

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: Variation to conditions 1 and 2 of approved application (PAPP/1997/4199) - To allow for general storage and distribution (Use Class 22) across the whole of the site.

LOCATION: Portinfer Timber Yard, Portinfer Road, Les Prins Lane, Vale.

APPLICANT: Mr H Teal

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: 23/05/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 14/12/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Application Site Location Plan; Application Block Layout Plan

Application Ref: FULL/2023/2400

Property Ref: C023960000

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 site shall be used only for general storage and distribution, falling within Storage/Distribution Use Class 22 of 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), and for no other purpose including any other purpose otherwise permitted under the Land Planning and Development (Exemptions) Ordinance, 2023 (or any other Ordinance replacing or re-enacting that Ordinance).

Reason - Permission has been granted on the basis that the use will be limited to that outlined above. Any other use is likely to raise different planning policy considerations.

5.The existing workshop and office at the site shall not be used other than for the approved general storage and distribution use, or for purposes ancillary and incidental to that use. The structures shall be used for no other purpose, including any falling within Storage/Distribution Use Class 23 or Industrial Use Classes 24, 25, 26 or 27 of the Land Planning and Development (Use Classes) Ordinance, 2017.

Reason - This would require a separate grant of planning permission and involve different planning policy considerations.

6.Any materials, equipment or other items stored at the site shall not be stacked or deposited to a height exceeding 2 metres above ground level at any time on any part of the site.

Reason - To minimise the impacts on landscape character and openness.

7.Operations at the site shall only occur between 07:30 hours and 18:00 hours Monday to Friday and 08:00 hours and 17:30 hours on Saturday, and not at any time

on Sunday, Bank or Public Holidays.

Reason - The premises are close to residential property and a limit on the use is needed to prevent a nuisance or annoyance to nearby residents.

8. Industrial plant and machinery use at the site shall occur only within the existing workshop and shall be limited to between 08:00 hours and 18:00 hours Monday to Friday and 08:00 hours and 13:00 hours on Saturday, and not at any time on Sunday, Bank or Public Holidays.

Reason - The premises are close to residential property and a limit on the use is needed to prevent a nuisance or annoyance to nearby residents.

9.a) Prior to the undertaking of any landscaping at the site, details of supplementary planting along the southern half of the east site boundary, to include planting schedules, noting the species, sizes, numbers and densities of plants, shall be submitted to and agreed in writing by the Authority.

b) The planting shall be fully completed, in accordance with the details agreed under the terms of a), in the first planting season following the first use of the site in accordance with the permission hereby granted, or in accordance with a programme previously agreed in writing by the Authority. Any trees or plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by trees or plants of a size and species similar to those originally required to be planted.

Reason - To make sure that a satisfactory landscaping scheme for the development is agreed and implemented, in order to help assimilate the development into its surroundings.

Expiry Date: This permission will cease to have effect on 23/05/2027 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

For the avoidance of doubt, this permission allows for general storage and distribution on the land and within the existing building only, it does not allow for the installation of any further structures or the laying of hardsurfacing, which may require a further application for 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/2023/2400
Property Ref: C023960000
Valid date: 14/12/2023
Location: Portinfer Timber Yard Portinfer Road Les Prins Lane Vale
Guernsey GY6 8HH
Proposal: Variation to conditions 1 and 2 of approved application
(PAPP/1997/4199) - To allow for general storage and
distribution (Use Class 22) across the whole of the site.
Applicant: Mr H Teal

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 site shall be used only for general storage and distribution, falling within Storage/Distribution Use Class 22 of 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), and for no other purpose including any other purpose otherwise permitted under the Land Planning and Development (Exemptions) Ordinance, 2023 (or any other Ordinance replacing or re-enacting that Ordinance).

Reason - Permission has been granted on the basis that the use will be limited to that outlined above. Any other use is likely to raise different planning policy considerations.

5. The existing workshop and office at the site shall not be used other than for the approved general storage and distribution use, or for purposes ancillary and incidental to that use. The structures shall be used for no other purpose, including any falling within Storage/Distribution Use Class 23 or Industrial Use Classes 24, 25, 26 or 27 of the Land Planning and Development (Use Classes) Ordinance, 2017.

Reason - This would require a separate grant of planning permission and involve different planning policy considerations.

