

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 trees and extend hardstanding to north of site.

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

APPLICANT: Guernsey Building Supplies

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: 02/02/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 26/10/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Application Block Layout Plan (red line site boundary only) and drawing entitled Detailed Plan by the Planning Service (31/01/2024)

Application Ref: FULL/2023/1800

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.

Expiry Date: This permission will cease to have effect on 01/02/2027 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

Should any racking systems be proposed associated with external storage on the site please submit a pre-application enquiry to the Planning Service prior to undertaking such work on site as racking systems may require the specific grant of planning permission.

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/2023/1800
Property Ref: A100740000
Valid date: 26/10/2023
Location: Guernsey Building Supplies Circuit House Route De La
Garenne Pitronnerie Road Pitronnerie Road St. Peter Port
Guernsey
Proposal: Remove trees and extend hardstanding to north of site.
Applicant: Guernsey Building Supplies

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.

INFORMATIVES

Should any racking systems be proposed associated with external storage on the site please submit a pre-application enquiry to the Planning Service prior to undertaking such work on site as racking systems may require the specific grant of planning permission.

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 – to fell three trees and lay hardstanding for material storage and delivery vehicle unloading

FULL/2023/1176 – Remove existing and install two relocated enclosed substations and associated works - granted

FULL/2023/0531 - Install signage to east and south elevations - granted

FULL/2023/0313 - 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 – granted

Including a condition:

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.

Existing Use(s):

Use Class 22 Storage and Distribution with ancillary retail trade counter

Brief Description of Development:

The application relates to the removal of three trees from the rear of the site, north of the building in order to lay an additional concrete slab 38m x 15m which will be used for the storage of low level, self-stacked building materials, loading/unloading and occasional parking.

In terms of run-off from this area of hardstanding the submission sets out that stormwater drainage will feed into the new drain system with a water separator and pumping station which leads to the main drains in Route de la Garenne.

The application was deferred to seek clarification regarding the impact of the proposed works on the adjoining SSS and to seek a reduction in the area of hardstanding in order to enable the introduction of additional planting to serve as a buffer to the SSS and offer visual screening following the removal of the trees from the site. As part of the process of deferring the application an additional drawing was provided to clearly show the full extent of the area of hardstanding, that it will be set 1m away from the existing boundary and hedge so as not to stifle the growth of the existing boundary treatment, which falls outside the ownership of this site.

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

IP7: Private and Communal Car Parking

Annex VI Sites of Special Significance

Strategy for Nature SPG

Representations:

One letter of representation has been submitted highlighting that the trees are bordered by areas of land that are zoned either as SSS or ABI and it is a well-known fact that trees on the edge of a habitat are of great importance. The removal of these trees would have a negative effect on the area, particularly to viewers from the north. The submission states that these are Poplars (*Populus alba*), rapid growing and a major risk in high winds due to their size and proximity to the building but these three trees appear in good health and no arboricultural report has been submitted to suggest otherwise. This application should be refused permission. The island has only 8% tree coverage can ill afford to fell trees because they are inconvenient and there is no attempt to mitigate this destruction.

La Societe Guernesiaise - would highlight the possibility of roosting bats and breeding birds (in season) using the mature Poplar trees proposed for felling. With this in mind, we would recommend that the trees be surveyed for bats ahead of the works, and if they are subsequently felled, that this be done outside of the bird breeding season (March -July incl.)

La Societe Guernesiaise would suggest that the applicant be required to undertake biodiversity measures on the site in order to compensate for the loss of the large trees and associated grassed area. These could include bird and bat boxes on the building and new native hedge or shrub plantings on the site perimeter. La Societe would be able to assist with such measures, for example to arrange surveys of the existing site and to provide suitable recommendations on how the land could be enhanced in terms of its ecological value by means of appropriate native planting and ongoing maintenance.

Consultations:

None.

Summary of Issues:

The key issues in this case relate to the visual impact of the loss of the trees and the impact of their loss on the adjoining designated land.

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.

