

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: Demolish existing building and erect 5 light industrial/storage units (2 storey), infill existing vehicle access, create new vehicle access and alterations to roadside boundary.

LOCATION: Blanchisserie De Normandie, Mont Arrive, St. Peter Port.

APPLICANT: Commercial Services Ltd

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: 21/05/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 29/12/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: MAT Ltd - 23 290 - 01B, - 02B, - 03B, - 04B & - 05B.

Application Ref: FULL/2024/0042

Property Ref: A102830000

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. (i) No development, including site clearance and demolition, shall take place until there has been submitted to and approved in writing by the Authority:

(a) A desktop study documenting all the previous and existing land uses of the site and adjacent land in accordance with national guidance as set out in Land Contamination Risk Management (LCRM) and BS10175:2001+A2:2017 - Investigation of Potentially Contaminated Sites - Code of Practice; and unless otherwise agreed in writing by the Authority,

(b) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS10175; and, unless otherwise agreed in writing by the Authority,

(c) a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such scheme shall include nomination of a competent person to oversee the implementation of the works.

(ii) If determined to be required the development hereby permitted shall not be occupied or brought into use until there has been submitted to the Authority verification by a competent person approved under the provisions of subsection (i)c of this condition that any remediation scheme required and approved under the provisions of subsection (i)c of this condition has been implemented fully in accordance with the approved details (unless varied with the written agreement of the Authority in advance of implementation). Unless otherwise agreed in writing by the Authority such verification shall comprise:

- a) as built drawings of the implemented scheme;
- b) photographs of the remediation works in progress;
- c) certificates demonstrating that imported and/or material left in situ is free from contamination.

Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under subsection (i) c. of this condition.

Reason - To make sure that the site, when developed is free from contamination, in the interests of public health and safety.

5. a) No development, including site clearance and demolition, shall take place until an updated version of the Site Waste Management Plan submitted as part of this application has been submitted to and approved in writing by the Authority. The updated Site Waste Management Plan shall take into account any further site surveys or changes to the construction programme, and shall identify an individual with responsibility for regularly monitoring the Site Waste Management Plan. The development shall thereafter be carried out only in accordance with the Site Waste Management Plan so approved.

b) No part of the development hereby permitted shall be occupied or brought into use until there has been submitted to the Authority a report providing verification that the development has been carried out and monitored fully in accordance with the Site Waste Management Plan approved under a) above. Where there has been any variation from the approved Site Waste Management Plan, the report shall highlight and detail the reasons for this.

Reason: To ensure that the development is managed to minimise waste during the demolition of any existing buildings or structures or during construction, that existing materials are reused, recycled or disposed of either on or off site, and that residual waste will be dealt with appropriately, in accordance with the aims and objectives of Policy GP9.

6. Prior to the new access being formed, large scale details of that access and the associated visibility splays shall be submitted to and approved in writing by the Authority. The access shall thereafter be formed in accordance with the approved details and the visibility splays shall be retained as approved at all times.

Reason - In the interests of highway safety and to secure the satisfactory appearance of the completed development.

7. Within four weeks of the new access being brought into use, the existing accesses shall be closed permanently using materials and a method of construction which match the remainder of the boundary wall.

Reason - To minimise the number of points of access, in the interests of highway safety and to ensure an appropriate finish in the interests of the character of the area.

8. No cladding shall be brought to the site until such time as details of the type, texture and colour of the cladding material to be used have been submitted to and agreed in writing by the Authority. The work shall be completed in accordance with the agreed details.

Reason - To secure the satisfactory appearance of the completed development.

9. Prior to installation full details of the electric vehicle charge points shall be submitted to and approved by the Authority. The approved solar panels and charge points shall be installed and made operational prior to any unit hereby approved being occupied.

Reason - In the interests of sustainable development, these features having been proposed to address the requirements of Island Development Plan Policy GP9.

10. a) No landscaping shall be undertaken until a landscaping scheme, to include those details specified below, has been submitted to and agreed in writing by the Authority:

- i) the treatment proposed for all ground surfaces, including a specification of laying for all hard areas;
- ii) full details of tree and hedge planting;
- iii) planting schedules, noting the species, sizes, numbers and densities of plants;
- iv) finished levels or contours; and
- v) all existing trees, hedges and other landscape features, indicating clearly those to be removed.

b) The landscaping scheme shall be fully completed, in accordance with the details agreed under a), in the first planting season following the first occupation of any part of the development or completion of development whichever is the sooner, 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, in order to help assimilate the development into its surroundings and to achieve biodiversity enhancements in accordance with the Strategy for Nature.