6. Any materials, equipment or other items stored at the site shall not be stacked or deposited to a height exceeding 2 metres above ground level at any time on any part of the site.

Reason - To minimise the impacts on landscape character and openness.

7. Operations at the site shall only occur between 07:30 hours and 18:00 hours Monday to Friday and 08:00 hours and 17:30 hours on Saturday, and not at any time on Sunday, Bank or Public Holidays.

Reason - The premises are close to residential property and a limit on the use is needed to prevent a nuisance or annoyance to nearby residents.

8. Industrial plant and machinery use at the site shall occur only within the existing workshop and shall be limited to between 08:00 hours and 18:00 hours Monday to Friday and 08:00 hours and 13:00 hours on Saturday, and not at any time on Sunday, Bank or Public Holidays.

Reason - The premises are close to residential property and a limit on the use is needed to prevent a nuisance or annoyance to nearby residents.

9. a) Prior to the undertaking of any landscaping at the site, details of supplementary planting along the southern half of the east site boundary, to include planting schedules, noting the species, sizes, numbers and densities of plants, shall be submitted to and agreed in writing by the Authority.

b) The planting shall be fully completed, in accordance with the details agreed under the terms of a), in the first planting season following the first use of the site in accordance with the permission hereby granted, or in accordance with a programme previously agreed in writing by the Authority. Any trees or plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by trees or plants of a size and species similar to those originally required to be planted.

Reason - To make sure that a satisfactory landscaping scheme for the development is agreed and implemented, in order to help assimilate the development into its surroundings.

INFORMATIVES

For the avoidance of doubt, this permission allows for general storage and distribution on the land and within the existing building only, it does not allow for the installation of any further structures or the laying of hardsurfacing, which may require a further application for planning permission.

OFFICER'S REPORT

Site Description:

The site has an established use as a timber yard for the recycling of redundant glasshouse timbers. This use includes a single clad workshop structure and open storage. The workshop is located to the south of the land parcel and the land slopes up away from the building to the north. The site is generally bounded by thick scrub/hedging.

The site is accessed via a track from Les Prins Lane from the west, which itself joins Portinfer Road to the north. The track is of single vehicle width, with a drop to the land to the south in places, and serves the application site, agricultural land/premises and the domestic curtilage of a property on La Grande Cloture to the north. Whilst the track appears to have been surfaced in tarmac, the surface has degraded slightly and there is evidence of loose chippings and a green verge in the centre. There were however no apparent potholes at the time of the site visit. Les Prins Lane from the junction with the track extending to Portinfer Road to the north serves a number of domestic properties and, whilst varying in width, is predominantly single vehicle width and is also in varying states of repair and suffers from potholes. Les Prins Lane also extends to Les Prins Estate to the south, as an unmade track.

The site is located to the north of a large open area located to the north of Barras Lane, designated as an Agriculture Priority Area. There is a pedestrian footpath running along the north boundary of that land, adjacent to the south boundary of the application site, and the site is visible in long views across that land from Barras Lane. The site is also bounded by open land to the north (including former quarries), east and south-west. The remains of a former glasshouse site are located further to the south-west. A large building has recently been constructed on the land to the north-west, that building and the land on which it is located are designated for agricultural purposes.

The site is located Outside of the Centres in the Island Development Plan. The land abutting the site and extending away to the north-west, north and east, and including a small section of land along the south boundary, is designated as a Site of Special Significance.

Relevant History:

Application site

Permission granted 09/03/1998 to clad greenhouse (workshop) in green Onduline sheeting, conditioned as follows:

1. The site as a whole shall not be used other than as a timber yard for the recycling of redundant glasshouse timbers only. The site shall be used for no other purpose, including any relating to a general timber yard use or any other use falling within Storage/Distribution (Use Classes) Ordinance, 1991.
2. The workshop shall not be used other than for purposes ancillary and incidental to the approved principal use of the site as a whole as a timber yard for the recycling of redundant glasshouse timbers only. The workshop shall be used for no other purpose, including any falling within Industrial Use Classes 48 or 49 of the Island Development (Use Classes) Ordinance, 1991, and shall not be used separately from the approved principal use of the site as a whole.

