

**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 buildings to west of site and erect 2 two storey storage and distribution units with ancillary offices and associated landscaping and parking.

**LOCATION:** Homemaker Building, Lowlands Industrial Estate, La Route Du Braye, Vale.

**APPLICANT:** J W Rihoy & Son

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:** 12/06/2024

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:** Lovell Ozanne & Partners Ltd: AA92-10662-S1-02A, -10A, -11A, -12A, -13A, -14A, -15A & -16A.

**Application Ref:** FULL/2024/0045

**Property Ref:** C00792D000+C00792H000

**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. Notwithstanding the details shown on the approved plans, prior to the commencement of any work in connection therewith a landscaping scheme, to include those details specified below, shall be submitted to and agreed in writing by the Authority:

- i) the treatment proposed for all ground surfaces, including 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.

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

5. The landscaping scheme shall be fully completed, in accordance with the details agreed under the terms of the above condition, 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 the appearance of the completed development is satisfactory and to help assimilate the development into its surroundings.

6. No development, including demolition and site works, shall begin until a Construction Environmental Management Plan (CEMP) has been submitted to and agreed in writing by the Authority. The plan must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust and site lighting during the demolition and construction process.

The CEMP shall include the following information:

- (i) A scheme of how the contractors will liaise with local residents to ensure that residents are kept aware of site progress and how any complaints will be dealt with, reviewed and recorded (including details of any 'Considerate Constructors' or similar scheme)
- (ii) A scheme of how the contractors will minimise complaints from neighbours regarding issues such as noise and dust management, vibration, site traffic and deliveries to and from the site. The scheme shall also detail any crushing of hardcore materials to be carried out on site and how this will be managed.
- (iii) Details of hours of demolition and construction including all associated vehicular movements
- (iv) A plan of the demolition/construction compound
- (v) A plan showing demolition and construction traffic routes

Demolition and construction shall be carried out in full accordance with the approved CEMP.

Reason - The site is situated adjacent to residential properties and routes to the site are through residential areas. A limit on the use is needed to prevent a nuisance or annoyance to nearby residents and the local amenity.

7. No development, including site works, shall begin until a scheme showing the provision to be made for the parking of 10 cycles, under cover and secure, has been submitted to and agreed in writing by the Authority, and no part of the building or development hereby permitted shall be used or occupied until the agreed scheme has been fully implemented. The provision for cycles shall not be used for any other purpose.

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

8. No part of the development, hereby permitted, shall be occupied or used until details of any external lighting proposed for the site have been submitted to and agreed in writing by the Authority. Any lighting to be installed shall only be in accordance with the agreed details.

Reason - To make sure the level of lighting is not excessive in order to secure a sustainable form of development and one which does not unduly interfere with residential amenity or traffic and pedestrian safety.

9. No part of the development, hereby permitted, shall be occupied or used until such time as the acoustic fencing has been constructed in the positions shown and in

accordance with the details shown on the approved plans. The acoustic fencing shall be retained as such in perpetuity.

Reason - The premises are close to residential property and the acoustic fencing will help to prevent nuisance or annoyance to nearby residents.

10. No industrial activity (including storage and distribution use) shall take place outside the hours of 07:30 and 17:00 Mondays to Thursdays and 07:30 and 16:00 on Fridays. There shall be no industrial activity (including storage and distribution) on Saturdays, Sundays, 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.

11. No vehicular movements in relation to the operation of the industrial activity (including storage and distribution use) nor any loading or unloading of vehicles shall take place on the site except between the hours of 07:30 and 17:00 Mondays to Thursdays and 07:30 and 16:00 on Fridays and not at any time on Saturdays, Sundays, Bank or Public Holidays.

Reason - The site is situated adjacent to residential properties and routes to the site are through residential areas. A limit on the use is needed to prevent a nuisance or annoyance to nearby residents and the local amenity.

12. No deliveries shall be received at or dispatched from the site outside the hours of 07:30 and 17:00 Mondays to Thursdays and 07:30 and 16:00 on Fridays and not at any time on Saturdays, Sundays, Bank or Public Holidays

Reason - The site is situated adjacent to residential properties and routes to the site are through residential areas. A limit on the use is needed to prevent a nuisance or annoyance to nearby residents and the local amenity.

13. Plant and machinery (including all tool testing) shall be operated inside of the buildings only while all doors and windows remain closed and no industrial activity of any kind shall take place outside of the proposed buildings.

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.

14. If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted to the Authority a method statement to identify, risk assess and address the unidentified contaminants, and obtained written agreement from the Authority for the works to continue. Any subsequent works shall be carried out only in accordance with the conclusions and recommendations contained in the agreed report.

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

15. No materials to be used on the exterior of the buildings shall be placed on the site until such time as samples of those materials have been submitted to the Authority. Only materials agreed in writing by the Authority shall be used in carrying out the development.

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

16. The development hereby permitted shall be carried out in accordance with the Site Waste Management Plan submitted as part of this application, and no part of the development 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 fully in accordance with the agreed Site Waste Management Plan. Where there has been any variation from the Site Waste Management Plan as originally submitted, 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.

