

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 previous approval for change of use from warehouse (Storage & Distribution Use Class 30) to storage and preparation of food with ancillary retail - Increase retail area, install cladding, replacement doors, erection of awning with light and illuminated sign, erect double-sided sign to north-west (roadside) boundary.

LOCATION: Unit 3, Landes Du Marche, Vale.

APPLICANT: The Farm Shop

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: 12/03/2025

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 14/01/2025 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: JG Architecture Ltd: 2455/02.01 & /02.02A.

Application Ref: FULL/2025/0032

Property Ref: C019030000

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.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 02/02/2017, issued under planning application reference FULL/2016/2093, and subject to the terms and conditions thereof.

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

5.The floor area of the ancillary retail shop shall be limited to that shown on the approved plans and shall not be extended without the specific written consent of the Authority.

Reason - Permission has been granted on the basis that the use will be ancillary to the primary use of the site. Any other use is likely to raise different planning policy considerations.

6.The hours of operation for the exterior awning lighting and exterior illuminated signage hereby approved shall be limited to 08:00 - 18:30 hours on each day.

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.

7.Noise associated with plant and machinery incorporated within the development shall be controlled such that the Rating Level, measured or calculated at 1-metre from the facade of the nearest existing noise sensitive premises, shall not exceed a level 5 dB(A) below the existing LA90 background noise level, including low frequency tones. Rating Level and existing background noise levels shall be determined as per the guidance provided in BS 4142:2014.

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.

8. No storage of any description shall take place on the open land outside the building on the site.

Reason - To make sure that the site does not fall into an untidy condition and spoils the appearance of the area.

Expiry Date: This permission will cease to have effect on 11/03/2028 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

For the avoidance of doubt, this permission confers no consent for any illumination of the roadside sign. Any form of illumination of that sign, whether by external or internal means, will require a separate grant of 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/2025/0032
Property Ref: C019030000
Valid date: 14/01/2025
Location: Unit 3 Landes Du Marche Vale Guernsey
Proposal: Variations to previous approval for change of use from warehouse (Storage & Distribution Use Class 30) to storage and preparation of food with ancillary retail - Increase retail area, install cladding, replacement doors, erection of awning with light and illuminated sign, erect double-sided sign to north-west (roadside) boundary.

Applicant: The Farm Shop

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. 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 02/02/2017, issued under planning application reference FULL/2016/2093, and subject to the terms and conditions thereof.

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

5. The floor area of the ancillary retail shop shall be limited to that shown on the approved plans and shall not be extended without the specific written consent of the Authority.

Reason - Permission has been granted on the basis that the use will be ancillary to the primary use of the site. Any other use is likely to raise different planning policy considerations.

6. The hours of operation for the exterior awning lighting and exterior illuminated signage hereby approved shall be limited to 08:00 - 18:30 hours on each day.

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.

7. Noise associated with plant and machinery incorporated within the development shall be controlled such that the Rating Level, measured or calculated at 1-metre from the facade of the nearest existing noise sensitive premises, shall not exceed a level 5 dB(A) below the existing LA90 background noise level, including low frequency tones. Rating Level and existing background noise levels shall be determined as per the guidance provided in BS 4142:2014.

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.

8. No storage of any description shall take place on the open land outside the building on the site.

Reason - To make sure that the site does not fall into an untidy condition and spoils the appearance of the area.

INFORMATIVES

For the avoidance of doubt, this permission confers no consent for any illumination of the roadside sign. Any form of illumination of that sign, whether by external or internal

means, will require a separate grant of planning permission.

OFFICER'S REPORT

Site Description:

The site comprises a group of warehouses located to the rear of residential properties lining the south side of Landes du Marche. The site is accessed via a single entrance between residential properties.

The site is located Outside of the Centres in the Island Development Plan.

Relevant History:

FULL/2016/2093 Change of Use from warehouse (Storage & Distribution Use Class 30) to storage and preparation of food with ancillary retail; and install extract grilles on east and west elevations. Approved 02/12/2017, subject to the following conditions:

4.The ancillary retail shop shall only sell produce prepared at the site and the floor area shall be limited to that shown on the approved plans and shall not be extended without the specific written consent of the Authority.

Reason - Permission has been granted on the basis that the use will be ancillary to the primary use of the site. Any other use is likely to raise different planning policy considerations.

5.Noise associated with plant and machinery incorporated within the development shall be controlled such that the Rating Level, measured or calculated at 1-metre from the facade of the nearest existing noise sensitive premises, shall not exceed a level 5 dB(A) below the existing LA90 background noise level, including low frequency tones. Rating Level and existing background noise levels shall be determined as per the guidance provided in BS 4142:2014.

