

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: Retain temporary hard surfacing for parking and turning of vehicles and storage of equipment associated with the adjoining Event Hire business (Retrospective).

LOCATION: Events House (Le Va), La Route Du Braye, Vale.

APPLICANT: Mr R Lowe

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: 14/05/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 02/04/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Site Location Plan and Block Layout Plan (both date stamped 21/03/2024)

Application Ref: FULL/2024/0555

Property Ref: C008150000

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. Notwithstanding the details submitted, this permission is given for a limited period of 1 year, expiring on 13th May 2025, by which time all vehicles and other equipment stored on the land in association with the adjoining Event Hire business shall be removed.

Reason - The retention of the development for a further period would be likely to prejudice or inhibit the comprehensive development of the Saltpans Housing Allocation.

3.The parking and turning area shall be formed using loose material laid on a removable membrane base. There shall be no permanent hardstanding or concrete or similar base created on the land.

Reason - To ensure a satisfactory form of development and to prevent the proposal inhibiting the comprehensive development of the Saltpans Housing Allocation.

4.The surfaced area hereby approved shall be used only for the storage of equipment and for the parking and turning of vehicles ancillary and incidental to the adjoining event hire business as separately authorised by the Authority and shall be used for no other purpose without the prior written consent of the Development and Planning Authority.

Reason - To protect the character and amenity of the locality and neighbour amenity.

5.No industrial process involving machinery or power tools shall be carried out on the land at any time.

Reason - To protect the reasonable amenities of neighbouring residents.

Expiry Date: This permission will cease to have effect on 13/05/2025 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

Due to the adoption of the Development Framework and the prospect that housing development could be implemented in the near future, it is uncertain whether any further temporary permissions will be granted, with any further permissions likely to be dependent upon the phasing of the development. It is therefore recommended that the applicant explores options for alternative sites in order to relocate the outside storage use from May 2025. For clarity, existing buildings outside the Housing Allocation area are unaffected.

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/2024/0555
Property Ref: C008150000
Valid date: 02/04/2024
Location: Events House (Le Va) La Route Du Braye Vale Guernsey
GY3 5PB
Proposal: Retain temporary hard surfacing for parking and turning of
vehicles and storage of equipment associated with the
adjoining Event Hire business (Retrospective).
Applicant: Mr R Lowe

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. Notwithstanding the details submitted, this permission is given for a limited period of 1 year, expiring on 13th May 2025, by which time all vehicles and other equipment stored on the land in association with the adjoining Event Hire business shall be removed.

Reason - The retention of the development for a further period would be likely to prejudice or inhibit the comprehensive development of the Saltpans Housing Allocation.

3. The parking and turning area shall be formed using loose material laid on a removable membrane base. There shall be no permanent hardstanding or concrete or similar base created on the land.

Reason - To ensure a satisfactory form of development and to prevent the proposal inhibiting the comprehensive development of the Saltpans Housing Allocation.

4. The surfaced area hereby approved shall be used only for the storage of equipment and for the parking and turning of vehicles ancillary and incidental to the adjoining event hire business as separately authorised by the Authority and shall be used for no other purpose without the prior written consent of the Development and Planning Authority.

Reason - To protect the character and amenity of the locality and neighbour amenity.

5. No industrial process involving machinery or power tools shall be carried out on the land at any time.

Reason - To protect the reasonable amenities of neighbouring residents.

INFORMATIVES

Due to the adoption of the Development Framework and the prospect that housing development could be implemented in the near future, it is uncertain whether any further temporary permissions will be granted, with any further permissions likely to be dependent upon the phasing of the development. It is therefore recommended that the applicant explores options for alternative sites in order to relocate the outside storage use from May 2025. For clarity, existing buildings outside the Housing Allocation area are unaffected.

OFFICER'S REPORT

Brief Description of the site:

Planning permission is requested to extend a temporary permission for the use of a field as a temporary parking/turning/storage area for the adjacent event hire business.

The site is accessed off Braye Road and is situated behind neighbouring dwellings fronting onto the public highways. The site is in a Main Centre Outer Area and the Saltpans Housing Allocation site as defined by the Island Development Plan.