Class 4 (3) of the Land Planning and Development (Exemptions) Ordinance, 2023 sets out that in particular situations the creation or extension of an area of hardstanding associated with a non-domestic building will not require the specific grant of planning permission. Criterion (f) sets out that “in the case of the creation or extension of a hardsurfaced area, the area created or extended must not be used as an additional car parking area and the works must not require the removal of a landscape feature.” The hardstanding in the northeast corner of the site formed part of the 2023/0313 permission and at the time of the site visit in connection with this application it had been completed and the approved racking installed. As an extension to an existing area of hardsurfacing the exemption requirements relating to permeable paving or SUDS are not applicable.

Planning permission is required for the hardsurfacing therefore, as a result of the proposal requiring the removal of trees (landscape features) from the site. An established boundary hedge exists to the north site boundary to the open land beyond which is designated either SSS or ABI. Some additional hedge planting was also agreed through the FULL/2023/0313 permission to the north of the agreed 4.2m high storage racks. It is noted that further external storage is taking place along the east site boundary which was not shown as part of the previously approved scheme.

It is not a requirement of the Planning Service that every application involving the removal of trees should be accompanied by an Arboricultural Report therefore, although this matter has been raised through the public consultation process it is not deemed reasonable and necessary in this instance. The trees have been assessed against the published guidance for Tree Protection Orders (public amenity and expediency). For trees to be the subject of a TPO both tests must be met however, in this case when considering the individual and wider impact, the trees form part of a wider undeveloped green swathe of land and their removal would not detract from this underlying character and their removal would not have a significant impact on the local environment and its enjoyment by the public.

Within the Key Industrial Areas, such as this, there is provision for alterations and extension to existing industrial or storage and distribution developments with support also for related ancillary development. The approved retail trade counter is not affected by this proposal and the scheme is not considered to represent the expansion of an existing comparison retail use. The area of hardstanding is for the storage of materials which represents part of the approved storage and distribution use and would enable GBS to carry more stock for trade customers. The scheme therefore complies with Policy MC5(A) and does not conflict with Policy MC7 of the IDP.

Policy GP2 sets out that where the interest of a SSS includes biodiversity, consideration will be given to the Biodiversity Strategy when determining an application that could affect a SSS. The 2015 Biodiversity Strategy was redesigned as the Strategy for Nature in 2020. The Policy does however, acknowledge the

existence of commercial uses within the SSS's. The SSS to the north of the site forms part of the St Sampson's Marais & Château des Marais SSS as set out in Annex VI: "This area is designated as a Site of Special Significance for its importance for a wide range of wildlife including rare and threatened species of insects, plants, birds, amphibians, reptiles and mammals".

ABIs are areas that do not have a sufficient level of special interest to be designated as a SSS but still contribute significantly to the biodiversity of the island. Given the relationship of this ABI to the surrounding SSS it is clear that the ABI supports the special interest of the SSS (either natural buffer or wildlife corridor).

The proposed development is situated outside but adjacent to a Site of Special Significance and the proposals must meet the statutory duties with regard to Sites of Special Significance set out within Section 40 of the Law and the desirability of preserving, enhancing and managing the character, appearance and environment of the site. As amended the submission sets out that the north boundary hedge will not be affected, enabling it to grow in height and depth for wildlife to use and to offer protection. The submission does not specifically address the adjoining SSS.

The Land Planning and Development (Guernsey) Law, 2005, 40(5) outlines that in considering an application for planning permission for development on a SSS or development which may affect such a site, [emphasis added] the Authority 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.

Following the deferral of the application the area of hardstanding has been shown to set away from the existing site boundary and landscaping in order to not impact or impinge on the SSS. The effect on the SSS has been satisfactorily addressed and the proposed works to remove trees and lay hardstanding accords GP2.

The proposed works will not have an unacceptable impact on the open landscape character of the area nor the amenities of surrounding occupiers in line with Policies GP1, GP8 and GP9 of the IDP.

There are no restrictions on the original planning permission relating to external storage on the site however, it should be noted that any racking associated with such storage would likely amount to development requiring planning permission.

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. The matter of the SSS has been addressed elsewhere in this report.

Date: 31/01/2024