11. No part of the building or development hereby permitted shall be used or occupied until the approved cycle storage has been fully implemented. The provision for cycles shall be retained at all times.

Reason - To encourage the use of bicycles as an alternative to the car.

12. The premises hereby approved shall be used only for uses falling within Storage and Distribution Use Class 22 or Light Industrial Use Class 24 of the Land Planning and

Development (Use Classes) Ordinance, 2017, or in any provision equivalent to those Use Classes in any Ordinance revoking 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.

13. The office accommodation shown on the approved plans shall be used only for purposes ancillary and incidental to the primary use of the site identified under the above condition and shall not be used for any separate purpose at any time.

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.

14. The use hereby permitted shall be restricted to between the hours of 07:00 hours and 18:00 hours on Mondays to Fridays and 07:00 hours and 13:00 on Saturdays and not at any time on Sundays, Bank Holidays 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.

15. There shall be no operation of industrial plant or machinery, waste collections, or the receiving or dispatching of deliveries from the site outside the hours of 08:00 and 18:00 hours on Mondays to Fridays and 08:00 and 13:00 hours on Saturdays and there shall be no industrial plant or machinery operation, collections, deliveries or despatches at any time on Sundays, Bank Holidays 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.

16. All plant and machinery used at the permitted site shall be operated inside the building and only while all doors and windows remain closed.

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.

17. No storage of any description shall take place on the open land outside the building on the site.

Reason - To make sure that the site does not fall into an untidy condition and spoils the appearance of the area.

Expiry Date: This permission will cease to have effect on 21/05/2027 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

In respect of Condition 4, a desktop study shall be the very minimum standard accepted. Pending the results of the desktop study, the applicant may have to satisfy the requirements of criteria (b) and (c) of that condition, however, this will all be confirmed in writing.

The phased risk assessment should be carried out also in accordance with the procedural guidance and UK policy.

The site is known to be or suspected to be contaminated. Please be aware that the responsibility for the safe development and secure occupancy of the site rests with the developer.

It is strongly recommended that in submitting details in accordance with the above condition that the applicant has reference to Land Contamination risk management available at <https://www.gov.uk/guidance/land-contamination-risk-management>.

In respect of Condition 6, the details of the new access shall demonstrate that there is no obstruction greater than 900mm, including any landscaping proposed, within the visibility splays.

Conditions 12 & 13 set out the authorised uses of the premises, and any creative industrial use must operate within the identified Use Classes. It is recommended that advice is sought from the Authority prior to the letting of accommodation to any such use to ensure compliance.

For the avoidance of doubt, this permission grants no consent whatsoever for the erection of a signboard or the installation of air handling units and these elements would have to form the subject of a separate application for planning permission. For advice in respect of an application for air handling units, please see the enclosed consultation response from the Office for Environmental Health and Pollution Regulation.

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/2024/0042
Property Ref: A102830000
Valid date: 29/12/2023
Location: Blanchisserie De Normandie Mont Arrive St. Peter Port
Guernsey GY1 2RA
Proposal: Demolish existing building and erect 5 light industrial/storage
units (2 storey), infill existing vehicle access, create new
vehicle access and alterations to roadside boundary.
Applicant: Commercial Services Ltd

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).

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(a) A desktop study documenting all the previous and existing land uses of the site and adjacent land in accordance with national guidance as set out in Land Contamination Risk Management (LCRM) and BS10175:2001+A2:2017 - Investigation of Potentially Contaminated Sites - Code of Practice; and unless otherwise agreed in writing by the Authority,

(b) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS10175; and, unless otherwise agreed in writing by the Authority,

(c) a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such scheme shall include nomination of a competent person to oversee the implementation of the works.

(ii) If determined to be required the development hereby permitted shall not be occupied or brought into use until there has been submitted to the Authority verification by a competent person approved under the provisions of subsection (i)c of this condition that any remediation scheme required and approved under the provisions of subsection (i)c of this condition has been implemented fully in accordance with the approved details (unless varied with the written agreement of the Authority in advance of implementation). Unless otherwise agreed in writing by the Authority such verification shall comprise:

a) as built drawings of the implemented scheme;

b) photographs of the remediation works in progress;

c) certificates demonstrating that imported and/or material left in situ is free from contamination.

Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under subsection (i) c. of this condition.

Reason - To make sure that the site, when developed is free from contamination, in the interests of public health and safety.

5. a) No development, including site clearance and demolition, shall take place until an updated version of the Site Waste Management Plan submitted as part of this application has been submitted to and approved in writing by the Authority. The updated Site Waste Management Plan shall take into account any further site surveys or changes to the construction programme, and shall identify an individual with responsibility for regularly monitoring the Site Waste Management Plan. The development shall thereafter be carried out only in accordance with the Site Waste Management Plan so approved.

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Reason: To ensure that the development is managed to minimise waste during the demolition of any existing buildings or structures or during construction, that existing materials are reused, recycled or disposed of either on or off site, and that residual waste will be dealt with appropriately, in accordance with the aims and objectives of Policy GP9.

6. Prior to the new access being formed, large scale details of that access and the associated visibility splays shall be submitted to and approved in writing by the Authority. The access shall thereafter be formed in accordance with the approved details and the visibility splays shall be retained as approved at all times.

Reason - In the interests of highway safety and to secure the satisfactory appearance of the completed development.

7. Within four weeks of the new access being brought into use, the existing accesses shall be closed permanently using materials and a method of construction which match the remainder of the boundary wall.

Reason - To minimise the number of points of access, in the interests of highway safety and to ensure an appropriate finish in the interests of the character of the area.

8. No cladding shall be brought to the site until such time as details of the type, texture and colour of the cladding material to be used have been submitted to and agreed in writing by the Authority. The work shall be completed in accordance with the agreed details.

Reason - To secure the satisfactory appearance of the completed development.

9. Prior to installation full details of the electric vehicle charge points shall be submitted to and approved by the Authority. The approved solar panels and charge points shall be installed and made operational prior to any unit hereby approved being occupied.

Reason - In the interests of sustainable development, these features having been proposed to address the requirements of Island Development Plan Policy GP9.

10. a) No landscaping shall be undertaken until a landscaping scheme, to include those details specified below, has been submitted to and agreed in writing by the Authority:

- i) the treatment proposed for all ground surfaces, including a specification of laying for all hard areas;
- ii) full details of tree and hedge planting;
- iii) planting schedules, noting the species, sizes, numbers and densities of plants;
- iv) finished levels or contours; and
- v) all existing trees, hedges and other landscape features, indicating clearly those to be removed.

b) The landscaping scheme shall be fully completed, in accordance with the details agreed under a), in the first planting season following the first occupation of any part of the development or completion of development whichever is the sooner, 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, in order to help assimilate the development into its surroundings and to achieve biodiversity enhancements in accordance with the Strategy for Nature.

11. No part of the building or development hereby permitted shall be used or occupied until the approved cycle storage has been fully implemented. The provision for cycles shall be retained at all times.

Reason - To encourage the use of bicycles as an alternative to the car.

12. The premises hereby approved shall be used only for uses falling within Storage and Distribution Use Class 22 or Light Industrial Use Class 24 of the Land Planning and Development (Use Classes) Ordinance, 2017, or in any provision equivalent to those Use Classes in any Ordinance revoking 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.

13. The office accommodation shown on the approved plans shall be used only for purposes ancillary and incidental to the primary use of the site identified under the above condition and shall not be used for any separate purpose at any time.

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.

14. The use hereby permitted shall be restricted to between the hours of 07:00 hours and 18:00 hours on Mondays to Fridays and 07:00 hours and 13:00 on Saturdays and not at any time on Sundays, Bank Holidays 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.

15. There shall be no operation of industrial plant or machinery, waste collections, or the receiving or dispatching of deliveries from the site outside the hours of 08:00 and 18:00 hours on Mondays to Fridays and 08:00 and 13:00 hours on Saturdays and there shall be no industrial plant or machinery operation, collections, deliveries or despatches at any time on Sundays, Bank Holidays 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.

16. All plant and machinery used at the permitted site shall be operated inside the building and only while all doors and windows remain closed.

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.

17. No storage of any description shall take place on the open land outside the building on the site.

Reason - To make sure that the site does not fall into an untidy condition and spoils the appearance of the area.

