanding itself would represent exempt development. The submission highlights that the former user of the building previously stored materials externally at the site.

A letter accompanying the application sets out that the use would involve the storage of building materials (internal and external) and the delivery of these materials to building sites on the island. An ancillary trade counter is proposed for smaller, generally consumable building materials can be sold to customers. An area

will also be given over to administrative offices and staff facilities. The correspondence provides a breakdown of the different aspects of the proposed business (builders' merchant) with the aim of demonstrating that this is ancillary to the primary storage and distribution use:

- Total floor area (ground and first floor) – 3054.84 sqm
- Trade counter – 331.4 sqm (8.5%)
- Offices and staff facilities – 456 sqm (12%)

The submission notes the removal of an existing electricity substation and the need for a separate planning application if this proposal comes forward. The application does not provide a detailed layout for the external parking/cycle parking nor information regarding external storage racks, aggregate bunkers etc. but suggests that these are matters that can be managed by planning condition.

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

Island Development Plan policies:

MC5(A): Industry, Storage and Distribution Uses in Main Centres and Main Centre Outer Areas - within Key Industrial Areas and Key Industrial Expansion Areas

MC7: Retail in Main Centre Outer Areas

GP1: Landscape Character and Open Land

GP2: Sites of Special Significance

GP8: Design

GP9: Sustainable Development

IP6: Transport infrastructure and support facilities

IP7: Private and Communal Car Parking

Representations:

None.

Consultations:

None.

Summary of Issues:

The key issues in this case relate to the principle of the proposed change of use and the impact of the use and associated changes to the building and site on the character of the area and occupiers of surrounding properties.

Assessment against:

1 - Purposes of the law.

The objectives set out in Section 1(2) of The Land Planning and Development (Guernsey) Law, 2005, 'the Law', have been considered and this report forms part of the assessment, with policy issues set out in Section 2 below.

2 - Relevant policies of any Plan, Subject Plan or Local Planning Brief.

The demolition of the existing outbuilding is considered acceptable.

Policy MC5(A) makes provision for the change of use between storage and distribution and industrial uses 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, including external storage. The office and staff facilities are necessary and ancillary to the primary storage and distribution use proposed.

Policy MC7 does not make provision for new comparison retail outlets in the Main Centre Outer Areas. On the basis of the information provided and the limited floor area involved it is demonstrated that this proposed retail floorspace would be used in connection with 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 operation remains ancillary to and in connection with the operating hours of the principal use of the building as a warehouse.

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.

With regard to the proposed vehicular access, in addition to the two which currently exist along the south site boundary this would provide more direct access to the 'goods in' situated to the west of the building and for the goods storage area proposed in the northeast corner of the site. Given the industrial nature of the locality, with various open fronted sites it is not considered reasonable to require another access point to be removed in connection with this development and the additional access will not result in harm to the character and appearance of the locality.

The provision of security fencing and associated gates is necessary in connection with the use which will include external storage. In the industrial setting of the site the fencing to the south and east is not considered out of keeping with the character of the area. The land to the north of the site is open and undeveloped agricultural land therefore the high security fencing has the potential to create an urbanising effect to the edge of this rural land. Nonetheless, the fencing will be viewed in the

context of the industrial development beyond and can be required to be finished/painted so as to reduce its impact on the open landscape concerned.

Given that the site is adjacent to a SSS it is noted that section 40(5) of the Law places a duty on a decision-maker as follows:

“In considering an application for planning permission for development on a site of special significance or development which may affect such a site, the Committee must have regard to the desirability of requiring an assessment of the likely impact of the proposed development on any aspect of the environment, unless it is satisfied that the development is of a minor nature and is incapable of having a significant adverse effect on the quality of the environment, the use of natural resources or biological diversity.”

Much of the development proposed will not impact on the SSS to the north. The installation of the proposed boundary fence may have some limited impact through the disturbance of ground however given that the fence is on the boundary of the site and the SSS it is concluded that the works will not have a significant adverse effect on the SSS in line with the Law and GP2.

The scheme also proposes racks and aggregate bunkers but does not specify their location or details on the site. Given the proposed boundary fence there should be adequate separation between the site and SSS nonetheless, it is reasonable to impose a condition relating to their siting, height appearance etc. not only to preserve the SSS but also in the interests of visual amenity. It is reasonable to require this information to be provided before development commences on site.

Policies IP6 and IP7 relate to cycle parking and car/vehicle parking. The adopted Supplementary Planning Guidance: Parking Standards and Traffic Impact Assessment (December 2016) relates primarily to new developments but does identify that although the standards will be expected to be met they are intended as guidance and are not, therefore inflexible. The guidance specifies a maximum of 1 space for every 50 sqm of floorspace. In this case the scheme relates to the change of use of an existing building rather than new built development. The application form states that there are circa 40 existing car parking spaces and there would be 15 to 20 as proposed. Based on the supporting letter, this does not clearly cover delivery vehicle or motorcycle parking. Nonetheless, both the existing and proposed would fall below the maximum parking standards set out. There would be scope therefore, to manage precise details of parking provision/layout by way of planning conditions. The matter of secure and covered cycle parking can also be addressed by condition. It is necessary for this information to be provided and for the parking to be laid out prior to the operation of the site for the use proposed in the interests of highway safety and to ensure appropriate cycle parking is provided.

In view of the above it is recommended permission is granted subject to conditions.

3 - General material considerations set out in the General Provisions Ordinance.

In addition to the consideration of policy issues, Section 13 of the Land Planning and Development (General Provisions) Ordinance, 2007 identifies other material planning considerations which could be relevant. These include; the appropriateness of the development in relation to its surroundings in terms of design, layout, scale, siting and materials; the likely effect on the character and amenity of the locality; any possible fall-back position by way of extant planning permissions or exempt development; the likely effect on the reasonable enjoyment of neighbouring properties. These issues where relevant are considered above.

4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).

The proposal would have no adverse impact on protected trees, buildings or sites.

Date: 14 March 2023