

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: Redevelopment of industrial yard including - erection of outbuildings/office and toilet blocks, alterations to existing shelter and erect store, install 4 shipping containers, create storage bays, install hard-surfacing including parking area and widen/alter vehicle access and track.

LOCATION: Granite Le Pelley Industrial Yard, Rue Du Presbytere, Castel.

APPLICANT: Granite Le Pelley

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: 20/08/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 05/02/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: PF+A Ltd 7792-01/B1B & /B2B.
PF+A Ltd letter dated 01/02/2024

Application Ref: FULL/2024/0101

Property Ref: D00925G000

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.No development, excluding demolition and site works, shall begin 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 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;
- v) all existing trees, hedges and other landscape features, indicating clearly those to be removed.

Reason - To make sure that a landscaping scheme for the development is agreed, in order to help assimilate the development into its surroundings and to protect the reasonable amenities of neighbouring residents.

5.The landscaping scheme shall be fully completed, in accordance with the details agreed under the terms of the above condition 4, in the first planting season following the first siting, construction or use of any of the containers, office, WC block or stone product bays 1-7 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 - In the interests of visual amenity and to protect the reasonable amenities of neighbouring residents.

6.No cutting or dressing of stone shall take place on the site.

Reason - To protect the reasonable amenities of neighbouring residents.

7.Materials within stone product bays 1 to 7 shall not be stacked or deposited to a height exceeding 2 metres at any time. Materials stored on the remainder of the site, including bulk stone bays 1 to 6, shall not be stacked or deposited to a height exceeding 3 metres at any time.

Reason - To make sure that the use does not become unsightly and/or a source of annoyance to nearby residents.

8.As indicated on the approved drawing number 7792-01/B2/B, all areas outside of the red hatching labelled industrial yard shall remain clear of stone and associated materials and shall not be used for any activity associated with the use of the site for the storage and recycling of stone.

Reason - To define the permission for the avoidance of any doubt, in the interests of visual amenity and to protect the reasonable amenities of neighbouring residents.

9.No industrial activity shall take place outside the hours of 08:00 and 17:30 Mondays to Fridays or at any time on public holidays.

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

10.The hours of operation of the machinery on the site shall be limited to between 08:00 hours and 17:30 hours on weekdays (Monday to Friday). There shall be no operation of machinery on Saturdays, Sundays or public holidays.

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

11.No vehicular movements (excluding commuting to and from the site by employees) nor any loading or unloading of vehicles shall take place on the site except between the hours of 08:00 and 17:30 on Monday to Friday or at any time on public holidays.

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

12.No deliveries shall be received at or despatched from the site outside the hours of 08:00 and 17:30 hours on Monday to Friday and there shall be no deliveries or dispatches on Saturdays, Sundays or public holidays.

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

13.No lighting of the site shall take place before 07:30 hours on weekdays and Saturdays or after 17:30 hours on weekdays and 13:00 hours on Saturdays, nor at any time on Sundays or Public Holidays.

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

14.The level of noise emitted from the industrial activity on the site shall not exceed 60 dB(A) at any time as measured on any boundary of the site.

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

Expiry Date: This permission will cease to have effect on 20/08/2027 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

Your attention is drawn to The Animal Welfare (Guernsey) Ordinance, 2012 and the need to comply with its provisions. Existing buildings may be used by bats or other wildlife for roosting and nesting and measures may therefore need to be taken (including inspections prior to any building works or consideration of the timing of the works) to ensure that any protected species present are not impacted by the works. It is recommended that you contact La Société Guernesiale for advice or to arrange a site visit. La Société can be contacted by emailing info@societe.org.gg.

To limit the potential impact of light pollution on wildlife, it is recommended that external lighting is avoided or kept to a minimum.

For the avoidance of doubt, with regards to condition 9, industrial activity does not include administrative works within the site office.

