

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: Erect single storey extension to unit 5 and install GRP enclosure.

LOCATION: Unit 2, Houmtel Lane, Vale.

APPLICANT: Mr I Shorto

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: 17/04/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 10/11/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: PF+A Ltd: 7772-01/B1B, /B2A (both date stamped received 12/04/2024) & /B3 (date stamped received 16/04/2024)

Application Ref: FULL/2023/1888

Property Ref: C00412A000

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 17/04/2027 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

In light of the proximity to residential properties it is recommended that the unit is used at reasonable times (Mondays to Saturdays 0800 hours to 1800 hours) and that all machinery or plant is only operated when doors and windows are closed.

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/2023/1888
Property Ref: C00412A000
Valid date: 10/11/2023
Location: Unit 2 Houmtel Lane Vale Guernsey
Proposal: Erect single storey extension to unit 5 and install GRP enclosure.

Applicant: Mr I Shorto

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

In light of the proximity to residential properties it is recommended that the unit is used at reasonable times (Mondays to Saturdays 0800 hours to 1800 hours) and that all machinery or plant is only operated when doors and windows are closed.

OFFICER'S REPORT

Brief Description of the site:

The application site comprises an industrial site situated to the east of Houmtel Lane. Surrounding the site, the area comprises disused vineries to the east and west, with residential properties to the north and south.

The site is situated Outside of the Centres as designated in the Island Development Plan.

Relevant History:

The proposal has been the subject of pre-application discussions.

Existing Use(s):

Industrial units

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:

Island Development Plan Policies:

OC3: Offices, Industry and Storage and Distribution Outside of the Centres;
GP8: Design;
GP9: Sustainable Development;
IP9: Highway Safety, Accessibility and Capacity.

Consultations:

States Office of Environmental Health and Pollution Regulation (OEHPR)

"I have reviewed the proposed plans for an extension and alterations to be made to industrial Unit 2, to create a new industrial unit at the site. I confirm that I do not wish to raise any objections to the proposals and I am not making any recommendations for conditions to be attached to any granted consent issued for this application.

I have considered the potential for noise coming from the new industrial unit, which could adversely impact neighbouring residents. When assessing similar planning applications previously, this department has recommended conditions to limit the times that industrial activity can be carried out and to ensure that any industrial machinery is only used inside when doors and windows are shut.

However, we assess every application on a case-by-case basis, and I have also taken consideration of the fact that this department has never received any complaints about the existing five units at the site. It is also important to recognise that the other five units have no planning conditions assigned to them. Therefore, I believe it would be unreasonable to recommend that conditions are attached to the new unit.

Instead, I would like to offer the following advisory comments to the applicant:

- *Users of the new unit should be informed of the proximity to residents and requested to only use the unit at reasonable times*
- *Users of the new unit should be encouraged to only operate industrial machinery or plant when the doors and windows are closed*
- *The absence of planning conditions to control noise arising from the unit does not remove residents' rights to make noise complaints to this department. Noise complaints will be investigated to establish whether statutory nuisance is occurring. Where statutory nuisance is identified, legal notices can be served on landowners and land users to prevent the recurrence of nuisance. Breaches of the requirements of legal notices will be referred to the Law Officers of the Crown."*

Conclusion/Brief comment:

As initially proposed planning permission was sought to erect a single storey extension attached to the west facing elevation of the building on the southern part of the site to create a new industrial unit (Use Class 25). The scheme also included the installation of an electrical box (to provide power to all units) attached to the west elevation of the building on the northern part of the site.

Following deferral of the application to address planning policy concerns (namely the creation of a new industrial unit Outside of the Centres), the applicant has revised the scheme which now intends to extend unit 5, rather than create a new

independent unit. The electricity box remains in the same position as previously proposed.

Policy OC3: Offices, Industry and Storage and Distribution Outside of the Centres supports proposals to extend, alter or redevelop existing industrial, storage and distribution or office uses where the proposal would have no adverse effect on the amenities of neighbouring occupiers, would not adversely affect highway safety and the free flow of traffic and where the development respects the scale and character of the surrounding area. In all cases Policy OC3 requires the site to be laid out to achieve the most effective and efficient use of land and the least visual and amenity impacts, with buildings, materials, parking, access and open storage areas designed to respect the character of the area. In addition, Policy OC3 states that proposals will be expected to make a positive contribution to the visual quality of the environment through an appropriate soft landscaping scheme designed to sufficiently screen the activities on site and mitigate impacts. Furthermore, paragraph 17.1.8 of the IDP states that in the event that the industrial building increases in scale to the extent where significant additional land or buildings are required the IDP will expect the relocation of the activity to a suitable site within one of the Centres.

The extension is limited in terms of its overall scale proposing a total internal floor area of circa 35m² with the floorspace of the electricity cabinet comprising 1.6m². The extension has been designed to be subservient to the host building, with materials to match and a lean to roof orientated front to back (north to south) which is slightly lower than the main building. The proposal is therefore of an appropriate scale to respect the character of the surrounding area and would not undermine the role of a Centre, or warrant the need to relocate the business within one of the Centres. The electricity box has also been designed to respect the character of the site and the surrounding area.

Although Policy OC3 encourages landscaping to form part of proposals for development, in this case none has been provided. However, the existing site/industrial activity which comprise structures of far larger scale are not screened from the area by any form of landscaping and given the limited extent of the proposal, it would seem unreasonable to request additional landscaping. Furthermore, the area to the south of the building is currently used to store vehicles in need of repair, which will be removed from the site to make way for the proposed extension. The removal of these vehicles will improve the visual appearance of the site and the surrounding area.

Given the limited size of the extension, that existing much larger industrial units/uses have been in operation for some time on the site and in the absence of any objection from OEHP, any impact resulting from the proposal on the amenities of any neighbouring properties would not be so substantial to warrant refusal of planning permission. Although no planning conditions are recommended to be included on any permission granted, should any noise or disturbance issues arise, these would be investigated and controlled under separate Environmental Health legislation. OEHP has suggested that informatives be included on the permission, however these were

based on the additional floorspace proposed becoming a new separate industrial unit. Given that the floorspace now forms an extension to an existing industrial unit on site, that has no planning conditions or informatives controlling its use, it would be unreasonable to add conditions or informatives in this instance.

Any additional vehicle movements resulting from the proposal are also unlikely to be so significant to cause harm to highway safety.

Confirmation has been received that the development proposed has been designed to take into account matters of energy efficiency and current Building Regulations in accordance with Policy GP9.

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.

For the reasons contained within this report, the scheme complies with the relevant provisions of the IDP.

Recommendation:

Grant with Conditions



Date: 16/04/2024