**Expiry Date: This permission will cease to have effect on 12/06/2027 unless development is commenced by that date.**

#### **ADVICE AND OTHER REMARKS:-**

1. In relation to condition 4, any hard surfacing of the site should be carried out using porous materials or provision should be made for all run-off water to be taken to a permeable or porous area. Advice about surfacing types and construction methods is contained within a UK Government publication: 'Guidance on the permeable surfacing of front gardens'. This contains useful guidance and can be viewed at [www.communities.gov.uk/publications/planningandbuilding/pavingfrontgardens](http://www.communities.gov.uk/publications/planningandbuilding/pavingfrontgardens).

2. With regard for condition 7 of this permission, the bicycle parking must be designed to accord with the guidance contained within 'Planning Advice Note - AN11: Bicycle Parking'.

3. For the purposes of condition 8, any lighting scheme should include:

- (i) a statement of why the lighting is needed;
- (ii) an indication of the proposed frequency of use of the lights and the hours of illumination;
- (iii) two copies of an accurate plan showing the areas to be lit;
- (iv) details of the number, location, height and colour of any lighting columns or other

fixtures;

(v) the type, number, mounting height and alignment of the luminaires and the beam angles and upward waste light ratio for each;

(vi) a diagram showing the predicted levels of illumination at the site boundaries;

(vii) a diagram showing the predicted vertical illumination affecting any adjacent dwellings.

4. With regard to condition 9 it is advised that prior to the construction of the acoustic fencing advice is sought from the author of the Noise Impact Assessment or another acoustic consultant, to ensure that any acoustic mitigation measures will be effective.

5. For the avoidance of doubt, this decision authorises the offices hereby permitted to be used only as ancillary or ordinarily incidental to the authorised principal use of the premises, and does not authorise any separate office use.

6. This permission does not relate to or allow for the use of any air conditioning units or air handling plant. A separate permission will be needed for any such equipment.

#### **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](http://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](mailto: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/2024/0045  
**Property Ref:** C00792D000+C00792H000  
**Valid date:** 29/12/2023  
**Location:** Homemaker Building Lowlands Industrial Estate La Route Du  
Braye Vale Guernsey GY3 5PA  
**Proposal:** Demolish existing buildings to west of site and erect 2 two  
storey storage and distribution units with ancillary offices and  
associated landscaping and parking.  
**Applicant:** J W Rihoy & Son

**RECOMMENDATION** - Grant: Planning Permission with Conditions:

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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. Notwithstanding the details shown on the approved plans, prior to the commencement of any work in connection therewith a landscaping scheme, to include

those details specified below, shall be submitted to and agreed in writing by the Authority:

- i) the treatment proposed for all ground surfaces, including hard areas;
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- 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.

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

5. The landscaping scheme shall be fully completed, in accordance with the details agreed under the terms of the above condition, 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 the appearance of the completed development is satisfactory and to help assimilate the development into its surroundings.

6. No development, including demolition and site works, shall begin until a Construction Environmental Management Plan (CEMP) has been submitted to and agreed in writing by the Authority. The plan must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust and site lighting during the demolition and construction process.

The CEMP shall include the following information:

- (i) A scheme of how the contractors will liaise with local residents to ensure that residents are kept aware of site progress and how any complaints will be dealt with, reviewed and recorded (including details of any 'Considerate Constructors' or similar scheme)
- (ii) A scheme of how the contractors will minimise complaints from neighbours regarding issues such as noise and dust management, vibration, site traffic and deliveries to and from the site. The scheme shall also detail any crushing of hardcore materials to be carried out on site and how this will be managed.
- (iii) Details of hours of demolition and construction including all associated vehicular movements
- (iv) A plan of the demolition/construction compound
- (v) A plan showing demolition and construction traffic routes

Demolition and construction shall be carried out in full accordance with the approved CEMP.

Reason - The site is situated adjacent to residential properties and routes to the site are through residential areas. A limit on the use is needed to prevent a nuisance or annoyance to nearby residents and the local amenity.

7. No development, including site works, shall begin until a scheme showing the provision to be made for the parking of 10 cycles, under cover and secure, has been submitted to and agreed in writing by the Authority, and no part of the building or development hereby permitted shall be used or occupied until the agreed scheme has been fully implemented. The provision for cycles shall not be used for any other purpose.

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

8. No part of the development, hereby permitted, shall be occupied or used until details of any external lighting proposed for the site have been submitted to and agreed in writing by the Authority. Any lighting to be installed shall only be in accordance with the agreed details.

Reason - To make sure the level of lighting is not excessive in order to secure a sustainable form of development and one which does not unduly interfere with residential amenity or traffic and pedestrian safety.

9. No part of the development, hereby permitted, shall be occupied or used until such time as the acoustic fencing has been constructed in the positions shown and in accordance with the details shown on the approved plans. The acoustic fencing shall be retained as such in perpetuity.

