

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: Demolish retaining wall, fencing, alter ground levels and widen vehicle access.

LOCATION: Gas Bottling Plant, Bulwer Avenue, St. Sampson.

APPLICANT: IEG

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: 13/07/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 30/05/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: JG Architecture Ltd: 2328/02.01A & .02A

Application Ref: FULL/2023/0859

Property Ref: B00354B000

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 12/07/2026 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/2023/0859
Property Ref: B00354B000
Valid date: 30/05/2023
Location: Gas Bottling Plant Bulwer Avenue St. Sampson Guernsey
Proposal: Demolish retaining wall, fencing, alter ground levels and widen vehicle access.

Applicant: IEG

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.

OFFICER'S REPORT

Brief Description of the site:

The application site comprises an industrial site used as a gas bottling plant situated to the east of Bulwer Avenue. The site accommodates three large gas storage tanks, an industrial building and associated infrastructure. The site has an existing vehicular access point onto Bulwer Avenue to the west.

Surrounding the site, the area comprises industrial buildings to the south, east and west and Mont Crevelt monument situated to the north.

The whole of the site is situated in a Main Centre Outer Area, Harbour Action Area and Key Industrial Area, and part of the site (the northern aspect) is situated in a Conservation Area, and Area of Biodiversity Importance. The site is also situated within the Inner Consultation Zone in relation to the nearby fuel storage depot.

Relevant History:

FULL/2023/1177	Demolish 3 gas storage tanks, levelling of hard standing areas, erect steps to north elevation of building and erect fencing/gate.	Pending Consideration
FULL/2021/0819	Demolish gas bottle storage platform, reduce size of filling hall, erect a wall and provide deluge system with associated alterations to hardstanding.	Granted 08/06/2021
FULL/2010/0447	Alter roadside access gates and erect boundary wall, remove emergency gate and re-locate.	Granted 08/04/2010
PAPP/2007/4164	Create flood wall and pit.	Granted 29/04/2009

Existing Use(s):

Industrial

Assessment: *(Tick as appropriate)*

no representation
accords with policy
within curtilage
design acceptable

☒
☒
☒
☒

visual amenity acceptable
no material neighbour impact
traffic not affected

☒
☒
☒

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;
- GP3: Areas of Biodiversity Importance;
- GP4: Conservation Area;
- GP6: Protected Monuments;
- GP8: Design;
- GP17: Public Safety and Hazardous Development;
- IP9: Highway Safety, Accessibility and Capacity.

Conclusion/Brief comment:

Planning permission is sought to widen and alter the existing vehicle access into the site. This will involve removing a 3.7m section of roadside wall and palisade fencing, the demolition of a retaining wall and alterations to the existing ground levels. The access width will increase from 3.2m to 6.9m as a result of the proposal.

Policy MC5(A) supports proposals for new, alterations, extension or redevelopment of existing industrial or storage and distribution and related ancillary development.

The existing access into the site is limited in terms of its overall width and the type of vehicles associated with the industrial activities at the site. Although the proposal will result in the loss of a section of the existing roadside boundary, a large extent of the fencing/wall will remain undisturbed to the north and south, which will continue to provide an appropriate boundary enclosure between the site and the pavement/roadside. Furthermore, large vehicle access points of similar widths as that proposed support other industrial sites within the vicinity. Any impact resulting from the scheme on the character and appearance of the surrounding area would not be so substantial to warrant the refusal of permission.

The part of the site where the development is proposed is not within the Conservation Area or the Area of Biodiversity Importance and is sufficient distance to prevent harm on the setting to the Protected Monument to the north.

The development proposed is of a minor and inconsequential nature and involves an alteration to support an existing land. It would not prejudice the outcomes of a Local Planning Brief process or inhibit the implementation of an approved Local Planning Brief for the surrounding Harbour Action Area and accords with Policy MC10 of the IDP.

The development proposed does not have the potential to cause harm or increase risk to the nearby fuel storage depot and complies with Policy GP17 of the IDP.

Sufficient visibility splays exist in both directions from the extended access and the scheme will improve an existing access point into the site and would not harm highway safety in accordance with Policy IP9 of the IDP.

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: 12/07/2023