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/2024/0101
Property Ref: D00925G000
Valid date: 05/02/2024
Location: Granite Le Pelley Industrial Yard Rue Du Presbytere Castel
Guernsey GY5 7NE
Proposal: Redevelopment of industrial yard including - erection of
outbuildings/office and toilet blocks, alterations to existing
shelter and erect store, install 4 shipping containers, create
storage bays, install hard-surfacing including parking area and
widen/alter vehicle access and track.
Applicant: Granite Le Pelley

RECOMMENDATION - Grant: Planning Permission with Conditions:

1. All development authorised by this permission must be carried out and must be completed in every detail in accordance with the written application, plans and drawings referred to above. No variations to such development amounting to development may be made without the permission of the Authority under the Law.

Reason - To ensure that it is clear that permission is only granted for the development to which the application relates.

2. The development hereby permitted shall be begun within 3 years from the date of grant of this permission.

Reason - This condition reflects section 18(1) of the Land Planning and Development (Guernsey) Law, 2005 which states that planning permission ceases to have effect unless development is commenced within 3 years of the date of grant (or such shorter period as may be specified in the permission).

3. The development hereby permitted and all the operations which constitute or are incidental to that development must be carried out in compliance with all such requirements of The Building (Guernsey) Regulations, 2012 as are applicable to them, and no operation to which such a requirement applies may be commenced or continued unless (i) plans relating to that operation have been approved by the Authority and (ii) it is commenced or, as the case may be, continued, in accordance with that requirement and any further requirements imposed by the Authority when approving those plans, for the purpose of securing that the building regulations are complied with.

Reason - Any planning permission granted under the Law is subject to this condition as stated in section 17(2) of the Land Planning and Development (Guernsey) Law, 2005.

4. No development, excluding demolition and site works, shall begin 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 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;
- v) all existing trees, hedges and other landscape features, indicating clearly those to be removed.

Reason - To make sure that a landscaping scheme for the development is agreed, in order to help assimilate the development into its surroundings and to protect the reasonable amenities of neighbouring residents.

5. The landscaping scheme shall be fully completed, in accordance with the details agreed under the terms of the above condition 4, in the first planting season following the first siting, construction or use of any of the containers, office, WC block or stone product bays 1-7 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 - In the interests of visual amenity and to protect the reasonable amenities of neighbouring residents.

6. No cutting or dressing of stone shall take place on the site.

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7. Materials within stone product bays 1 to 7 shall not be stacked or deposited to a height exceeding 2 metres at any time. Materials stored on the remainder of the site, including bulk stone bays 1 to 6, shall not be stacked or deposited to a height exceeding 3 metres at any time.

Reason - To make sure that the use does not become unsightly and/or a source of annoyance to nearby residents.

8. As indicated on the approved drawing number 7792-01/B2/B, all areas outside of the red hatching labelled industrial yard shall remain clear of stone and associated materials and shall not be used for any activity associated with the use of the site for the storage and recycling of stone.

Reason - To define the permission for the avoidance of any doubt, in the interests of visual amenity and to protect the reasonable amenities of neighbouring residents.

9. No industrial activity shall take place outside the hours of 08:00 and 17:30 Mondays to Fridays or at any time on public holidays.

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

10. The hours of operation of the machinery on the site shall be limited to between 08:00 hours and 17:30 hours on weekdays (Monday to Friday). There shall be no operation of machinery on Saturdays, Sundays or public holidays.

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

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

12. No deliveries shall be received at or despatched from the site outside the hours of 08:00 and 17:30 hours on Monday to Friday and there shall be no deliveries or dispatches on Saturdays, Sundays or public holidays.

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

13. No lighting of the site shall take place before 07:30 hours on weekdays and Saturdays or after 17:30 hours on weekdays and 13:00 hours on Saturdays, nor at any time on Sundays or Public Holidays.

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

14. The level of noise emitted from the industrial activity on the site shall not exceed 60 dB(A) at any time as measured on any boundary of the site.

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

INFORMATIVES

Your attention is drawn to The Animal Welfare (Guernsey) Ordinance, 2012 and the need to comply with its provisions. Existing buildings may be used by bats or other wildlife for roosting and nesting and measures may therefore need to be taken (including inspections prior to any building works or consideration of the timing of the works) to ensure that any protected species present are not impacted by the works. It is recommended that you contact La Société Guernesiaise for advice or to arrange a site visit. La Société can be contacted by emailing info@societe.org.gg.