Reason - The premises are close to residential property and the acoustic fencing will help to prevent nuisance or annoyance to nearby residents.

10. No industrial activity (including storage and distribution use) shall take place outside the hours of 07:30 and 17:00 Mondays to Thursdays and 07:30 and 16:00 on Fridays. There shall be no industrial activity (including storage and distribution) on Saturdays, Sundays, 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.

11. No vehicular movements in relation to the operation of the industrial activity (including storage and distribution use) nor any loading or unloading of vehicles shall take place on the site except between the hours of 07:30 and 17:00 Mondays to Thursdays and 07:30 and 16:00 on Fridays and not at any time on Saturdays, Sundays, Bank or Public Holidays.

Reason - The site is situated adjacent to residential properties and routes to the site are through residential areas. A limit on the use is needed to prevent a nuisance or annoyance to nearby residents and the local amenity.

12. No deliveries shall be received at or dispatched from the site outside the hours of 07:30 and 17:00 Mondays to Thursdays and 07:30 and 16:00 on Fridays and not at any time on Saturdays, Sundays, Bank or Public Holidays

Reason - The site is situated adjacent to residential properties and routes to the site are through residential areas. A limit on the use is needed to prevent a nuisance or annoyance to nearby residents and the local amenity.

13. Plant and machinery (including all tool testing) shall be operated inside of the buildings only while all doors and windows remain closed and no industrial activity of any kind shall take place outside of the proposed buildings.

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.

14. If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted to the Authority a method statement to identify, risk assess and address the unidentified contaminants, and obtained written agreement from the Authority for the works to continue. Any subsequent works shall be carried out only in accordance with the conclusions and recommendations contained in the agreed report.

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

15. No materials to be used on the exterior of the buildings shall be placed on the site until such time as samples of those materials have been submitted to the Authority. Only materials agreed in writing by the Authority shall be used in carrying out the development.

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

16. The development hereby permitted shall be carried out in accordance with the Site Waste Management Plan submitted as part of this application, and no part of the development 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 fully in accordance with the agreed Site Waste Management Plan. Where there has been any variation from the Site Waste Management Plan as originally submitted, 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.

## **INFORMATIVES**

1. In relation to condition 4, any hard surfacing of the site should be carried out using porous materials or provision should be made for all run-off water to be taken to a permeable or porous area. Advice about surfacing types and construction methods is contained within a UK Government publication: 'Guidance on the permeable surfacing of front gardens'. This contains useful guidance and can be viewed at [www.communities.gov.uk/publications/planningandbuilding/pavingfrontgardens](http://www.communities.gov.uk/publications/planningandbuilding/pavingfrontgardens).

2. With regard for condition 7 of this permission, the bicycle parking must be designed to accord with the guidance contained within 'Planning Advice Note - AN11: Bicycle Parking'.

3. For the purposes of condition 8, any lighting scheme should include:

- (i) a statement of why the lighting is needed;
- (ii) an indication of the proposed frequency of use of the lights and the hours of illumination;
- (iii) two copies of an accurate plan showing the areas to be lit;
- (iv) details of the number, location, height and colour of any lighting columns or other fixtures;
- (v) the type, number, mounting height and alignment of the luminaires and the beam angles and upward waste light ratio for each;
- (vi) a diagram showing the predicted levels of illumination at the site boundaries;
- (vii) a diagram showing the predicted vertical illumination affecting any adjacent dwellings.

4. With regard to condition 9 it is advised that prior to the construction of the acoustic fencing advice is sought from the author of the Noise Impact Assessment or another acoustic consultant, to ensure that any acoustic mitigation measures will be effective.

5. For the avoidance of doubt, this decision authorises the offices hereby permitted to be used only as ancillary or ordinarily incidental to the authorised principal use of the premises, and does not authorise any separate office use.

6. This permission does not relate to or allow for the use of any air conditioning units or air handling plant. A separate permission will be needed for any such equipment.

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## **OFFICER'S REPORT**

### **Site Description:**

The application site comprises three individual sites, the main Homemaker Store, the Metro Building (situated to the north of the site) and a parcel of land to the north of the Homemaker Building/to the west of the Metro Building, where works are currently commencing to create an outside storage area and gated entrance in association with the Metro Building.

The application site is situated to the west of Lowlands Industrial Estate Road and surrounding the site the area comprises retail/industrial units to the east and south with residential properties to the north and west.

The application site is situated in a Main Centre Inner Area as designated in the Island Development Plan.