INFORMATIVES

In respect of Condition 4, a desktop study shall be the very minimum standard accepted. Pending the results of the desktop study, the applicant may have to satisfy the requirements of criteria (b) and (c) of that condition, however, this will all be confirmed in writing.

The phased risk assessment should be carried out also in accordance with the procedural guidance and UK policy.

The site is known to be or suspected to be contaminated. Please be aware that the responsibility for the safe development and secure occupancy of the site rests with the developer.

It is strongly recommended that in submitting details in accordance with the above condition that the applicant has reference to Land Contamination risk management available at <https://www.gov.uk/guidance/land-contamination-risk-management>.

In respect of Condition 6, the details of the new access shall demonstrate that there is no obstruction greater than 900mm, including any landscaping proposed, within the visibility splays.

Conditions 12 & 13 set out the authorised uses of the premises, and any creative

industrial use must operate within the identified Use Classes. It is recommended that advice is sought from the Authority prior to the letting of accommodation to any such use to ensure compliance.

For the avoidance of doubt, this permission grants no consent whatsoever for the erection of a signboard or the installation of air handling units and these elements would have to form the subject of a separate application for planning permission. For advice in respect of an application for air handling units, please see the enclosed consultation response from the Office for Environmental Health and Pollution Regulation.

OFFICER'S REPORT

Site Description:

The application site is located to the west of Mont Arrive and to the south of Guelles Lane, and benefits from two accesses, one on to Guelles Lane and one at the junction of the two roads. On street parking for approximately six vehicles is located along the north boundary.

Levels rise slightly from the north of the site to the south, with more substantial increases to the adjacent property to the south and the road to the east.

Guelles Lane supports a mix of storage, industrial, office and residential uses. The site is bounded by an industrial use to the west and residential properties are located across the road to the north and east. The site to the south includes a garage/car workshop building and forecourt immediately adjacent to the boundary and a residential property located on the other side of that building, the curtilage of which wraps around the rear of the garage/car workshop. Residential properties extend away from the site to the south along Mont Arrive.

The site is located within the Main Centre Outer Area as designated within the Island Development Plan, and abuts a Conservation Area to the south.

Relevant History:

None relevant.

Existing Use(s):

Main building	North-west and east section General Industrial Use
Class 25	
	West section Storage & Distribution Use Class 22
Building to west of site	Northern section General Industrial Use Class 25
	Southern section Light industrial Use Class 24

Brief Description of Development:

Permission is sought to demolish the existing buildings at the site and to erect 5 no 2 storey industrial/storage units falling within Light Industrial Use Class 24 and Storage & Distribution Use Class 22 in an L-shaped configuration along the west and south site boundaries. Units 1 & 2 would incorporate first floor storage/creative industry accommodation, Unit 3 would incorporate first floor storage and office space, Unit 4 would incorporate office and mezzanine floor & Unit 5 would just incorporate a mezzanine floor. The remainder of the site area would be allocated for parking. The proposed times of operation would be 07:00 – 18:00 Monday – Friday, 07:00 – 13:00 on Saturdays.

The proposed building would be finished in render and composite timber cladding with aluminium insulated profile roof sheets. Solar panels are proposed to the south, west and east roofslopes.

The existing accesses would be infilled and a new access formed in the centre of the north boundary, on to Guelles Lane, with the roadside boundary reduced in height within the visibility splays.

A sign board is shown at the site access, however that board is not included in the application description, no fee has been paid for its consideration, and no details are provided. The signboard cannot therefore be considered as part of the current application and will need to form the subject of a separate application.

The floor area of the proposed units are as follows:

Unit	Ground floor /sqm	Initial first floor/sqm	Revised first floor/sqm	Total /sqm Initial Revised	% of unit office Initial Revised
1	215	Office over Unit 1: 215	Creative industry/light storage over Unit 1: 215		
		Office over Unit 2: 197			
		Total office: 412		627 430	66 0
2	197	Office over Unit 3: 113	Creative industry/light storage over Unit 2: 197	310 394	36 0

3	197	Office over Unit 3: 82	Light storage over Unit 3: 87		
			Office over Unit 3: 93	279 377	29 25
4	444	Office: 84			
		Mezzanine: 85			
		Facilities: 18		631	13
5	197	Mezzanine: 82		279	0
Total	1250			2126	

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

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
GP8	Design
GP9	Sustainable Development
IP6	Transport Infrastructure and Support Facilities
IP7	Private and Communal Car Parking
IP9	Highway Safety, Accessibility and Capacity