To limit the potential impact of light pollution on wildlife, it is recommended that external lighting is avoided or kept to a minimum.

For the avoidance of doubt, with regards to condition 9, industrial activity does not include administrative works within the site office.

OFFICER'S REPORT

Site Description:

The site comprises of an open storage yard which is used for the storage of stone and its cutting, dressing and recycling. The site is situated to the west of Rue du Presbytere and behind (west of) neighbouring residential properties which front onto the highway. The site is accessed via a track between neighbouring residential properties onto Rue du Presbytere. The site is bounded on all sides by residential properties and partly by agricultural land to the west. The site is located Outside of the Centres. The dwelling to the south is a protected building.

Relevant History:

04/12/2023 – PREA/2023/2164 – Pre-application advice regarding extend driveway and alterations to ancillary buildings.

11/01/2013 – FULL/2012/2454 – Permission granted to erect a stone breaking shed, remove two containers and two tin sheds.

06/03/2009 – PAPP/2008/2268 – Permission granted to erect toilet block and erect store (retrospective).

Existing Use(s):

Storage of stone and for its cutting, dressing and recycling – sui generis.

Brief Description of Development:

Planning permission is requested for the redevelopment of the industrial yard including erection of office and toilet block, alterations to existing shelter and erect store, install 4 shipping containers, create storage bays, install hard surfaced parking area and widen and alter vehicle access and track.

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

Policy OC3: Offices, Industry and Storage and Distribution Outside of the Centres

Policy GP1: Landscape Character and Open Land

Policy GP8: Design

Policy GP9: Sustainable Development

Policy GP15: Creation and Extension of Curtilage

Policy IP6: Transport Infrastructure and Support Facilities

Policy IP7: Private and Communal Car Parking

Policy IP9: Highway Safety, Accessibility and Capacity

Representations:

Six representations were received in response to the original application, main points as follows:

- Recommends only native trees are planted to ensure a higher environmental value and that advice is sought regarding this.
- Concerns raised about the impact on the amenities of neighbouring residents due to increased activity, noise and dust.
- Highlights noise nuisance during period 2010-2012 which resulted in intervention from the Environmental Health Department. Since 2012 the site operators have demonstrated a level of restraint (e.g. noise levels) but concerns raised about nuisance from increased activity.
- Proposal implies a significant increase in activity from the existing small scale operation and concerns raised about the associated noise and dust from this increased activity.
- No details are provided about the type of machinery to be used on the site.
- Unclear whether stone product bays refers to stone production bays.
- No noise assessment has been carried out and no details are provided about any acoustic shielding or the nature of the buffer zone.
- Increasing the width of the access track will enable larger vehicles to access the site resulting in additional noise and air pollution.
- Road safety concerns due to the increased use of the entrance and highway, including use by larger vehicles.
- Site working hours used to start at 7:30 but were changed to 08:00 in 2011. However, many neighbouring residents are retired and at home during the week. The claim that work will not be undertaken in the evening and at weekends will be of little comfort to them.
- Extension of yard partly made by reducing the density of the current sound absorbing vegetation around the perimeter.

- One representation was received on behalf of La Société Guernesiaise which highlights that outbuildings of this type can be used by roosting bats, breeding Swallows and other wildlife, particularly when a property is located within a variable landscape with habitats such as farmland or woodland nearby. La Société Guernesiaise recommend that the site is inspected for current or recent use by bats and other wildlife by a suitably qualified person prior to any building or demolition works to reduce the risk of disturbing or destroying animals which are protected under the Animal Welfare Ordinance 2012. It is recommended that suitable measures to support targeted species are included. La Société Guernesiaise recommend that an informative note to highlight the above is included in the decision notice.
- La Société Guernesiaise also highlight the environmental impact of light pollution on wildlife particularly when such pollution is introduced into a landscape such as this one where existing sources of artificial light are relatively sparse and when this part of the island has recently been shown to support a number of bat species. La Société Guernesiaise recommend that an informative note to highlight the above and to encourage external lighting to be avoided or to be kept to a minimum is included in the decision notice.