**Relevant History:**

**Main Homemaker site**

|                |                                                                                                                                                                                                                                                                     |                       |
|----------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|
| FULL/2016/0542 | Demolition of the existing Co-op Homemaker Store at Lowlands Industrial Estate and the construction of two retail blocks (four individual units) comprising a total of 2,600 m2 of retail space, together with 72 car parking spaces and associated external works. | Granted<br>01/07/2016 |
|----------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|

**Metro Building and land to the west**

|                |                                                                                                                                                                                                                                                                                                                                     |                       |
|----------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|
| FULL/2024/0369 | Variations to works previously approved to install roller door to west elevation, erect fence to north and west boundary, erect fence and gate to south boundary and resurface hardsurfaced area - Install windows at first floor level to west elevation, erect covered storage area and 2 storage containers to west of building. | Granted<br>01/05/2024 |
| FULL/2023/0197 | Change of use of 1st floor from flat (Use Class 2) to office (Use Class 16).                                                                                                                                                                                                                                                        | Granted<br>14/03/2023 |
| FULL/2023/0065 | Install roller door to west elevation, erect fence to north and west boundary, erect fence and gate to south boundary and resurface hardsurfaced area.                                                                                                                                                                              | Granted<br>14/03/2023 |
| PAPP/2004/4215 | Change of use of warehouse to a retail outlet                                                                                                                                                                                                                                                                                       | Refused<br>24/03/2005 |
| PAPP/2002/2152 | Change of use of warehouse to a retail outlet (reissue).                                                                                                                                                                                                                                                                            | Granted<br>08/07/2002 |
| PREI/1999/2779 | Change of use of warehouse to a retail outlet (re-issue)                                                                                                                                                                                                                                                                            | Granted<br>21/09/1999 |
| PAPP/1996/3949 | Change of use of warehouse to retail outlet                                                                                                                                                                                                                                                                                         | Granted<br>22/10/1996 |

**Existing Use(s):**

Homemaker building: comparison retail;

Metro Building: workshop building with ancillary offices and an external storage area/builders' yard to the west.

**Brief Description of Development:**

Planning permission is sought for the demolition of the former Homemaker building and to erect two, two storey storage and distribution units with ancillary office accommodation comprising a total of 2668 m<sup>2</sup> (with the mezzanine of unit 2 included).

The application material states that it is the intention to relocate an existing local business to the site and to consolidate this business, to allow it to operate from one site. In addition to the storage and distribution requirements referred to above, the application material makes specific reference to the use of part of the site as a workshop, small tool testing area with ancillary offices and an internal and external storage/builder's yard. The agent for the application has confirmed that this aspect of the proposal will be located within the existing Metro Building (Unit 3 on the application drawings which forms part of the application site) and on land to the west (the external storage area) in accordance with the details approved as part of planning application references FULL/2023/0065 & FULL/2024/0369 and no additional changes will be made.

During the course of consideration, the application was deferred to seek confirmation of the hours of operation of the site and to seek an amendment to the layout of the site to protect the residential amenities of surrounding residential properties (assessed and commented on in section 2 of this report). Revised plans and the additional information have been received which are assessed in detail in the following sections of this report.

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

Island Development Plan Policies:

MC4(A): Office Development in Main Centres;

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;

MC6: Retail in Main Centres;

GP8: Design

GP9: Sustainable Development;

IP7: Private and Communal Parking;

IP9: Highway Safety, Accessibility and Capacity

**Representations:**

None received.

## **Consultations:**

### **The States Office of Environmental Health and Pollution Regulation (OEHPR)**

By letter dated 29<sup>th</sup> January 2024 stated the following:

*"I have reviewed the proposed plans for the demolition of the existing buildings located on land parcel C00792D000 and erection of two two-storey industrial units and one one-storey industrial unit with associated offices. There is currently insufficient information submitted for me to comment fully on this application.*

*The site is bordered to the north and west by residential properties and I have concerns about noise arising from both the demolition stage of the proposed development and from the site once finished and operational, which could impact the amenity of these neighbours. Regarding the finished site, I have read the Noise Impact Assessment submitted and note that assessments were carried out on noise from HGVs visiting the site and tools being tested. I note from the Noise Impact Assessment that the proposed operating hours of the site will be:*

- Monday to Thursday: 08:00 – 16:00 hours*
- Friday: 08:00 – 17:00 hours*

*As there is no other reference in the submitted documents to the operating times of the finished site, I would like to check these with the applicant. It is likely that we would recommend conditions about operational times, so I would be grateful if the applicant could confirm if these are the intended operational times of the finished site?*

*Regarding the demolition phase of the proposed development, I am concerned that if not properly managed, noise could adversely impact residents. Additionally, I note on page 3 of the Waste Management Plan, under the heading Blockwork and Concrete, there is reference to crushing and reusing these materials. To protect resident amenity, I believe it would be beneficial for a Construction Environmental Management Plan (CEMP) to be submitted. If the Planning Officer agrees that this is required, I would ask that the CEMP includes the below information, (see points I. to VI.):*

- I. A scheme of how the contractors will liaise with local residents to ensure that residents are kept aware of site progress and how any complaints will be dealt with, reviewed and recorded (including details of any 'Considerate Constructors' or similar scheme)*
- II. A scheme of how the contractors will minimise complaints from neighbours regarding issues such as noise and dust management, vibration, site traffic and deliveries to and from the site.*
- III. A scheme of how any crushing of hardcore materials to be carried out on site will be managed to minimise disruption and complaints from neighbours.*
- IV. Details of hours of demolition including all associated vehicular movements*
- V. A plan of the demolition/construction site compound*



