

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 Storage and Distribution (Use Class 22) to Storage and Distribution, showroom and offices.

LOCATION: Mill House, St. George's Esplanade, St. Peter Port.

APPLICANT: Yesss Electrical Guernsey

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: 24/10/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 14/09/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Paul Vaudin & Associates - 23-003-04B, 05B

Application Ref: FULL/2023/1533

Property Ref: A107270000

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.

Expiry Date: This permission will cease to have effect on 23/10/2026 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/2023/1533
Property Ref: A107270000
Valid date: 14/09/2023
Location: Mill House St. George's Esplanade St. Peter Port Guernsey
GY1 2BG
Proposal: Change of use from Storage and Distribution (Use Class 22) to
Storage and Distribution, showroom and offices.

Applicant: Yesss Electrical Guernsey

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. 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

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 relates to the change of use of the existing warehouse (Q3) to a mixed use of storage and distribution, retail trade counter/show room areas with ancillary offices (YESS Electrical). Signs referred to on the application drawings are not the subject of this application submission and may represent exempt development.

The submission sets out that the business is currently 99.9% trade custom. The ground floor will form a trade showroom and trade counter (trade sales and account customers) with basic sundry items which are standard products associated with and necessary to complete an electrical installation project. Also on the ground floor, existing offices will be extended into current stores and a new mezzanine constructed (for which permission is not required) in order to increase the capacity of the store. The ground floor offices will allow improved equipment and tool display areas for trade customers.

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

Relevant History:

Mill House

Pre-application advice was sought in this case - the Planning Service consider that this would represent a mixed use (storage and distribution, showroom and offices).

This would represent a sui-generis use for planning purposes, i.e. the use does not fall within any of the recognised use classes) within The Land Planning and Development (Use Classes) Ordinance, 2017. Planning permission would therefore be required for a change of use from the existing warehouse (Use Class 22) to the mixed use and there would be scope, having regard to the policies in the Island Development Plan, for such a mixed use operation in this Main Centre Outer Area location.

FULL/2023/1468 Install and alter entrance doors and alter ramp to north (front) elevation. Pending.

FULL/2023/0851 Erect signage to north (front) elevation. Approved 22/06/2023

Arndale House

FULL/2012/3713 - Change of use of offices to a showroom and office and install a door to the rear – granted. To be used in connection with Mill House to allow the showroom to be relocated from the warehouse to Arndale House

Existing Use(s):

22 General storage/distribution

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:

GP4: Conservation Areas

GP8: Design

GP9: Sustainable development

MC4(B): Office Development in Main Centre Outer Areas

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

MC7: Retail in Main Centre Outer Areas

Conclusion/Brief comment:

Policy MC7 relates to retail in Main Centre Outer Areas which expressly precludes the creation of new comparison retail outlets whilst MC5(B) supports proposals to redevelop and alter existing storage and distribution premises subject to assessment against other relevant policies. Policy MC4(B) relates to office development and

permits new offices only in designated Office Expansion Areas but makes provision for alterations and to redevelop existing office accommodation.

If considering independent office and retail provision at Mill House this would not accord with the aims of the IDP. In this case however, the proposals relate to a mixed-use development where the application has provided supporting information regarding the business operation and use of space. The mixed use proposed is not considered to conflict with the aims of the IDP and conditions can be imposed to manage the use of the building in future to ensure that if the business evolves the Planning Service can review and assess whether any material change of use has occurred.

The proposed development will not result in harm to the character of the Conservation Area as no external changes are proposed in connection with this application. The change of use will not have an unacceptable impact on residential amenity.

An existing area of parking and turning will be retained at the front of the premises, although there may be more trade/public access to the site the scheme will not see an unacceptable intensification in the use of the access.

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.

In view of the above it is recommended permission is granted for the change of use proposed.

Recommendation:
Grant with Conditions



Date: 17/10/2023