Representations:

6 letters of representation received raising the following points:

- Increased traffic on a narrow road which:
 - o already has a lot of commercial traffic;
 - o has poor visibility when exiting on to Guelles Road;
 - o is used by school children;
- Loss of 6no 23hr public parking spaces as a result of alterations to the site access, in an area where on street parking has significantly reduced and nearby properties do not have parking;

Consultations:

The Office for Environmental Health and Pollution Regulation comment as follows:

I have reviewed the proposed plans for the demolition of the existing building and the erection of five industrial units (two storey) at the above site, plus the infilling of the existing vehicle access, creation of a new vehicle access and alterations to the roadside boundary.

Since first reviewing this application, I have had an email conversation with the Planning Officer, about concerns I have about noise impact on residents and contaminated land, and the Officer has provided me with further information from the applicant.

The applicant has confirmed that the proposed use of the new units once built would be Light Industrial (Class 24) and Storage and Distribution (Class 22), and the proposed times of operation are 07:00 – 18:00 Monday – Friday and 07:00 – 13:00 on Saturdays. I am concerned that without any formal controls in place, there is the potential for noise to arise from this site, once it is finished and being operated, which could impact nearby residential properties. I would therefore recommend that the following conditions are attached to any granted consent:

- The use hereby permitted shall be restricted between the hours of 08:00 hours and 18:00 hours on Mondays to Fridays and 08:00 hours and 13:00 on Saturdays and not at any time on Sundays, Bank Holidays or Public Holidays.
- There shall be no waste collections, or the receiving or dispatching of deliveries from the site outside the hours of 08:00 and 18:00 hours on Mondays to Fridays and 08:00 and 13:00 hours on Saturdays and there shall be no collections, deliveries or despatches at any time on Sundays, Bank Holidays or Public holidays.
- All plant and machinery used at the permitted site shall be operated inside the building and only while all doors and windows remain closed.

In addition to my concerns about noise, I am also concerned that there could be contaminated land at the site, due the previous commercial use of the site as a laundry / dry cleaner. The Cadastre record for the site also shows there was a boiler house on site, which could give rise to potential land contamination. Whilst it is not clear whether any ground is to be broken during the demolition and / or construction phases of the works, the applicant has confirmed that they plan to test the ground for contamination. To ensure this action is carried out, I would recommend that the following condition is attached to any granted consent:

- **Please note this is one condition with multiple sub-sections:**
 - (i) No works pursuant to this permission shall commence until there has been submitted to and approved in writing by Planning Services: (A desktop study shall be the very minimum standard accepted. Pending the results of the desktop study, the applicant may have to satisfy the requirements of (b) and (c) below, which will be confirmed in writing).

- (i) (a) A desktop study documenting all the previous and existing land uses of the site and adjacent land in accordance with national guidance as set out in Land Contamination Risk Management (LCRM) and BS10175:2001+A2:2017 - Investigation of Potentially Contaminated Sites - Code of Practice;

and, unless otherwise agreed in writing by Planning Services,

- (i) (b) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS10175;

and, unless otherwise agreed in writing by Planning Services,

- (i) (c) a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such scheme shall include nomination of a competent person to oversee the implementation of the works.

(ii) The development hereby permitted shall not be occupied or brought into use until there has been submitted to Planning Services verification by a competent person approved under the provisions of condition (i)(c) that any remediation scheme required and approved under the provisions of condition (i)(c) has been implemented fully in accordance with the approved details (unless varied with the written agreement of Planning Services in advance of implementation). Unless otherwise agreed in writing by Planning Services such verification shall comprise:

- (ii) (a) as built drawings of the implemented scheme;
- (ii) (b) photographs of the remediation works in progress;
- (ii) (c) certificates demonstrating that imported and/or material left in situ is free from contamination.

Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under condition (i)(c).

Informatives/Advice Notes

The phased risk assessment should be carried out in accordance with the procedural guidance and UK policy.

The site is known to be or suspected to be contaminated. Please be aware that the responsibility for the safe development and secure occupancy of the site rests with the developer.