VI. A plan showing demolition/construction traffic routes

*If the Planning Officer agrees that a CEMP is required and is of the opinion this can be dealt with by attaching a condition to a planning consent, I will confirm further in writing that I would recommend the CEMP is submitted under the following conditions:*

- *Prior to any demolition a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Authority. Agreed details shall be carried out as approved unless otherwise agreed in writing by the Authority. At a minimum the following should be included (see I. to VI., above):*

*Demolition and construction phases shall be carried out in accordance with the approved CEMP.*

*Should further information be submitted, I would be happy to look at this and provide further comment on this application."*

The application was subsequently deferred to seek the additional information requested and OEHPR were re-consulted and by letter dated 03<sup>rd</sup> April 2024 stated the following.

*"I write further to my letter dated 29 January 2024, in which I raised concerns about noise arising from both the demolition stage of the proposed development and from the site once it is finished and operational. I confirm I have reviewed the additional information provided by the applicant, regarding the operational hours of the completed site.*

*My concerns about noise impacting resident amenity remain. Regarding the demolition phase of the development, I am concerned that noise from this stage of the project could adversely impact residents. I note on page 3 of the submitted Waste Management Plan, under the heading 'Blockwork and Concrete', there is reference to crushing and reusing these materials. To protect resident amenity, I would recommend that the following condition is attached to any granted permission:*

- *Prior to any demolition a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Authority. Agreed details shall be carried out as approved unless otherwise agreed in writing by the Authority. At a minimum the following shall be included:*
  - i. *A scheme of how the contractors will liaise with local residents to ensure that residents are kept aware of site progress and how any complaints will be dealt with, reviewed and recorded (including details of any 'Considerate Constructors' or similar scheme)*
  - ii. *A scheme of how the contractors will minimise complaints from neighbours regarding issues such as noise and dust management, vibration, site traffic and deliveries to and from the site. The scheme shall also detail any crushing of hardcore materials to be carried out on site and how this will be managed.*

- iii. *Details of hours of demolition including all associated vehicular movement.*
- iv. *A plan of the demolition compound*
- v. *A plan showing demolition traffic routes*

*Demolition shall be carried out in accordance with the approved CEMP.*

*Advisory note: I would ask the applicant to note that whilst the above condition is recommended in relation to the demolition phase, it would be useful for the CEMP to also include details about the construction phase of the development.*

*Regarding the finished site, I note the updated proposed site operating hours. I also note from the Noise Impact Assessment that tool testing is a part of the proposed business. I would therefore recommend the following conditions are attached to any granted permission:*

- *No industrial activity shall take place outside the hours of 08:00 and 17:00 Mondays to Thursdays and 08:00 and 16:00 on Fridays. There shall be no industrial activity on Saturdays, Sundays, Bank or Public Holidays.*
- *No vehicular movements in relation to the operation of the industrial activity nor any loading or unloading of vehicles shall take place on the site except between the hours of 08:00 and 17:00 Mondays to Thursdays and 08:00 and 16:00 on Fridays and not at any time on Saturdays, Sundays, Bank or Public Holidays.*
- *No deliveries shall be received at or despatched from the site outside the hours of 08:00 and 17:00 Mondays to Thursdays and 08:00 and 16:00 on Fridays and not at any time on Saturdays, Sundays, Bank or Public Holidays.*
- *Industrial plant and machinery, to include all industrial tool testing, shall be operated inside the building only, while all doors and windows remain closed.*

*In addition to my concerns about noise arising from the site, I note on pages 2 and 5 of the submitted Waste Management Plan there is mention of potentially contaminated soils and that any discovered would be separated from clean soil and remediated on site. I have checked the Historic Ortho Photos system and can see that greenhouses were historically situated on the land. To control any potentially contaminated land, I would recommend that the following condition is attached to any granted permission:*

- *If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted to Planning Services a method statement to identify, risk assess and address the unidentified contaminants, and obtained written agreement from the Department for the works to continue. Any subsequent works shall be carried out only in accordance with the conclusions and recommendations contained in the agreed report.*

*Advisory note:*

*I note in section 5 of the Noise Impact Assessment there is mention of fixed plant being installed, by way of air handling units and condensers. I understand that the details for these are not yet finalised, and that separate planning permission will be required. For the applicant's information, the department requires the following information to assess the noise impact on resident amenity is:*

- Manufacturers' specifications of the proposed plant*
- Distance to the closest noise sensitive property (this includes domestic gardens)*
- Evidence that the noise level the proposed plant would operate at would be at least 5 dB(A) below the lowest background noise level at any time*
- Details of any proposed attenuation measures to reduce the level of the plant*
- Proposed times of operation of the plant*

*I would urge the applicant to contact an acoustic consultant to assist with this. This office holds a list of consultants who are prepared to operate on the island, and the applicant can contact us if they want a copy of this. Inclusion of any company/person on the list does not infer any kind of recommendation by the department.*

*I would be grateful if these issues are considered during the determination of this application."*

For clarification on 22/05/2024 the officer of OEHPR was contacted for confirmation on whether the industrial use referred to in their consultation response included the storage and distribution use, as in planning terms these have separate use classes and policy considerations. OEHPR confirmed that the term industry as referred to in their response would also include storage and distribution activities on site and any recommended conditions within the consultation response should be adjusted to reflect this.