Two representations were received in response to the revised application, main points as follows:

- Site working use to start at 7:30am but was changed to 8:00am following a meeting with a representative of the site owner in December 2011. If working hours have reverted to 07:30am then this undertaking has not been met.
- The applicant states that “no dressing or cutting of stone will be carried out on site”. If permission were to be granted this should be a condition.
- Concerns remain that a subtle change of use still appears to be intended.
- No reference is made to stone crushing and there is a lack of clarity over the whole likely range of industrial activities to be carried out on the site.
- If industrial activities are intended, it is recommended that conditions are applied to ensure environmental health and good neighbour standards are not further compromised.

Consultations:

Castel Constables, 04/03/2024

“The Castel Douzaine has considered the above planning application having been made aware of concerns expressed by local residents.

Whilst not objecting to the development or continued usage of this site, the Douzaine is aware that its position in close proximity to residential properties has, in the past, led to the creation of nuisance from noise and dust.

The Douzaine, therefore, would seek assurance that any development or change of activity at the site is regulated and controlled so as to prevent the creation of nuisance to local residents”.

The Office of Environmental Health and Pollution Regulation, 01/03/2024

"I have reviewed the proposed plans for Stone Cutters Yard which were received via email on 9th February 2024 and there are a number of issues of concern that I must raise., I would advise that this office would object to this proposal if this were a new site in this location. Based on the history and the nature of the site we are not minded to support this application. The application indicates increased usage and we believe would be likely to cause noise issues in the area. We would therefore object to this application. I also note that the hours of operation have been requested for 07:30 to 17:30 Monday to Friday only, I would also like to recommend that these hours are reduced. Should the Planning Service be minded to grant the application we would recommend the following conditions:

Industrial activity

- No industrial activity shall take place outside the hours of 08:00 and 17:30 Mondays to Fridays. There shall be no working on Saturdays, Sundays or public holidays.

Hours of operation of plant/machinery

- The hours of operation of the machinery on site should be limited to between 08:00 hours and 17:30 hours on weekdays (Monday – Friday). There shall be no operations on Saturdays, Sundays or public holidays.

Restrict loading/unloading

- No vehicular movements nor any loading or unloading of vehicles shall take place on the site except between the hours of 08:00 and 17:30 on Monday to Friday and not at any time on Saturdays, Sundays or public holidays.
- No deliveries shall be received at or despatched from the site outside the hours of 0800 and 17:30 hours on Mondays to Friday. There will also no deliveries or dispatches and on Saturdays, Sundays or public holidays.

Soundproofing of plant/machinery

- No development shall commence until a scheme for the suitable treatment of all plant and machinery against the transmission of sound and/or vibration has been submitted to and approved in writing by Planning Services. The measures shall be implemented in strict accordance with the approved details prior to the occupation of the development and shall thereafter be retained as such.
- A report of any soundproofing, scheme or enclosure of machinery should be submitted and agreed by the Planning Service. This report will need to be by conducted by a suitably qualified and experienced acoustic consultant. Please refer to the list attached to this email of acoustic consultants that are prepared to operate in Guernsey. The report should make reference to BS 5228-1 Code of practice for noise and vibration control on construction and open sites. The report should also seek to determine if all residents that share a boarder with

the Stone Cutters Yard D00925G000 would not be adversely affected by any machinery, operation or vehicular movements and detail proposed attenuation measures.

I would also like to take this opportunity to refer the applicant to The Environmental Pollution (Air Pollution) Ordinance, 2019. Schedule 2 Prescribed Operations. They should assess if they are required to apply to The Office of Environmental Health and Pollution Regulation for an Air Pollution Licence or Exemption. This is notable as the site has seen increased industrial activity over the years as evidenced by the aerial photos on Digimap and also the complaints received by The Office of Environmental Health and Pollution Regulation regarding stone dust. Although I do note that no complaints have been received for several years.

