

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: Change of use from general retail (use class 10) to use part of the ground floor and basement for industrial storage with ancillary office (Storage/Distribution Use class 22) and to use part of the ground floor for a Jiu Jitsu School (Public Amenity Use Class 21) and associated works.

LOCATION: Former Channel Island Ceramics, Forest Road, St. Martin.

APPLICANT: The Sarnia Jiu Jitsu Foundation

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: 07/05/2025

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 19/02/2025 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Lovell Ozanne: AB17-10803/S1-01 & /S1-02A & Letter dated 31/01/2025 from Sarnia Jiu Jitsu Foundation & Letter dated 03/02/2025 from Breton Construction Limited.

Application Ref: FULL/2025/0285

Property Ref: J002300000

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.This permission relates to the use of the public amenity floorspace hereby approved (as hatched in blue on drawing ref: S1-02 Rev A) solely for the benefit of Sania Jiu Jitsu, in accordance with the details set out in the applicant's letter dated 31/01/2025, and for the storage and distribution floorspace and ancillary office area hereby approved (as hatched in red on drawing ref: S1-02 Rev A) to be used solely for the benefit of Breton Construction Limited in accordance with the details set out in their letter dated 03/02/2025. Neither of these uses shall run with the land and if any use hereby approved ceases that part of the premises shall revert to General Retail Use, as defined in retail Use Class 10 of the Land Planning and Development (Use Classes) Ordinance, 2017 or in any provision equivalent to that Use Class in any Ordinance revoking or re-enacting that Ordinance.

Reason - The proposed uses at this site are only permitted in this location due to the specific operational and locational requirements set out in the application that prevents the use of a site within the Centres. Alternative uses would not have the same specific operational and locational requirements and may not be supported under Policies OC3 or OC9 of the Island Development Plan.

5.Their shall be no outside storage of any materials, plant or machinery other than within the hatched area as marked on drawing ref: S1-01. Any such storage within this area shall not be stacked or deposited to a height exceeding 2.5 metres from ground level at any time.

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

6.The use of the premises shall not be open to the public/customers other than between the hours of 07:00 hours and 22:00 hours, Mondays to Saturdays, and 08:00hrs and 21:00hrs on Sundays, Bank or Public Holidays.

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.

7.The Sarnia Jiu Jitsu School shall only be operated when all external doors and windows serving the area hatched blue on drawing ref: S1-02 Rev A are closed.

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.

8.The site shall not be first occupied until a scheme showing the provision to be made for the parking of cycles, under cover and secure, has been submitted to and agreed in writing by the Authority, and the agreed scheme has been fully implemented. The provision for cycles shall not be used for any other purpose.

Reason - To encourage the use of bicycles as an alternative to the car.

Expiry Date: This permission will cease to have effect on 06/05/2028 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

This permission does not relate to the display of any sign or advertisements. A separate permission will be needed for any such display.

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/2025/0285
Property Ref: J002300000
Valid date: 19/02/2025
Location: Former Channel Island Ceramics Forest Road St. Martin
Guernsey
Proposal: Change of use from general retail (use class 10) to use part of the ground floor and basement for industrial storage with ancillary office (Storage/Distribution Use class 22) and to use part of the ground floor for a Jiu Jitsu School (Public Amenity Use Class 21) and associated works.
Applicant: The Sarnia Jiu Jitsu Foundation

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. This permission relates to the use of the public amenity floorspace hereby approved (as hatched in blue on drawing ref: S1-02 Rev A) solely for the benefit of Sania Jiu Jitsu, in accordance with the details set out in the applicant's letter dated 31/01/2025, and for the storage and distribution floorspace and ancillary office area hereby approved (as hatched in red on drawing ref: S1-02 Rev A) to be used solely for the benefit of Breton Construction Limited in accordance with the details set out in their letter dated 03/02/2025. Neither of these uses shall run with the land and if any use hereby approved ceases that part of the premises shall revert to General Retail Use, as defined in retail Use Class 10 of the Land Planning and Development (Use Classes) Ordinance, 2017 or in any provision equivalent to that Use Class in any Ordinance revoking or re-enacting that Ordinance.