Following a request from the agent for the application to alter the operational/opening times for the site from 08:00am as originally requested to 07:30am, OEHPR were re-consulted. By email dated 04/06/2024 they stated the following:

*"I've considered this one following our call this afternoon, in relation to the applicant's request to begin operating earlier, at 7.30am, Monday to Friday.*

*I've assessed the submitted Noise Impact Assessment (NIA) again and looked at Table 4.7 which shows noise data for the daytime period (7am – 11pm) and provides a BS 4142 impact descriptor of 'low impact, depending on context', and Appendix A, Figure A1 which shows the background LA90 for 7pm to 11am. Based on this data, I do not have any objection to the operating time of the developed site to start at 7.30am.*

*We discussed earlier the mention of an acoustic fence in the NIA – at para. 4.3.3 it says this is proposed. If the applicant is committed to doing this, I would advise that they seek advice from the author of the NIA, or another consultant of their choosing, to ensure that any acoustic mitigation measures will be effective.”*

### **Summary of Issues:**

- Whether the principle of demolition is acceptable;
- Whether the principle of additional storage and distribution floorspace is acceptable;
- The design of the proposal and the impact of the development on the appearance and character of the area;
- The impact of the development on the amenity of people living in the area;
- Parking and access issues.

### **Assessment against:**

#### **1 - Purposes of the law.**

The objectives of the Law, as set out in Section 1(2), have been considered and this forms part of the assessment of policy issues as set out in 2 below.

#### **2 - Relevant policies of any Plan, Subject Plan or Local Planning Brief.**

##### **Whether the principle of demolition is acceptable**

A map regression study indicates that the buildings (proposed to be demolished) were built between 1963 and 1979. They comprise portal framed buildings (typical of their era) with façades that face the road, masking the portal frame building behind. The buildings do not make a significant contribution to the character and appearance of the surrounding area and demolition is acceptable in this instance, subject to acceptable design of the replacement building (which is assessed in further detail below). It is also worth noting that although considered under previous Urban Area Plan policies (which have since been superseded by the IDP Policies), the principle of demolition was accepted in the grant of planning permission reference FULL/2016/0542.

##### **Whether the principle of additional storage and distribution floorspace is acceptable;**

As part of the supporting information that accompanies the application a Planning Policy document prepared by a local planning consultant has been submitted arguing the planning policy merits of the case. The consultant argues that policy S5: Development of Strategic Importance should apply on the grounds that the Applicant and the CI Coop represent and are major contributors to two of Guernsey's most important economic sectors, namely construction and food retail, and the proposal is therefore of wider public interest and of strategic importance.

However, when considering whether proposals can be considered 'Development of Strategic Importance' it should be noted that importance to the economy is not specifically included in the list of issues to be addressed, so unless it is considered an issue otherwise in the public interest, economic importance alone will not be sufficient to justify the exceptional use of Policy S5. Policy S5 allows for proposals which would otherwise conflict with the Spatial Policy or other specific policies of the IDP and therefore proposals must only be considered under this policy exceptionally. In the particular circumstances of these proposals, and from the additional information provided, it is considered that, while it is recognised that the two businesses play a significant role in the Island, the proposals are not exceptional in relation to the public interest as other businesses exist within these sectors, and the proposals are not directly intended to support the island's health, or well-being, or safety, or security, as set out in the policy.

Therefore, Policy S5 is not relevant in this case and the loss of retail floorspace would need to be assessed against Policy MC6: Retail in Main Centres, the additional storage and distribution floorspace proposed against policy 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 and the proposed office use against Policy MC4(A): Office Development in Main Centres.

#### *Loss of retail*

For properties located within a Main Centre and outside of the Core Retail Area (such as the application site) Policy MC6 supports the change of use away from retail to alternative uses where the development proposed supports the objective of ensuring the Main Centres remain attractive focal points for economic and social activity.

The Homemaker building has remained vacant since 2019 and by bringing this site back into an active use as proposed will support the aims and objectives of Policy MC6 ensuring that the Bridge Main Centre remains an '*attractive focal point for economic and social activity*'. The proposal complies with Policy MC6 in this respect.

#### *Office floorspace*

The office floorspace proposed for unit 1 equates to 15% overall floorspace of that unit and for unit 2, 30%. However, for unit 2 the percentage figure would be reduced if the internal storage area within the Metro Building and the outside storage area proposed are taken into account, and given that both of these areas form part of the application site and that it is the applicant's intention to consolidate their business across the whole of the site, the office space proposed is considered to be ancillary to the main storage and distribution use. In any event given the Main Centre location of the site, should the office space be considered as a separate independent use, then this would be supported by Policy MC4: Office Development in Main Centres.