I also note that this statement of activity expansion is in contrast to what is detailed within the applicants cover letter and as such I would urge the Planning Service to initially refer to digimap, specifically aerial photo 1996 and aerial photo 2016 of the site. It is clear that the industrial activity has expanded in this comparison, and that this activity has gotten closer to residential properties. As such even with the proposed natural belt detailed in the 7792-01 Survey Plan document. It is reasonable to assume that over the years noise encroachment could be allowed to persist and should the Planning Service approve this application I fear this would further subject local residents to increased noise disturbances from industrial activity. I would also like to add that complaints regarding noise have in fact been received by The Office of Environmental Health and Pollution Regulation since 2012, as recently as 2017, again contrary to what has been reported In the applicants cover letter.

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

The Office of Environmental Health and Pollution Regulation, 25/04/2024

“I have reviewed the revised proposed plans and cover letter for the Stone Cutters Yard application which were received via email on 11th April 2024 and there remains a number of issues of concern that I must raise. I would advise that this office would still object to this proposal if this were a new site in this location. We maintain that based on the history, recent complaints and the nature of the site we are not minded to support this application. Despite the cover letter detailing the “*reduced splay of storage leading to reduced operation of the business*”. The overall application indicates increased usage, capacity and throughput of materials, as such we believe that this proposal would be likely to still cause noise and dust nuisances in the area. The revised cover letter then further details “*the proposed alterations will result in no change to the sites general operation*”. Considering the overall comments of the revised cover letter we would therefore still object to this application. I also note that the hours of operation have again been requested for 07:30 to 17:30 Monday to Friday on the basis of “*established use*” with “*no sound proofing measures*”. I still maintain the recommendation that these hours are reduced, and sound attenuation measures adopted, especially while considering previous complaints received by this office in regard to site operations. I also note in

the revised cover letter that dust could be reduced by hard landscaping on the east of the site, while we would welcome any dust reduction measures, the issue of dust should be addressed at point of creation and through the correct licensing of relevant machinery.

Should the Planning Authority be minded to grant the application we would recommend the following conditions:

Industrial activity

- No industrial activity shall take place outside the hours of 08:00 and 17:30 Mondays to Fridays. There shall be no working on Saturdays, Sundays or public holidays.

Hours of operation of plant/machinery

- The hours of operation of the machinery on site should be limited to between 08:00 hours and 17:30 hours on weekdays (Monday – Friday). There shall be no operations on Saturdays, Sundays or public holidays.

Restrict loading/unloading

- No vehicular movements nor any loading or unloading of vehicles shall take place on the site except between the hours of 08:00 and 17:30 on Monday to Friday and not at any time on Saturdays, Sundays or public holidays.
- No deliveries shall be received at or despatched from the site outside the hours of 0800 and 17:30 hours on Mondays to Friday. There will also be no deliveries or dispatches on Saturdays, Sundays or public holidays.

Soundproofing of plant/machinery

- No development shall commence until a scheme for the suitable treatment of all plant and machinery against the transmission of sound and/or vibration has been submitted to and approved in writing by Planning Authority. The measures shall be implemented in strict accordance with the approved details prior to the occupation of the development and shall thereafter be retained as such.
- A report of any soundproofing, scheme or enclosure of machinery should be submitted and agreed by the Planning Authority. This report will need to be by conducted by a suitably qualified and experienced acoustic consultant. Please refer to the list attached to this email of acoustic consultants that are prepared to operate in Guernsey. The report should make reference to BS 5228-1 Code of practice for noise and vibration control on construction and open sites. The report should also seek to determine if all residents that share a boarder with the Stone Cutters Yard D00925G000 would not be adversely affected by any machinery, operation or vehicular movements and detail proposed attenuation measures.

I would also like to take this opportunity to refer the applicant to The Environmental Pollution (Air Pollution) Ordinance, 2019. Schedule 2 Prescribed Operations. They should assess if they are required to apply to The Office of Environmental Health and Pollution Regulation for an Air Pollution Licence or Exemption. This is notable as we maintain the site has seen increased industrial activity over the years as evidenced by the aerial photos on Digi map and also the complaints received by The Office of Environmental Health and Pollution Regulation regarding stone dust. Although I do note that no complaints have been received for several years in regard to dust.