Reason - The proposed uses at this site are only permitted in this location due to the specific operational and locational requirements set out in the application that prevents the use of a site within the Centres. Alternative uses would not have the same specific operational and locational requirements and may not be supported under Policies OC3 or OC9 of the Island Development Plan.

5. There shall be no outside storage of any materials, plant or machinery other than within the hatched area as marked on drawing ref: S1-01. Any such storage within this area shall not be stacked or deposited to a height exceeding 2.5 metres from ground level at any time.

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

6. The use of the premises shall not be open to the public/customers other than between the hours of 07:00 hours and 22:00 hours, Mondays to Saturdays, and 08:00hrs and 21:00hrs on Sundays, Bank or Public Holidays.

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.

7. The Sarnia Jiu Jitsu School shall only be operated when all external doors and windows serving the area hatched blue on drawing ref: S1-02 Rev A are closed.

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.

8. The site shall not be first occupied until a scheme showing the provision to be made for the parking of cycles, under cover and secure, has been submitted to and agreed in writing by the Authority, and the agreed scheme has been fully implemented. The provision for cycles shall not be used for any other purpose.

Reason - To encourage the use of bicycles as an alternative to the car.

INFORMATIVES

This permission does not relate to the display of any sign or advertisements. A separate permission will be needed for any such display.

OFFICER'S REPORT

Site Description:

Single storey modern retail unit situated to the north of Forest Road. The building is elevated above and setback from the highway. Immediately to the front (south) and side (east) of the building is carparking. The building also has basement storage accessed from the north (rear) of the site.

Surrounding the site the area comprises residential properties to the east, south and southwest, with a car garage and petrol filling station forecourt to the west. Beyond the garage are further residential properties. To the north is agricultural land.

The site is situated Outside of the Centres as designated in the Island Development Plan.

Relevant History:

FULL/2021/2212	Erect marquee and sign for temporary period.	Granted 30/11/2021
FULL/2017/2407	Erect marquee with sign for temporary period to front of building.	Granted 14/12/2017
FULL/2017/0636	Change of use of showroom/warehouse to general retail (Use Class 10) (Rescind condition 1 of J.230/P6 restricting use of premises to retail sale of kitchens, bathrooms & ceramic tiles, ancillary storage and administrative activities); alterations to access.	Granted 26/05/2017
FULL/2017/0143	Erect marquee on front lawn for a temporary period from 27/03/17 until 17/04/17, and install sign to side exterior of marquee.	Withdrawn 02/05/2017
FULL/2014/0187	Erect two signs.	Refused 20/03/2014
PAPP/1998/2089	Erect a showroom/warehouse.	Granted 14/07/1998

PAPP/1997/4042	Erect a showroom/warehouse.	Granted 03/02/1998
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Existing Use(s):

Retail – Use Class 10

Brief Description of Development:

Planning permission is sought to change the use of the premises from general retail (Use Class 10) to use part of the ground floor and basement for industrial storage with ancillary office accommodation (Storage and Distribution Use Class 22) and to use the remaining part of the ground floor for a Jiu Jitsu School (public Amenity Use Class 21) and associated works.

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

Island Development Plan Policies:

- OC3: Offices, Industry and Storage and Distribution Outside of the Centres;
- OC4: Retail Outside of the Centres;
- OC9: Leisure and Recreation Outside of the Centres;
- GP8: Design;
- GP16(A): Conversion of Redundant Buildings;
- IP7: Private and Communal Parking; and
- IP9: Highway Safety, Accessibility and Capacity

Representations:

One letter of representation has been received objecting to the application on the grounds that the surrounding area is residential and the associated impacts resulting from the opening and closing times.

Consultations:

The Office of Environmental Health and Pollution Regulation (OEHPR) by email dated 12/03/2025 requested confirmation from the applicant regarding the opening times of the business as it was not clear on the information submitted as part of the application.

Following confirmation regarding opening/operating hours, the OEHPR was reconsulted and by letter dated 27/03/2025 stated the following:

“I have reviewed the proposed plans for the change of use from general retail to industrial storage, ancillary office, and Jiu Jitsu School. There is an issue of concern that I must raise.