Adjacent site to the north-west (C02398A001)

FULL/2021/2314 Demolish outbuildings and erect agricultural barn to east of site.
Approved 12/04/2022

Land located to the north of the western part of the access track (C023990000)

FULL/2019/2092 Change of use of agricultural land to domestic garden. Approved 30/12/2019

Building to the south of the western part of the access track (C02395A000)

CLU/2021/0049 Regularise use of property as a single dwelling house (Residential Use Class 1). Granted 30/11/2021

CLU/2023/0128 Regularise use of land as a domestic garden (1980 sqm) (Residential Use Class 1) Refused 14/02/2023

Existing Use(s):

Timber yard for the recycling of redundant glasshouse timbers.

Brief Description of Development:

Permission is sought to vary condition 1 of the 1998 permission to allow General Storage and Distribution for the whole site, and to vary condition 2 of that permission to allow the workshop building to be used in association with any item stored.

The extended storage is stated to be related to the building trades, to be stored on the ground and no higher than the hedge.

Relevant Policies of any Plan, Subject Plan or Local Planning Brief:

OC3 Offices, Industry and Storage and Distribution Outside of the Centres
GP1 Landscape character and open land
GP8 Design
GP9 Sustainable Development
IP9 Highway Safety, Accessibility and Capacity

Representations:

Four letters of representation raising the following points:

- Conditions 1 & 2 of the 1997 application are not available and there is no indication of the current state of the land. More detail is required;
- The development is very open ended;
- The site is located adjacent to a large residential estate;
- Increased noise disruption;
- Increased traffic:
 - o Impacts on roads maintained by Les Prins Estate Company;
 - o Les Prins Lane is already in a poor state and additional traffic will result in further damage, potentially impacting on utilities under the lane;
 - o Dangerous for pedestrians, particularly children of the estate.

Consultations:

The Office for Environmental Health and Pollution Regulation initially commented as follows:

I have reviewed the application submitted to vary conditions 1 and 2 of approved application PAPP/1997/4199, which permit the use of the site to a timber yard for the recycling of redundant glasshouse timbers only, and use of the workshop for purposes ancillary and incidental to the redundant glasshouse timber yard.

The applicant proposes to store items and materials other than redundant glasshouse timbers across the whole site, and to use the workshop in association with any items stored. There is currently insufficient information submitted for me to comment fully on this application and I would welcome the following information:

- 1) The current and proposed operating hours of the site.
- 2) Further details about the nature and operation of the current business and the proposed changes, please include:
 - a) the current business model and how the site operates
 - b) what is currently stored at the site
 - c) how timbers are recycled
 - d) what happens to timbers that cannot be recycled
 - e) what the workshop is currently used for
 - f) the proposed business model and how the site will be operated
 - g) what materials are proposed to be stored at the site
 - h) what the workshop will be used for
- 3) Details about the waste elements of the business and the waste materials handled and recycled by the business, please include:
 - a) how timber currently arrives on site – is it brought to site or is it collected by the business?
 - b) any proposed waste materials that the business will store, handle, recycle or process
- 4) If there are any proposed noisy plant/machinery or operations.

Following deferral, the following additional comments have been provided:

I have reviewed the additional information submitted by the applicant, regarding their application to vary conditions 1 and 2 of approved application PAPP/1997/4199, which state the following:

1. The site as a whole shall not be used other than as a timber yard for the recycling of redundant glasshouse timbers only. The site shall be used for no other purpose, including any relating to a general timber yard use or any

other use falling within Storage/Distribution Use class 38 of the Island Development (Use Classes) Ordinance, 1991.

2. The workshop shall not be used other than for purposes ancillary and incidental to the approved principal use of the site as a whole as a timber yard for the recycling of redundant glasshouse timbers only. The workshop shall be used for no other purpose, including any falling within Industrial Use classes 48 or 49 of the Island Development (Use Classes) ordinance, 1991, and shall not be used separately from the approved principal use of the site as a whole.

The applicant proposes to store items and materials other than redundant glasshouse timbers across the whole site, and to use the workshop in association with any items stored. I previously responded to the application and asked for further information to be provided, which has been submitted and I have read this in detail.

I note that the site is accessed via a private track, which has two residential properties adjacent to its entrance / exit. There is an intention to let part of the site to other users and whilst an estimation of current traffic to and from the site is provided, this could increase if another user / business begins to operate there. To protect resident amenity from traffic entering and exiting the site, I would recommend that the following condition is attached to any granted consent:

- The site shall only operate between 07:30 hours and 18:00 hours Monday to Friday and 08:00 hours and 17:30 hours on Saturday, and not at any time on Sunday, Bank or Public Holidays.