I also note that this statement of activity expansion is in contrast to what is detailed within the applicants revised cover letter and as such I would urge the Planning Authority to initially refer to digimap, specifically aerial photo 1996 and aerial photo 2016 of the site. It is clear that the industrial activity has expanded in this comparison, and that this activity has gotten closer to residential properties. As such even with the proposed natural belt detailed in the revised 7792-01 Survey Plan document. It is reasonable to assume that over the years noise encroachment could be allowed to persist and should the Planning Authority approve this application I fear this would further subject local residents to increased noise disturbances from industrial activity. As mentioned in response to the original planning application that complaints regarding noise have been received by The Office of Environmental Health and Pollution Regulation, as recently as 2017. I would further like to add that now as recently as the 11th April 2024, a complaint has been received regarding the burning of waste on the site. Not only does the burning of waste create smoke nuisance to neighbours, it is also an offence under The Environmental Pollution (Air Pollution) Ordinance, 2019. As such, this also clearly demonstrates the clients disregard for environmental regulation and also consideration regarding nuisance to neighbouring landowners. As such, I would further argue that in contrast to the now revised cover letter, that negative impact has in fact been caused by the site and its operational practices. Furthermore, this has occurred since the revised application has been submitted to the Planning Authority”.

The Office of Environmental Health and Pollution Regulation, 11/06/2024

“Further to our phone call last week, I have discussed with Cathy again regarding the request to amend our conditions that to allow them to start work at 07:30. We have spoken about different sites where this has been altered and we still maintain that an earlier start time for this particular application would not be appropriate. Furthermore, any mitigation measures to try to aid an earlier start time would likely be ineffective due to the type of noise emitted from these activities and the proximity to receptors. As such, we will not be changing our recommended conditions regarding, industrial activity, hours of operation, vehicular movements and deliveries.

We also discussed the requirements for a condition that there will no dressing or cutting of stone on site. If this is applied by the Planning Authority then we believe the previously mentioned conditions regarding the sound proofing of machinery would not be needed. We also discussed a condition for the limit of 60dB at the boundary of the site (this was also detailed on a previous application in 2012). This

compounded with the conditions for no dressing/cutting of stone and also limits on hours of operation etc should help with the issue of noise.

You will also see some further conditions regarding the height of bays, these should also help to limit noise and dust.

- There shall be no dressing or cutting of stone on site
- The height of the stone product bays numbered 1-7 will be restricted to 2m
- The height of the bulk bays numbered 1 – 6 will be restricted to 3m
- No industrial activity shall take place outside the hours of 08:00 and 17:30 Mondays to Fridays. There shall be no working on Saturdays, Sundays or public holidays.
- The hours of operation of the machinery on site should be limited to between 08:00 hours and 17:30 hours on weekdays (Monday – Friday). There shall be no operations on Saturdays, Sundays or public holidays.
- No vehicular movements nor any loading or unloading of vehicles shall take place on the site except between the hours of 08:00 and 17:30 on Monday to Friday and not at any time on Saturdays, Sundays or public holidays.
- No deliveries shall be received at or despatched from the site outside the hours of 0800 and 17:30 hours on Mondays to Friday. There will also no deliveries or dispatches on Saturdays, Sundays or public holidays.
- No lighting of the site shall take place before 0730 hours on weekdays and Saturdays or after 1730 hours on weekdays and 1300 hours on Saturdays, nor any time on Sundays or Public Holidays.
- The level of noise emitted from the industrial activity shall not exceed 60 dB(A) at any time as measured on any boundary of the site”.

Summary of Issues:

The main issues in deciding this application are:

1. Design and impact of the development on the appearance and character of the area.
2. The impact of the development on the amenity of people living in the area.
3. 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).**

During the assessment of a planning application in 2012 and 2013 to construct a stone breaking shed (FULL/2012/2454), the historic use of the site was reviewed and it was concluded that evidence indicated that there was granite on the land in the 1960's and definitely by 16th May 1969. It appeared that there was dressing as well

as storage of stone and in February 1970, reference was made to stone on an area 300 by 150 feet. It was further concluded that the evidence suggested that the intensity of use of the site had varied over the years, but there had been a gradual increase in the amount of material and level of activity on the site, although it was difficult to quantify. Enforcement investigations have concluded that enforcement action in relation to the extent of the present use of the site is unsustainable. In summary the use of the site for the storage of stone and for its cutting, dressing and recycling is a longstanding use which was established prior to the introduction of the Island Development (Guernsey) Law, 1966. Although there is uncertainty over the precise extent of the industrial yard, the site has an established use for the storage of stone and for its cutting, dressing and recycling and therefore the proposal relates to the extension, alteration and redevelopment of an existing industrial and storage premises.

