

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: Install antenna on west gable elevation.

LOCATION: The Foundry, Huberts Lane, Doyle Road, St. Peter Port.

APPLICANT: Mr P Briggs

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: 01/03/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 22/01/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Block layout plan, annotated photograph, 'short wall mount' schematic drawing (date stamped received 22nd January 2024).

Application Ref: FULL/2024/0107

Property Ref: A114880000

Conditions and reasons:-

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

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

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

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

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

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

Expiry Date: This permission will cease to have effect on 01/03/2027 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

Please note that the current use of the premises is recognised as Light Industry (Industrial Use Class 24). The businesses currently operating from the building are involved in digital and software production, recognised as creative industry within the Island Development Plan, and could therefore considered a light industrial use, in compliance with the authorised use of the building. Any use of the building for a dedicated office use would however comprise a change of use requiring planning permission.

Effect of planning permission:

Section 18 of the Land Planning and Development (Guernsey) Law, 2005 ('the Law') defines the effect of the planning permission hereby granted, namely:

- (1) Planning permission ceases to have effect unless the development permitted by it is commenced within a period of three years immediately following the date on which it is granted (or such shorter period as may be specified in the permission).
- (2) Planning permission enures for the benefit of the land concerned and of every person for the time being having an interest in it.

(3) Any conditions subject to which planning permission is issued are enforceable in accordance with the provisions of Part V of the Law.

(4) Planning permission for the erection of a building is only permission to use it for the purpose specified in the permission or, subject to any restriction so specified, for any other purpose for which it is designed.

(5) Planning permission is only permission to carry out the development specified in it (subject to any conditions so specified), and does not imply the giving of any other approval or consent required under this Law or any other enactment or under any rule of law.

Right of appeal against planning decisions:

Your attention is drawn to the provisions of Section 68(1) of the Land Planning and Development (Guernsey) Law 2005, which provides a right of appeal, on the merits against a decision to grant planning permission subject to conditions (except a building condition), to the Planning Tribunal, which is independent of the States of Guernsey. An appeal to the Planning Tribunal under section 68 of the Law against this decision must be made before the expiry of the period of six months beginning with the date on which the Authority made this decision. The official Appeal Notice Forms are available on the States of Guernsey website at www.gov.gg/planningpanel and must be completed with all enclosures in multiples as requested and received within the six months deadline.

Copy of representations made:

In reaching this decision the Authority took into account any written consultations made under Section 11(1) of the Land Planning and Development (General Provisions) Ordinance, 2007 ('the Ordinance'). A copy of any consultation responses made under section 11 will be included with this decision in accordance with section 19 of the Ordinance.

Other Remarks:

Please note that any work which abuts or affects the public highway requires prior approval by Traffic and Highway Services. Please contact Traffic & Highway Services (highways@gov.gg) for further advice. You must also ensure that any access/es to the development are constructed to meet the existing road/footway levels in accordance with their requirements.

This document is not a Building Licence and confers no approval under the Building Regulations.

A separate Building Control Licence may be required and it is the responsibility of the developer to ensure that ALL necessary consents are obtained and that any pre-commencement conditions are discharged prior to development being commenced.

A J ROWLES

Director of Planning
Planning Service



PLANNING APPLICATION REPORT

Application No: FULL/2024/0107
Property Ref: A114880000
Valid date: 22/01/2024
Location: The Foundry Huberts Lane Doyle Road Doyle Road St. Peter
Port Guernsey GY1 1RG
Proposal: Install antenna on west gable elevation.

Applicant: Mr P Briggs

RECOMMENDATION - Grant: Planning Permission with Conditions:

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

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

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

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

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

INFORMATIVES

Please note that the current use of the premises is recognised as Light Industry (Industrial Use Class 24). The businesses currently operating from the building are involved in digital and software production, recognised as creative industry within the Island Development Plan, and could therefore considered a light industrial use, in compliance with the authorised use of the building. Any use of the building for a dedicated office use would however comprise a change of use requiring planning permission.

OFFICER'S REPORT

Brief Description:

The application site consists of a large, two storey, granite stone building located towards the end (east) of Hubert's Lane. The property is located in a Conservation Area and Main Centre Outer Area as designated in the Island Development Plan.

The authorised use of the building is light industrial. The businesses currently operating from the building are involved in digital and software production, recognised as creative industry within the Island Development Plan, and could therefore considered a light industrial use, in compliance with the authorised use of the building. Any use of the building for a dedicated office use would however comprise a change of use requiring planning permission.

Planning permission is sought to install an antenna on the west gable of the building. The 'Starlink' antenna, which is white in colour, and is affixed to the building via a 'short wall mount', measures 513mm length x 303mm width. The overall dimension including the bracket is 645mm. The antenna is proposed to improve internet speed for the companies operating from the building.

Relevant History:

PREA/2023/2242	Erect antenna.	Pre-application advice
PREA/2023/2365	Change of use of ground and first floors to offices (from light industrial use).	Pre-application advice
PAPP/2001/4770	Change of use of ground and first floor of premises to office accommodation	Refused

Existing Use(s):

Light industrial use.

Assessment: *(Tick as appropriate)*

no representation
accords with policy
within curtilage
design acceptable

✓
✓
✓
✓

visual amenity acceptable
no material neighbour impact
traffic not affected

✓
✓
✓

Consultations:

Guernsey Airport – No concerns.
Environmental Health – No concerns.

Conclusion/Brief comment:

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

Given the size and position of the antenna, which is a similar size to that observed on neighbouring residential properties, the proposal would not have a substantial negative effect on the character or appearance of the Conservation Area to justify refusal. The white antenna would be affixed to the white bargeboard and viewed in context with the white uPVC windows when viewed from the west of the building. In addition, the backdrop of the building, when viewed from the north of Hubert's Lane, features a large telecommunications mast which dominates the skyline.

Sufficient information has been submitted that has taken into account the criteria of Policy GP9 (Sustainable Development).

The antenna in itself would not have any adverse impacts on neighbour amenity, and Environmental Health raise no concerns regarding the installation.

Based on the above, the application is considered compliant with the relevant Island Development Plan policies, and accords with the purpose of the Law and the Material Planning Considerations. It is therefore recommended that planning permission be granted, subject to conditions.

It is reasonable to attach an informative to the decision to notify the owner of the building that the current use as an office appears to be unauthorised, and therefore to submit a formal application within a reasonable timeframe in attempt to regularise the use of the premises.

Recommendation:

Grant with Conditions

✓

Date: 01/03/24

