

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: 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.

LOCATION: Metro Building, Lowlands Industrial Estate, La Route du Braye, Vale.

APPLICANT: Pine Trees Properties Limited

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: 01/05/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 12/03/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Hunt Brewin - 16844.02.18, 19, 20, 21, 22, 23, 24.

Application Ref: FULL/2024/0369

Property Ref: 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 on or before 13/03/2026.

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

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

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

4. The permission hereby granted relates only to the variations specified above. In all other respects the development shall be carried out in full accordance with the permission dated 14/03/2023, issued under planning application reference FULL/2023/0065, and subject to the terms and conditions thereof.

Reason - To limit the effect of the permission to the specified variations only.

5. Notwithstanding the information submitted, no permission is granted for the installation of perimeter floodlighting as shown on drawing ref: 16844.02.18.

Reason - The floodlighting is not specified within the description of the application, nor is it highlighted in the agent's covering letter dated 22nd February 2024 and no details have been provided, therefore it does not form part of this application. Should the floodlighting be required then a separate planning application would need to be submitted specifying full details of the proposed lighting scheme.

Expiry Date: This permission will cease to have effect on 14/03/2026 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

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/2024/0369
Property Ref: C00792H000
Valid date: 12/03/2024
Location: Metro Building Lowlands Industrial Estate La Route du Braye La Route du Braye Vale Guernsey GY3 5XE
Proposal: 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.

Applicant: Pine Trees Properties Limited

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 on or before 13/03/2026.

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

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

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

4. The permission hereby granted relates only to the variations specified above. In all other respects the development shall be carried out in full accordance with the permission dated 14/03/2023, issued under planning application reference FULL/2023/0065, and subject to the terms and conditions thereof.

Reason - To limit the effect of the permission to the specified variations only.

5. Notwithstanding the information submitted, no permission is granted for the installation of perimeter floodlighting as shown on drawing ref: 16844.02.18.

Reason - The floodlighting is not specified within the description of the application, nor is it highlighted in the agent's covering letter dated 22nd February 2024 and no details have been provided, therefore it does not form part of this application. Should the floodlighting be required then a separate planning application would need to be submitted specifying full details of the proposed lighting scheme.

OFFICER'S REPORT

Brief Description of the site:

The unit known as the 'Metro Building' is a 1970's industrial building which is one of six such structures collectively known as Lowlands Industrial Estate. The building appears to consist of a large warehouse at ground floor level, with ancillary office rooms at ground and first floor level serving the primary function of the building, storage and distribution use.

The site is south of Le Route du Braye and the Metro Building is to the west of the access road behind the residential properties which form the ribbon development either side of Route du Braye. Three protected buildings lie to the north of the application site.

The property is located in the St Sampson Main Centre as defined in the Island Development Plan.

Planning permission was granted in 2023 to change the use of a 1st floor flat to an office (FULL/2023/0197) and previous to that, install a roller door to the west elevation of the building, and erect fencing to north, south and west boundary and to hard surface an area to the rear of the building (FULL/2023/0065).

Planning permission is now sought to install windows at first floor level to the west elevation to serve office rooms (nos.6, 7, and 8), and erect a covered storage area, and two storage containers to the west of the building. The covered storage area will be 7000mm x 5000mm located adjacent to the north boundary, and the two containers will 3360 x 2075mm respectively, located adjacent to the south boundary.

Relevant History:

PREA/2024/0205	Resurface existing area of land with concrete. Erect palisade security fencing with electric gates. Alteration to new and existing doors and windows east and west elevations	Pre-application enquiry
FULL/2023/0197	Change of use of 1st floor from flat (Use Class 2) to office (Use Class 16).	Granted
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
PREA/2022/2088	Resurface existing area of land with concrete to create builders yard and erect palisade security fencing with entrance gates.	Pre-application enquiry

Existing Use(s):

General storage and distribution – Use class 22.

Assessment: *(Tick as appropriate)*

no representation	☒	visual amenity acceptable	☒
accords with policy	☒	no material neighbour impact	☒
within curtilage	☒	traffic not affected	☒
design acceptable	☒		

Policies considered most relevant:

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
GP5: Protected Buildings (Setting)
GP8: Design
GP9: Sustainable Development

Conclusion/Brief comment:

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.

The site is recognised as a storage and distribution use, therefore the principle for an outside covered storage provision is acceptable. The open covered store will be a similar height to the existing boundary treatment and therefore is not considered to have a significant detrimental effect on the amenities of neighbouring residents due to the restricted height of any outside storage as a result of the design of the structure. The storage containers are located away from any neighbouring residential property.

The proposal will not affect the setting of the protected buildings to the north.

The proposed windows serving the three ancillary office rooms are acceptable and due to their orientation will look directly out onto the storage yard. The relationship is such that views towards neighbouring properties, particularly to the north, will be restricted to oblique angles and is not considered to cause undue harm.

Overall, the proposal will not have a detrimental impact on the character of the area, visual amenity, or the amenities of neighbouring residents.

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

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.

Recommendation:

Grant with Conditions



Date: 29/04/24