It is strongly recommended that in submitting details in accordance with the above conditions that the applicant has reference to Land Contamination risk management available at <https://www.gov.uk/government/publications/land-contamination-risk-management-lcrm>

Advice regarding air handling plant/machinery:

I had noted the inclusion of A/C units on the proposed plans for the first floor of the new units (plan no. 23-290-03). Having queried these with the Planning Officer, the applicant has confirmed that these do not form part of this application. If any air handling plant or machinery is to be installed these will require separate planning permission and I would ask that this department is consulted on any application submitted, so that we can assess any noise impact on residents.

For the information of the applicant, at a minimum we would require the following information:

- Manufacturers' specifications of the proposed A/C units
- Distance to the closest noise sensitive property (this includes domestic gardens)
- Evidence that the noise level the proposed A/C units would operate at would be at least 5 dB(A) below the lowest background noise level at any time (this is generally at night)
- Details of any proposed attenuation measures to reduce the level of the A/C units

I would urge the applicant to contact an acoustic consultant and I have attached a list of consultants who are prepared to operate in Guernsey. Please note that inclusion on the list does not infer any kind of recommendation by this department.

Any measurements and assessment shall be made in accordance with British Standard 4142:2014.

Summary of Issues:

Whether the proposed use complies with policy;
Impact on the amenity of surrounding uses;
Design and impact on the character of the area;
Sustainable design;
Parking provision, road safety and traffic management.

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).**

Policy MC5(B) states that proposals to redevelop existing industrial or storage and distribution uses will be supported where they would not have an unacceptable adverse impact on the amenities of the surrounding uses. This requirement is further reflected through Policies GP8d) and GP9b).

The application proposes the erection of 5 no enclosed units, to be used for either storage or light industrial use, with two attached covered storage areas. Open storage is no longer proposed at the site and, in the interests of the character of the area and neighbour amenity, this matter can be controlled by condition.

As initially proposed the plans however indicated significant office space at first floor level, to be associated with Units 1, 2 & 3. This office space went beyond what could be considered ancillary and incidental to the proposed storage/industrial uses and policy does not allow for the provision of new office in this area. Following deferral, the plans have been revised, retaining small areas of office in association with Units 3 & 4, which would be considered ancillary to the use of those units and can be controlled by condition. The first floors associated with Units 1 & 2 have been amended to creative industry use. The pre-facing text to Policy MC5 states that the creative industry sector, including technology based industrial activity such as data hosting and website development, is recognised as an industrial activity and could be supported under Policy MC5.

The proposed buildings are set sufficiently distant to the residential properties to the north and east of the site to prevent any impacts in terms of overbearing, overshadowing or overlooking.

The proposed building would be located along the length of the west boundary, at a distance of 2m. Taking into account the use and layout of the adjacent property in that direction, there would not however be any significant impacts on amenity, notwithstanding the size of the building or the incorporation of windows along the boundary.

The south elevation of the proposed building would extend close to the boundary with the adjacent properties to the south. The eastern part of that boundary adjoins a commercial premises, however the western part adjoins domestic garden associated with the property to the south of the commercial premises. Taking into account the orientation of the proposed building to the adjacent garden, and the difference in levels between the sites, any overshadowing or overbearing impacts would not be significant. The ground floor doors and window would be below ground level at the adjoining property and would not have any adverse impacts. As initially proposed the application included two first floor windows which could have resulted in overlooking of the adjacent garden, and one which overlooked the commercial premises. Following deferral, the two windows overlooking the garden have been omitted from the application. The retained window would not impact on residential amenity. Impacts on existing planting along the south boundary are unclear and, to ensure an appropriate robust buffer is retained to the adjoining property, and that there is no detriment to biodiversity, it is recommended that a condition be attached requiring details of the treatment of existing planting and details of any supplementary planting.

In addition to the above the Office for Environmental Health and Pollution Regulation (OEHPR) raise concerns regarding disturbance arising from the redevelopment at the site and recommend conditions limiting the hours of operation, the hours of waste collection and deliveries and the use of plant and machinery. The applicant has agreed to the proposed conditions, subject to non-disruptive activities being able to commence from 7:00am. Given the unconstrained nature of the existing use at the site, this is a reasonable request and it is recommended that the OEHPR conditions are amended to allow operations to commence from 7:00am, but for no operation of industrial plant and machinery until 8:00am.

Policies GP8 and GP9 set out further requirements in respect of the design and sustainability of the development.