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.

6.No storage of any description shall take place on the open land outside the building on the site.

Reason - To make sure that the site does not fall into an untidy condition and spoils the appearance of the area.

Existing Use(s):

Sui generis: Storage and preparation of food with ancillary retail.

Brief Description of Development:

Permission is sought under this application to extend the existing retail area from 32.49m² to 71.5m².

In association with the above, it is also proposed to:

- Install larch cladding to north-west elevation, to be stained in either Tobacco or Cognac (samples provided);
- Replace existing roller door with sliding doors finished to match cladding;
- Install awning above doors, with LED 'Light Wash' lighting below;
- Install backlit 1.1m x 0.83m Corten metal sign displaying company name to new doors;
- Install 0.7m x 0.525m double sided Corten metal sign displaying company name in reflective lettering at roadside (north-west boundary). Initially this was to be mounted on poles 1.95m above level of road, following deferral this has been repositioned to be set 2m back from the roadside and reduced in height so the base sits level with the top of the wall.

In support of the application a document has been provided setting out the ethos of the proposed Farm Shop and, in particular, the following points are made:

- The shop will sell locally sourced products;
- Imported goods, such as olives, olive oils, pasta, grains and spices will also be sold to bolster the local supply;
- The storage spaces will receive and store fresh and dried produce and goods, primarily to facilitate food production on site, with a modest percentage, less than 20%, intended to be channelled directly into the retail space;
- The remainder of the premises will remain as existing and will be used for the collating, storage and preparation of locally sourced products;
- There will be a bakery element producing flour, bread, pastries etc and a kitchen producing 'ready meals' for breakfast, lunch and dinner and seasonal pickling, preserving, drying, curing, canning, etc., together with an area for butchery, curing, smoking and other preparation of meat products;
- A volume of the products will be delivered direct to the consumer;
- Food preparation times may be between 7am-7pm, retail hours between 8am-6.30pm;
- The retail space will also be used on occasion for education and communication of food and ecosystem values;
- The 'light wash' will replace an existing floodlight;
- All lighting will only be lit between 8am and 6.30pm.

Following deferral the following additional information has been provided:

- The business is primarily focussed on delivery to individual consumers at their office or home, with an estimated 30-50% of products to be delivered through an online ordering service;
- It is hoped to support an electric vehicle delivery service.

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

OC3 Offices, Industry, Storage and Distribution Outside of the Centres
OC4 Retail Outside of the Centres
GP8 Design
GP9 Sustainable development
IP7 Private and Communal Car Parking
IP9 Highway Safety, Accessibility and Capacity

Representations:

None received.

Consultations:

The Office for Environmental Health and Pollution Regulation comments as follows:

I have reviewed the application for alterations to be made at the above unit, which propose:

- an increase in size of the existing retail area,
- the erection of an awning over the customer entrance/exit doors with soft strip LED lighting, to replace the existing floodlights, and
- the installation of backlit signage to the building.

I confirm that regarding the proposal to increase the retail area, I have no comments and I raise no objections.

Regarding the installation of lighting to the awning and lit signage to the exterior of the unit, to protect the amenity of nearby and neighbouring residential properties, I would recommend that the following conditions are attached to any permission granted for this application:

- The hours of operation for the exterior awning lighting and exterior illuminated signage shall be limited to 08:00 – 18:30 hours on each day.
- The exterior awning lighting and exterior illuminated signage shall be operated by a timer which is set to illuminate and extinguish lighting at the permitted times.

Summary of Issues:

Whether the proposal would comprise a change of use;
Impact on the amenity of adjoining residential properties;
Impact on road safety;
Impact on the character of the area.

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).**

The authorised use of this site, as granted under application reference FULL/2016/2093, is sui generis, comprising a mixed use falling outside of the use classes. The primary elements of the authorised use are however industrial/storage & distribution in nature, with the retail element comprising 8% of the floor area of Unit 3 and forming an ancillary function to the overall use of the site.

In the report for FULL/2016/2093 it was stated that this use would not fundamentally affect the underlying storage and distribution use previously authorised at the site and was therefore acceptable on the basis that “the retail element only sells items produced on the site, and there is no change to the relative floor areas of the proposed uses. Selling items that are not produced at the site, or increasing the floor area of the retail element, would be likely to change the nature of the operation, and therefore the policy considerations under which the application would be assessed”. On this basis, the decision was conditioned to limit the products sold and to ensure the relative floor areas were not changed, as reproduced under Relevant Planning History above.

