

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: Remove earthbanks and install walls to roadside and vehicle access.

LOCATION: Regent House, Marette Road, L'Islet, St. Sampson.

APPLICANT: Shire 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: 13/11/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 27/09/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: A7 Design Ltd - 19-1050-P2 PD/01A

Application Ref: FULL/2023/1698

Property Ref: B01640A000+B01652C000

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 wall hereby approved forming the northern side of the entrance shall be constructed in accordance with the note on plan number 19-1050-P2/PD/01A and no stone or materials or surplus soil of any kind shall be stored within the root protection areas of the existing trees along the north-west roadside boundary.

Reason - The trees are important features in the area and this condition is imposed to make sure that they are properly protected while building works take place on the site.

5.The existing trees along the north-west roadside boundary of the site indicated to be retained on the plan attached to this decision notice shall be retained and shall not be felled, lopped, topped or uprooted without the previous written agreement of the Authority. Any trees removed, dying, being severely damaged or becoming seriously diseased shall be replaced with trees of such size and species as previously agreed in writing by the Authority within one year of the date of any such loss, for a period of five years from the date development begins.

Reason - The trees are important features in the area and this condition is imposed to make sure that they are properly protected while building works take place on the site.

6.The walls hereby approved shall be constructed using stone to match as closely as possible the type, colour, texture and method of bonding of the existing roadside wall.

Reason - In the interests of visual amenity.

Expiry Date: This permission will cease to have effect on 12/11/2026 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

The Authority does not recognise all of the land outlined on the submitted plan as forming the curtilage associated with the industrial buildings on the site. The recognised industrial curtilage is as approved under planning application reference FULL/2020/2296.

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/2023/1698
Property Ref: B01640A000+B01652C000
Valid date: 27/09/2023
Location: Regent House Marette Road L'Islet L'Islet St. Sampson
Guernsey GY2 4FR
Proposal: Remove earthbanks and install walls to roadside and vehicle access.

Applicant: Shire 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. The wall hereby approved forming the northern side of the entrance shall be constructed in accordance with the note on plan number 19-1050-P2/PD/01A and no stone or materials or surplus soil of any kind shall be stored within the root protection areas of the existing trees along the north-west roadside boundary.

Reason - The trees are important features in the area and this condition is imposed to make sure that they are properly protected while building works take place on the site.

5. The existing trees along the north-west roadside boundary of the site indicated to be retained on the plan attached to this decision notice shall be retained and shall not be felled, lopped, topped or uprooted without the previous written agreement of the Authority. Any trees removed, dying, being severely damaged or becoming seriously diseased shall be replaced with trees of such size and species as previously agreed in writing by the Authority within one year of the date of any such loss, for a period of five years from the date development begins.

Reason - The trees are important features in the area and this condition is imposed to make sure that they are properly protected while building works take place on the site.

6. The walls hereby approved shall be constructed using stone to match as closely as possible the type, colour, texture and method of bonding of the existing roadside wall.

Reason - In the interests of visual amenity.

INFORMATIVES

The Authority does not recognise all of the land outlined on the submitted plan as forming the curtilage associated with the industrial buildings on the site. The recognised industrial curtilage is as approved under planning application reference FULL/2020/2296.

OFFICER'S REPORT

Brief Description of the site:

Planning permission is requested to remove earth banks and erect 800mm high dry stone walls to form the vehicle entrance to the site.

The site consists of 3 industrial buildings and associated parking areas. There is also an area of agricultural land in the northern corner bordering La Marette Road. The site is situated to the east of La Marette Road and is Outside of the Centres.

Relevant History:

08/09/2022 – FULL/2022/1522 – Permission granted for variations to previously approved plans to demolish lean-to store, remove containers and erect 2 storage buildings, erect fencing and roadside wall, alter vehicular access - Omit roadside wall and erect earthbank (retrospective).

01/06/2021 – FULL/2020/2296 – Permission granted to demolish lean-to store, remove containers and erect 2 storage buildings, erect fencing and roadside wall, alter vehicular access.

12/05/2020 – CLU/2019/1643 - Certificate of Lawful Use to use part of site for the parking of vehicles and the placement of containers in association with the use of Regent House.

Existing Use(s):

Industrial use class 24: light industry
Agricultural use class 28

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:

Policy OC3: Offices, Industry and Storage and Distribution Outside of the Centres
Policy GP1: Landscape Character and Open Land
Policy GP8: Design
Policy GP9: Sustainable Development
Policy IP9: Highway Safety, Accessibility and Capacity

Conclusion/Brief comment:

The proposed dry stone walls constructed to match the existing roadside wall would respect the character and appearance of the area. Details have been provided of the proposed method of construction in order to minimise the impact on the adjacent trees. Provided that the existing trees are retained, the proposal would have no adverse effects on the character and visual amenity of the area, in accordance with Policies GP1 and GP8.

All material considerations as set out in the Land Planning and Development (Guernsey) Law, 2005 and the Land Planning and Development (General Provisions) Ordinance, 2007 have been taken into account in the assessment of this application.

It is recommended that the application is approved.

Recommendation:

Grant with Conditions



Date: 10/11/2023