#### *New storage and distribution floorspace*

Policy MC5(B) supports proposals for new industrial or storage and distribution uses outside of the Key Industrial Areas and the Key Expansion Areas where:

- a) The new use would not have an unacceptable adverse impact on the amenities of surrounding uses;
- b) In the case of new industrial uses in Main Centre Outer Areas and new storage and distribution uses in Main Centre and Main Centre Outer Areas, it is achieved through the conversion of redundant buildings in accordance with Policies GP16(A) and GP16(B) of the Island Development Plan; and
- c) In the case of new industrial uses the type of industry proposed can be located within the Main Centres and Main Centre Outer Areas without adverse impacts on the amenities of the surrounding uses; and
- d) The type of industry proposed would support the vitality and viability of the Main Centre.

Criteria (a) and (b) are relevant to proposals for storage and distribution use. With regard to criterion (a) of Policy MC5(B) this is assessed in detail below in the following section of this report.

Turning to criterion (b) the policy requires new storage and distribution uses within Main Centres (such as this) to be achieved through the conversion of redundant buildings in accordance with Policies GP16(A) and GP16(B) of the IDP. However, at paragraph 19.17.5 the IDP states that, *“for the avoidance of doubt, the conversion of redundant buildings that are located within the Main Centres, the Main Centre Outer Areas, or the Local Centres will not be assessed against Policy GP16(A) or (B), but instead will be assessed against the relevant policies of the IDP that relate to the development type proposed.”*

Whilst Policy GP16(A) is therefore not applicable in this instance, the policy approach and intention of MC5(B) remains, to allow for the re-use of redundant buildings for such use within the Main Centres. As stated above, the building was last used as a comparison retail showroom/store in 2019 and since that date has remained vacant and is considered redundant. If the proposals are considered to not have an unacceptable adverse impact on the amenities of surrounding uses (and therefore comply with the policy), then the application for conversion of the building into the proposed use would be supported. Taking this scenario forward, the final paragraph of the policy box MC5(B) states that *“proposals to redevelop, alter or extend existing industrial or storage and distribution uses will be supported where they would not have an unacceptable adverse impact on the amenities of surrounding uses”*. If the conversion of the building was approved, the subsequent redevelopment of the building for storage and distribution uses would also be supported by policy.

Subject to the assessment of the impact of the proposal on the amenities of the surrounding uses (assessed in detail below) it is considered that the proposal is supported in principle by policy and that a minor departure would be appropriate in this instance to allow the two stages of the process (conversion and then redevelopment) to be permitted within the single planning application, akin to how the policy approach works for policies GP16(A) & GP16(B). Although not one of the reasons cited, a minor departure has been requested as part of the planning application.

Considering the above and subject to the suggested minor departure to Policy MC5(B), the principle of the conversion and then redevelopment of the site is supported.

The design of the proposal and the impact of the development on the appearance and character of the area

Policy GP8 of the Island Development Plan states a number of criteria that new development will be expected to adhere to in order to achieve a high standard of design which respects and where appropriate enhances the character of the environment.

The existing Homemaker buildings were built between 1963 and 1979. They are portal framed buildings (typical of the era) with façades that face east towards the road and gables facing north to south. The buildings do not make a significant contribution to the character and appearance of the area. Car parking is situated to the front of the building (east) abutting the road and in a separate parking area to the north. A section of land exists to the north which is currently being converted into an outside storage space in the form of a builders' yard, associated with the Metro Building subject to application references: FULL/2023/0065 & FULL/2024/0369. As referred to above the Metro building is included within the application site, however no changes are proposed to this building as part of the application the subject of this report.

The proposed buildings will be two storey portal framed with shallow pitched roofs which at their highest point will measure 9.5m above ground level. The buildings have been designed with shallow pitched roofs to reduce the perception of building height to the neighbouring properties to the west, and to reduce the overall impact of the development on the surrounding area.

The external materials include Kingspan wall panels and roof panels, double glazed aluminium windows and doors, with a facing brickwork plinth to the base of the building. No details of the finished colour of any of the materials proposed have been provided and to ensure that these are acceptable and in-keeping with the surroundings, it is recommended that a condition is included on any permission for details and approval of all external materials.

The overall design of the building and the materials to be used will be set well in context and are in-keeping with the character and appearance of the surrounding area, which comprises a mixture of building types and design with industrial units to the south, north and east and residential properties to the west and further north.

The drawings show that all existing trees along part of the west boundary of the site will be retained with new native tree species planted along the remainder of the west boundary and along the full extent of the north boundary of the site, to help the development assimilate into the surroundings. No details of the additional tree

planting have been proposed and it is recommended that a landscaping condition be included on any permission for full details to be provided to ensure that appropriate native planting that contributes to the area and provides a biodiversity enhancement is achieved.

The proposed acoustic fencing at 1.8m along the west and north boundaries of the site would border a parking area and residential properties in these directions. The fencing would not cause harm to the character of the area.