There is also confirmation that the intention is to store other materials than timbers at the site, including building materials such as bricks and paving slabs. The application proposes a relaxation to Condition 2, which would mean the workshop could be used in association with any item stored. The applicant has confirmed that noisy plant and equipment is used on site and in effect any noisy plant or equipment used in the workshop could be used on materials other than timber. To protect resident amenity from noisy plant and equipment use, I would recommend that the following condition is attached to any granted consent:

- Industrial plant and machinery use at the site shall be limited to between 08:00 hours and 18:00 hours Monday to Friday and 08:00 hours and 13:00 hours on Saturday, and not at any time on Sunday, Bank or Public Holidays.

As an advisory for the applicant, it is noted that the applicant collects waste timber from demolished greenhouses and brings it to the site, and that waste materials are stored on site. A Waste Transport Licence and Waste Management Exemption may be required, and I have referred these matters to my colleague, Lava Lundberg, Waste Regulation Officer, who will contact the applicant to discuss this outside of the planning application process.

Summary of Issues:

Impacts on openness and the character of the area;
Impacts on the amenity of nearby residential property;
Impact on traffic and road safety.

Assessment against:

- 1 - Purposes of the law.**
- 2 - Relevant policies of any Plan, Subject Plan or Local Planning Brief.**
- 3 - General material considerations set out in the General Provisions Ordinance.**
- 4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).**

The proposal would comprise an expansion of the existing use of the site and, under the provisions of Policy OC3, an application must demonstrate the following:

i) The development is of a scale and form that respects the character of the surrounding area and would not adversely affect or detract from the amenities of existing surrounding uses especially with regard to noise, vibration, smell, fumes, smoke, soot, ash, dust or grit;

This criterion reflects the requirements of Policies GP1 and GP8, in respect of the impacts on openness and the character of the area, and GP8 and GP9b) in respect of neighbour amenity.

In terms of land area, the storage yard would remain as existing and it is the increased impacts which might be associated with the proposed diversification and potential intensification of use which must be considered. Whilst the applicant has verbally confirmed that the intention is to allow use of the site by small building firms, the use applied for is general storage which could allow for a variety of businesses to operate from the site, either as one single operation or multiple smaller operations. It is confirmed that the workshop would be retained as an ancillary function to the storage use, and, as no change of use is applied for in relation to the office building, this would also have to remain ancillary to the storage use. Whilst the submitted plan indicates hardsurfacing across most of the site, this was not apparent as part of the site visit and, as surfacing does not form part of this application, any surfacing of the northern part of the site would require a separate

application for planning permission. As storage has been ongoing at the site without surfacing, this is not considered a requirement of the current application.

The site is located on the periphery of a large area of open land, with public access along the south boundary. In short views from within the immediate area the site is generally screened by the boundary vegetation, and additional planting can be required in the more sparse areas along the southern part of the east boundary by planning condition. An intensified use of the site could however result in a requirement for higher storage than under the approved use and, to ensure the storage does not become visible above the boundary planting, the height of the proposed storage can also be controlled by condition, to a maximum height of 2m. Whilst it is noted that greater height has been permitted on other storage sites, 2m is considered reasonable in this area, taking into account the site context.

The site is also visible in long views from Barras Lane to the south. The existing boundary planting and building do provide some screening to the area of open storage in those views, however the land slopes up away from the building and is partially visible above the building. Given that the land can already be used for open storage, albeit in a more limited manner, provided the height of the storage is limited as recommended above, the proposed intensification would not have significant additional visual impacts in long views.

Overall therefore, subject to reinforcement of the boundary treatment along the east boundary and a limitation on the height of the storage, the proposal would not result in increased impacts on openness or the character of the area.

An intensification and diversification of the storage use at the site would not, in itself, give rise to impacts that might affect the amenities of surrounding uses, particularly given that the uses immediately surrounding the site are agricultural in nature. Ancillary functions to the storage use, which are of an industrial nature, could however give rise to such impacts, on nearby property and also the adjacent Site of Special Significance, however this matter can be controlled through a condition precluding any industrial activity, including the use of plant and machinery, to be undertaken outside of the existing building at the site. In accordance with the response from the Office for Environmental Health and Pollution Regulation (OEHPR), the hours of operation of any such machinery and plant can also be controlled by condition, further limiting any impacts that might arise.