The current proposal is to extend the retail floor area, to comprise 17% of Unit 3. The business model is to import local products, either in a form ready to sell, or to be prepared on site, supplemented with limited products imported from elsewhere, and to sell those products either through the proposed extended retail area or via online ordering and delivery. The primary function of the site would therefore remain as the storage and preparation of food, with an ancillary retail element, and there would be no fundamental change in use as a result of the extension of the retail floor area as proposed.

Whilst Condition 4 of the previous permission only allowed for the sale of produce prepared at the site, this departs from practice at other storage and distribution sites, where ancillary trade counters sell products imported to the site.

In light of the above it is agreed that the extension of the retail floor area, for the sale of goods as outlined within this application, would remain acceptable under the

relevant policies outlined above. It is however recommended that Condition 4 is reapplied to any decision issued under this application, amended as follows:

The floor area of the ancillary retail shop shall be limited to that shown on the approved plans and shall not be extended without the specific written consent of the Authority.

As with the previous application, the remainder of the proposals would therefore comprise redevelopment of an existing industrial/storage use, and would fall to be considered primarily under Policy OC3.

The prefacing text to Policy OC3 states that proposals to redevelop existing industrial/storage and distribution sites will be supported where the proposal would have no adverse effect on the amenities of neighbouring occupiers and would not adversely affect highway safety and the free flow of traffic.

The site is located in a high density residential area and, with the exception of a short section of the west boundary, is bounded to all sides and along the access road by residential properties. The proposed alterations would not however fundamentally alter the existing use of the site, and the activities at the site would remain subject to the noise emissions limitation condition applied to FULL/2016/2093. For the avoidance of doubt, given this proposal relates to a different operator, it is recommended that the conditions attached to the previous decision are also attached to any decision issued under this application. It was not previously considered reasonable to limit the hours of operation of the premises, given that the site could previously operate as warehousing without limitation, and that assessment remains valid in respect of the current application. Whilst exterior lighting is proposed as part of the application, that lighting is low level and use within the specified business hours can be managed by planning condition. The method by which the timing of that lighting should be controlled however goes beyond what could reasonably fall within the control of planning law. In light of the above, the application is not considered to result in an adverse impact on the amenities of neighbouring occupiers.

As outlined above, the function of the site would remain fundamentally as existing. Whilst the extended retail floor area may give rise to some increase in customers attending the site, any such increase in attendance would likely be within the capacity of the existing parking provision, in the form of personal vehicles, and not of a scale which would cause significant additional disruption to surrounding properties or road safety.

The physical alterations proposed to the exterior of the building would utilise high quality materials and achieve a good finish, enhancing the appearance of the building. Either a cognac or tobacco finish to the timber would be acceptable. The sign proposed to be attached to the building would be appropriate to the scale of the building and nature of the business. The lighting proposed is low level and use within the specified business hours can be managed by planning condition.

The site is discretely located and it is recognised that display of a sign at the roadside to identify the premises is a reasonable aspiration. There are limited options for the display of signage in this location and mounting above the level of the wall, in a similar manner to the recently approved signage at Stan Brouard (ref FULL/2024/0371), would be acceptable in this context. As initially submitted there were concerns regarding the visual appearance of the sign. The sign was initially proposed to be mounted on poles to avoid interference with the visibility splays from the access and to emulate the adjacent Swan Joinery sign. There is however no record of permission for that sign. Visibility splays from the access are already obscured for ordinary vehicles by the height of the wall to the side of the access drive, however, to avoid obscuring sightlines for any larger industrial vehicles which may use the site, the sign has now been repositioned back from the roadside. This has allowed the height of the poles to be reduced and the base of the sign to sit level with the top of the wall. The sign is of simple design and quality material, and is not illuminated. On balance, taking into account the above, the revised sign proposed is considered to be acceptable.

Confirmation has been received that the proposed works have been designed to take into account matters of energy efficiency and current Building Regulations in accordance with Policy GP9a.

Overall, and on balance, the proposal accords with the purpose of the Law, material considerations and relevant planning policies and approval is recommended.

For the avoidance of doubt, it should however be noted that the amount of retail floor space approved under this application is at the upper end of what could reasonably be considered ancillary and incidental to the use of the site for storage and preparation of food. It should be noted that any further expansion of the retail area is likely to be considered the creation of a new retail use and would not be supported under current Plan policy.

Date: 10/03/2025