There is a long history of temporary planning permissions on this site, with the original permission having been issued in 2003 following unauthorised use of the site for the outside storage of goods and vehicles associated with the adjoining event hire business. The 2003 permission regulated this use and was time limited so that the use did not prejudice comprehensive development of the Housing Target Area, in which the site was located.

Relevant History:

27/11/2023 – FULL/2022/1631 – Application withdrawn for a residential development for Affordable Housing - Erect 69 houses and 60 flats with associated vehicular access onto La Route de Braye.

03/11/2023 – CLU/2023/1040 – Application refused for a Certificate of Lawful Use to regularise use of land for the parking of vehicles and storage of equipment associated with the adjoining event hire business (Storage/Distribution use class 22).

09/08/2022 – FULL/2022/0789 – Permission granted to retain temporary hard surfacing for parking and turning of vehicles and storage of equipment associated with the adjoining Event Hire business, expired on 09/02/2023.

A number of previous permissions to retain temporary hard-surfacing starting with an original application in March 2003.

31/03/2003 – PAPP/2003/0211 – Permission granted to lay temporary hard surfacing.

Existing Use(s):

Temporary open storage

Assessment: *(Tick as appropriate)*

no representation
accords with policy
within curtilage
design acceptable

✓
✓
✓

visual amenity acceptable
no material neighbour impact
traffic not affected

✓
✓
✓

Policies considered most relevant:

Policy MC2: Housing in Main Centres and Main Centre Outer Areas
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
Policy GP1: Landscape Character and Open Land
Policy GP8: Design

Conclusion/Brief comment:

The proposal falls to be considered principally under Policies MC2 and MC5(B). The area in question forms part of the Saltpans Housing Allocation site. This area is, therefore, expected to be developed for housing primarily and contribute to meeting the Island's housing requirements over the next five years.

However, Policy MC2 states: *“development that is unlikely to inhibit the implementation of future development, or inhibit the implementation of a Development Framework or prejudice the comprehensive development of allocated housing sites, may be supported where it is in accordance with all other relevant policies of the Island Development Plan”.*

The development is to retain the hard standing and continue the temporary use of this site for storage purposes. Policy MC5(B) states: *“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 the surrounding uses". Albeit temporary, this use has been in place for a period of time and has demonstrated no adverse impacts on the amenities of surrounding uses. Therefore, it is considered the proposal complies with Policy MC5(B).

A Development Framework has been adopted as Supplementary Planning Guidance for the Saltpans Housing Allocation site. As a result, an application for full planning permission could be submitted at any time.

The most recent temporary planning permission on this site was granted in August 2022 for a period of 6 months on the basis that the continuation of the existing development on the site over a limited period would not prejudice the future comprehensive development of the allocated housing site and as such was considered to be in accordance with Policy MC2 and all other relevant policies of the Island Development Plan, including MC5(B). At the time of granting the most recent temporary permission in August 2022, pre-application discussions for the residential development of the Saltpans Housing Allocation site had progressed and an application was expected shortly.

However, since the granting of the most recent temporary permission in August 2022, a planning application for the residential development of the Housing Allocation has been submitted and withdrawn, there is currently no live application for the site and there is no expectation that an application will be submitted imminently. Given the likely timescales involved with the submission of Planning and Building Control applications and the potential phasing of any future residential development, it is considered that extending the temporary planning permission for a further 1 year would not inhibit the implementation of the Development Framework or future housing development.

Due to the adoption of the Development Framework and the prospect that housing development could be implemented in the near future, it is uncertain whether any further temporary permissions will be granted, with any further permissions likely to be dependent upon the phasing of the development. It is therefore recommended that the applicant explores options for alternative sites in order to relocate the outside storage use from May 2025. For clarity, existing buildings outside the Housing Allocation area are unaffected.

In light of the above, it is considered that the continuation of the existing temporary development on the site over a limited period would not prejudice the future comprehensive development of the allocated housing site, and the proposal is in accordance with all other relevant policies of the Island Development Plan. As such it is recommended that a further temporary permission is granted for 1 year.

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.

It is recommended that the application is approved.

Recommendation:

Grant with Conditions



Date: 13/05/2024