The applicant states that, as part of the existing business, there are approximately 8-10 vehicle movements (cars/trucks/vans) to and from the site a day and suggests that the proposed use would result in a lower number of movements, as the intended businesses would only tend to access the site once a day. As noted above, there would however be no control over the specific business type using the site, or the number of those businesses operating from the site, and it must therefore be considered that there is potential for the proposal to result in increased vehicle movements over those associated with the existing operation. The current use of the site is however unconstrained, and, whilst the applicant cites a limited number of

movements, any number of vehicles of any size could use the road at any time under the present permission.

Vehicle movements are limited to along the adjacent track and Le Prins Lane, accessing on to Portinfer Road to the north. The applicant has confirmed that the site does not benefit from a right of way across Le Prins Lane to the south, and traffic would not therefore affect that Estate. A number of residential properties line Le Prins Lane, and additional vehicle movements could generate additional disturbance to those properties. The OEHPR however recommend a condition limiting the operating hours of the site, to limit any potential disturbance to daytime hours Monday-Saturday only.

ii) The development will not jeopardise highway safety and the free flow of traffic on the adjoining highway;

This criterion reflects the requirements of Policy IP9, and the material considerations in relation to roads.

As identified above, the proposed use may result in increased vehicle movements along the adjacent lanes and on to Portinfer Road to the north.

In respect of the junction of Le Prins Lane with Portinfer Road, the sightlines in the direction of oncoming traffic are good. Whilst it is noted that the sightline to the west is impeded by the boundary wall immediately adjacent to the access, the impacts of this are less significant as the traffic is approaching on the opposite side of the road.

Within Le Prins Lane and the adjoining track, there is good visibility and the width and surfacing would tend to limit speed. In terms of vulnerable road users, the track from Le Prins Lane to the site is a dead end, with no option for onward vehicular or pedestrian movements. This section of track is therefore unlikely to be heavily used. It is acknowledged that the section of Le Prins Lane from the track to Portinfer Road is used by vulnerable users however there is good visibility along this section of track and the proposal would not result in significant additional risk to those users.

Any potential increased traffic associated with the proposed extension of use would not therefore raise road safety concerns.

The points made in the letters of representation regarding the potential for impacts on the condition of the private road are noted. The current use of the site is however unconstrained, and any number of vehicles of any size could use the road. The road is also used by multiple other properties, in residential, commercial and agricultural use, and the condition of the surfacing already varies. The road falls outside of the control of the applicant and its upkeep would comprise a legal matter falling outside of the control of planning law. It would not be reasonable to place any conditions in respect of the condition of the road on any planning permission issued under this application.

iii) The site will be laid out to achieve the most effective and efficient use of the land and the least negative visual and amenity impacts with buildings, materials, parking, access, and open storage areas designed to respect the character of the area;

This criterion reflects the requirements of Policy GP8a), b) & c).

There is currently no restriction on the areas of the site which can be used for open storage and the proposal will not result in any change to the existing site layout. As set out above, and subject to the identified conditions, the proposal would not result in any significant additional impacts on the character of the area. No additional storage buildings or containers are proposed, and any such structures would be subject to formal consideration under a separate application.

iv) The proposal includes details of an appropriate soft landscaping scheme, which will make a positive contribution to the visual quality of the environment and will sufficiently screen the activities on the site and mitigate impacts.

This criterion reflects the requirements of Policy GP8e) and the Strategy for Nature.

The proposal does not include details of a soft landscaping scheme. In this case, given that the whole of the site is already authorised for storage use, it would not be reasonable to require substantial landscaping to be undertaken, however details and implementation of supplementary boundary planting as set out above can be controlled by condition.

Subject to the additional conditions set out above, the proposal to vary Condition 1 of the 1998 permission to allow for general storage, falling within Use Class 22 of the Land Planning and Development (Use Classes) Ordinance, 2017, and to vary Condition 2 to allow for the existing building at the site to be used for purposes ancillary to that storage, would comply with the purpose of the Law, material considerations and relevant planning policies. A change of use away from storage to an industrial use could however give rise to different impacts, and it is therefore considered reasonable and necessary to apply a condition with holding exemption rights for any such change of use.

Date: 17/05/2024