A sustainability statement has been produced, which provides details of how the scheme has been designed to take into account matters of energy efficiency and current Building Regulations in accordance with Policy GP9. A Site Waste Management Plan has also been submitted detailing how waste associated with the development will be appropriately managed and disposed of.

Considering the above and subject to the recommended conditions the scheme accords with policies GP8 and GP9 of the IDP.

The impact of the development on the amenity of people living in the area;

Policy GP8 requires *inter alia* that proposals for new development will be expected to consider the health and well-being of the occupiers and neighbours of the development by means of providing adequate daylight, sunlight and private/communal open space.

To the west, the site borders a residential parking area for part of the boundary, and for the remainder abuts the garden areas of three residential properties (Star Haven, Terceira, and The Glory). As initially submitted the industrial units were proposed to be positioned 7m distance from this boundary. At this distance concerns were raised with regard to the potential to overshadow the residential properties particularly the garden areas of the three properties referred to above. The application was subsequently deferred with a request to reposition the building further within the site and for shadow analysis drawings to be submitted to show any resulting overshadowing that would occur.

Revised plans have been submitted and the buildings have been repositioned within the site. A separation distance of circa 10.8m (at the closest point) between the buildings and the west boundary is now proposed. Shadow analysis drawings have also been produced which demonstrate that any overshadowing will be largely contained within the confines of the site at an acceptable level and that any impact due to overshadowing or light loss would not be so significant to warrant the refusal of planning permission.

By increasing the separation distance between the residential properties and the proposed built form, the bulk and massing of the scheme when viewed from neighbouring properties is reduced and any previous concerns relating to the overbearing nature of the scheme have also been addressed.



With regard to privacy no windows are proposed in the west facing elevation at first floor and the windows at first floor level in the north are set at sufficient distance from any neighbouring properties to protect the amenities of nearby residential properties.

With regard to the proposed end use of the site acoustic fencing is proposed along the west and north boundaries to reduce any impact on the neighbouring properties in this direction. A detailed acoustic assessment has been produced and submitted as part of the application to fully assess the noise associated with/generated by the proposal on the surrounding environment. For clarification, the report confirms that although an acoustic fence is proposed as part of the development, it has not been considered in the calculations to ensure a robust assessment. The States' Office of Environmental Health and Pollution Regulation (OEHPR) was consulted on the application and raised no objection subject to conditions controlling the hours of use, vehicular movements, delivery times to and from the site and that industrial plant and machinery be operated only whilst doors and windows remain closed, all of which are acceptable in planning terms and are usual conditions imposed on applications of this nature where residential properties surround. As referred to in the consultation section of this report following a request from the agent to alter the operational times (including deliveries to and from the site) from 8am as originally proposed to 7:30am OEHPR were re-consulted and raised no objection to the amended times. It is suggested that the conditions of the permission are altered to reflect the proposed changes.

In addition to the above conditions, the States' Office of Environmental Health and Pollution Regulation also request that a condition is included on any permission for the requirement for a Construction and Environmental Management Plan (CEMP) for the site. Given that residential properties surround the site and to ensure that the demolition and construction is undertaken to minimise harm on amenity and to prevent unnecessary harm and disturbances, such a condition would be necessary and should be included should permission be granted.

Based on the above the proposal would not cause unacceptable harm to the amenities of any nearby residential properties or on surrounding uses and complies with Policies MC5(B) criteria (a) and (c), GP8 criterion (d) and GP9 criterion (b).

#### Parking and access issues.

A total of 32 car parking spaces have been allocated for the whole of the site (including the Metro Building) which is below the maximum car parking standards within the Parking Standards and Traffic Impact Assessment Supplementary Planning Guidance 2016. However, the standards are flexible and situated within a Main Centre the site is easily accessible by other more sustainable forms of transport. Although no bicycle parking has been provided as part of the scheme as a minimum the SPG requires provision for the parking of 10 bicycles the requirement for which can be controlled by planning condition. It is recommended however that reference

is made to the recently adopted Bicycle Parking SPG to ensure that appropriate and useable cycle parking is achieved.

The proposal will use existing traffic routes into the site. Although the proposal will result in additional traffic movements to and from the site the site is accessed via a Traffic Priority Route with good and close links to the Inter Harbour Route to the east and is therefore capable of safely accommodating the types of vehicles that will use this site without causing harm to highway safety.

Considering the above any impact on highway safety as a result of the proposal would not be so significant to warrant the refusal of planning permission.

### **3 - General material considerations set out in the General Provisions Ordinance.**

In addition to the consideration of policy issues, Section 13 of the Land Planning and Development (General Provisions) Ordinance, 2007 identifies other material planning considerations which could be relevant. These include; the appropriateness of the development in relation to its surroundings in terms of design, layout, scale, siting and materials; the likely effect on the character and amenity of the locality; the effect of the proposed which the site could be put without further planning permission; the likely effect on the reasonable enjoyment of neighbouring properties. These issues where relevant are considered above.

### **4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).**

The proposal would not impact on any Protected Buildings, trees, monuments or on any SSS's.

**Date:** 11/06/2024