The existing building in the centre of the site has a ridge height of 5.2m, whilst that to the west of the site has a ridge height of 7m. The ridge height of the proposed building is 7.9m, and the proposal would generally represent a significant increase over the bulk and massing of the existing buildings at the site. The existing buildings however evolved in a piecemeal manner, are deteriorating, and themselves detract from the character of the area. The proposed building is coherently designed and the use of timber effect cladding could enhance its appearance, provided it is appropriately detailed (a matter which can be controlled by condition). The site steps into the hillside, mitigating visual impacts in views coming down the hill from the south. Whilst the building may appear dominant in views coming up the hill, it is set back on the site, viewed in the context of the adjacent commercial building to the east, and has the virtue of making an efficient and effective use of employment land. Furthermore additional landscaping is proposed around the site boundaries to provide some element of screening and to enhance the biodiversity value of the site,

details and implementation of which can be controlled by condition. Taking the above into account, it is considered that, notwithstanding the overall scale of the proposals, the building achieves a good standard of design and would accord with the requirements of Policy GP8.

The proposed bin store is a 9m x 3m monopitch structure, projecting to 3m at the highest point. Whilst this is a large structure, located prominently on the site, it is subservient to the main building, and is of a design, form and materials which emulates that of the main building. Taking into account the quality of the design, that the structure will be largely viewed against the main building and will provide screening to the parking area, and that a landscape buffer is proposed between the structure and the road, it is considered that the store will not have any adverse impacts on the character of the area.

Following deferral, a sustainability statement has been submitted in support of the application, setting out how the development will meet or exceed the Building Regulations. In addition solar panels are proposed across the south, east and west roofslopes, permeable surfacing is proposed to the proposed parking areas, and EV charge points are proposed to 20 spaces, including the disabled spaces. The proposal would therefore accord with the requirements of Policy GP9, and specific design elements and implementation can be controlled by condition.

A generic Site Waste Management Plan has been provided, as the applicant notes that specific details are not available at this stage. An updated plan and verification of compliance can be required by condition.

Policy IP6, IP7 and IP9 are relevant in respect of parking provision, road safety and traffic management.

The existing access in the north-east corner of the site is particularly poorly located in road safety terms and, in principle, the closure of the existing accesses and creation of a single point of access would comprise a road safety enhancement.

Mont Arrive is a Traffic Priority Route as designated under the Road Hierarchy, however the proposed new access would be located on Guelles Lane, which is a Neighbourhood Road. Required sightlines would therefore be 20m and, provided that the wall and planting within the visibility splays are retained below 900mm, the proposed new access would achieve the required sightlines. Closure of the existing accesses, finish of the proposed new access and maintenance of visibility splays can be controlled by condition.

The proposal would result in the loss of six on road parking spaces. Whilst the comments made in the letters of representation are noted, the site is however located within a Main Centre, where there is generally good access to facilities and services, and there is not a prioritisation given to parking provision. The loss of a small number of on road parking spaces would not therefore balance against the

positive economic and road safety outcomes associated with the proposed redevelopment.

The proposal would result in a more efficient use of the site, including an increase in the floor area of the building and an increase in the number of parking spaces, and would therefore be likely to result in additional vehicle movements to and from the site. As noted above the proposed access would however represent an enhancement in road safety and the majority of traffic is likely to egress on to the adjacent Traffic Priority Route to the east. There would not therefore be significant road safety concerns as a result on the proposal.

The Parking Standards set out a maximum provision of 1 space per 50sqm for industrial and storage uses in the Main Centre Outer Areas and a requirement for 2 disabled spaces where parking provision is between 21-50 spaces. The proposed units would have a cumulative floor space of 2126sqm, allowing for a maximum provision of 43 spaces. The initial proposal was for 41 parking spaces, plus one disabled space. Following deferral the parking has been amended to include 2 disabled spaces, appropriately positioned on site, and consequently amending the remaining parking provision to 37 standard car and 2 small car spaces. The revised parking provision would therefore be in accordance with the Parking Standards.

The Parking Standards also require the provision of one secure cycle stand accommodating two cycles for every 10 car parking spaces. The bicycle store proposed towards the north boundary of the site would provide sufficient space to store the requisite number of cycles. Implementation and retention of the store can be controlled by condition.

Overall, and subject to the conditions set out above, it is considered that the proposal accords with the purpose of the Law, material considerations and relevant planning policies. Consequently it is recommended that the application be approved.

Date: 17/05/2024