Policy OC3 supports proposals to extend, alter or redevelop existing industrial and storage premises provided that specific criteria are met related to the scale and form of the development and its impact on the character and amenity of the surrounding area and uses; road safety and traffic management implications; ensuring the most effective and efficient use of land; and the inclusion of soft landscaping.

Paragraph 17.1.1 of the Island Development Plan acknowledges that there are existing industrial, storage and distribution uses located Outside of the Centres that have developed over time and may pre-date any strategic approach to land use planning. These include small scale industries such as builders' yards and workshops.

By virtue of its siting to the rear (west) of neighbouring residential properties which front onto the highway and the single storey nature of the containers, office and storage buildings and stone storage bays, the proposed alterations within the site will have a limited impact on the character and visual amenity of the wider area. The visual impact of the alterations within the site can be further mitigated by the landscaped buffers along the east boundary and restricting the height of storage bays, details of which can be requested by condition.

The widening of the access will marginally reduce the sense of enclosure along the street and the loss of soft landscaping towards the highway will result in the access becoming more prominent. However, the retention of a section of the soft landscaping along the southern section of the access will help to limit the visual impact of the widened access. Details of the surfacing of the access can be requested by condition. Overall, the alterations to and widening of the access is unlikely to result in a significant adverse effect on the character and visual amenity of the area.

The use of the site for the storage of stone and for its cutting, dressing and recycling has continued for many years and its extent has varied over time. There are no planning controls limiting the use of or activities on the site. However, the proposed layout of the site together with the widening of the site access has the potential to enable the intensification of use of the site. There is a history of complaints regarding noise and dust from the use of this site from neighbouring properties,

particularly between 2012 and 2014 and as recently as 2017. As a result there are concerns about the potential impact on the amenities of neighbouring residents should the existing use expand and intensify. The Office of Environmental Health and Pollution Regulation object to the application on this basis.

However, considering the longstanding use of the site and the lack of planning controls limiting the use of or activities on the site, there is the potential that the proposed alterations to the layout of the site could provide an opportunity to apply planning conditions to minimise the impact of the use of the site on the amenities of neighbouring residents and to provide a more robust position with measurable limits to the use and activities on the site should enforcement action be necessary in the future.

With this in mind, discussions with the agent and Office of Environmental Health and Pollution Regulation indicate that with the application of a series of planning conditions to exclude the cutting and dressing of stone on the site, and to restrict the hours of operation, vehicle movements and noise, the proposal can be controlled to such an extent so that it is unlikely to have a material adverse effect on the amenities of neighbouring residents.

The alterations to and widening of the access may enable larger vehicles to access the site and the potential to enable the intensification of use of the site could result in a modest increase in traffic movements to and from the site. However, the proposal will enable two way traffic at the site entrance which should prevent the need for vehicles to reverse out onto the public highway if they met another vehicle already on the track wishing to exit. As a result, the alterations to and widening of the access are likely to improve road safety and traffic management and the proposal would not conflict with Policy IP9.

To address the comments raised on behalf of La Société Guernesiaise, it is recommended that a note is attached to the decision notice to make the applicant aware of the potential issues with disturbing animals which are protected under the Animal Welfare Ordinance 2012 and that external lighting is avoided or kept to a minimum to limit the potential impact of light pollution on wildlife.

Information has been submitted to demonstrate that the design has taken into account the use of energy and resources, in accordance with Policy GP9.

All material considerations as set out in the Land Planning and Development (Guernsey) Law, 2005 and the Land Planning and Development (General Provisions) Ordinance, 2007 have been taken into account in the assessment of this application.

It is recommended that the application is approved.

Date: 15/08/2024