I have concerns about the potential for noise nuisance arising from activities and music at the proposed Jiu Jitsu School. In order to protect the amenity of residents living near to the site, I would recommend that the following conditions be attached to any granted consent for the site:

- The use hereby permitted shall not be open to customers except between the hours of 07:00 and 22:00 on Mondays to Saturdays and 08:00 and 21:00 on Sundays, Bank or Public Holidays.*
- The Jiu Jitsu School shall be operated in the building only while all doors and windows remain closed.*

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

Summary of Issues:

1. whether the principle of change of use of the site to comprise a mixture of storage and distribution and public amenity use classes is appropriate;
2. the impact of the development on the amenity of surrounding uses
3. the impact of the development on the character and appearance of the surrounding area
4. Highway safety and parking.

Assessment against:

1 - Purposes of the law.

The objectives of the Law, as set out in Section 1(2), have been considered and this forms part of the assessment of policy issues set out in 2 below.

2 - Relevant policies of any Plan, Subject Plan or Local Planning Brief.

Whether the principle of change of use of the site to comprise a mixture of storage and distribution and public amenity use classes is appropriate

Loss of retail

Policy OC4 (Retail Outside of the Centres) supports the change of use away from comparison or convenience retail providing that the proposal accords with all other relevant policies of the IDP (assessed in detail below).

Use of part of the building for Storage and distribution use an ancillary office space

As part of the application information has been provided to demonstrate the requirement for the office space and that it will be used for a purpose ancillary to the main use of the site. The office floorspace is also of an appropriate scale to be considered ancillary to the main use of the site for storage and distribution purpose and would not form its own independent office use.

Policy OC3 supports proposals for new storage and distribution uses Outside of the Centres only where:

- a) it is located at the Key Industrial Expansion Area site at La Villiaze, St Saviour; or*
- b) there is a justifiable need for the business to be located outside of the Main Centres, Main Centre Outer Areas and Local Centres owing to the special nature or requirements of the business operation or there been a demonstrated lack of suitable alternative sites in the Main Centres, Main Centre Outer Areas or Local Centres; and*
- c) the site is either a brownfield or a redundant glasshouse site; or*
- d) it can be achieved through the conversion of a redundant building and complies with policy GP16(A) of the IDP.*

As part of the application a supporting letter has been submitted by the Managing Director of Breton (a local company) who require the storage and distribution and ancillary office accommodation as proposed. The information confirms that Breton is a local owned building contractor who employs estimators, surveyors, admin staff, site managers and 50 tradesmen from a variety of disciplines. The company owns its own plant and equipment and a fleet of vans, trucks and lorries. They require circa 375m² office space for office staff and the existing workforce whilst enabling future growth, with space for high grade meeting rooms to cater for an existing client base (which includes high net worth individuals). In addition, the company also requires circa 240m² dry yard space for the maintenance, cleaning and safety testing of vehicles, plant and equipment and a further 480m² of dry, ground floor, load bearing storage both accessible and flexible for the storage of equipment, tools, safety gear, bespoke materials all required to be stored securely. The information confirms that they currently operate from a temporary premises that does not meet the company needs which is also limiting growth. They note that utilising multiple sites would be both inefficient and unworkable for the business and alongside their commercial agent (Rock Commercial) they have been working to find a suitable leasehold site for over 18 months with nothing available to meet the need. Evidence of the property search explored has been provided. The information is sufficient to demonstrate compliance with criterion (b) of policy OC3 and provided that the building is redundant and complies with the provisions of policy GP16(A) (which is assessed below), then the storage and distribution floorspace is acceptable in principle subject to a detailed assessment of criteria (i) to (iv) of Policy OC3 assessed further within this report.

However, to prevent the permanent change of use of the premises to Storage and Distribution Use when in future suitable premises for such use within the Centres may be available, it is recommended that any permission is restricted to the use of the premises by Breton and as specified in the supporting information, as it is the specific requirements of this business that cannot currently be met by the available premises within a Main Centre, Main Centre Outer Area or Local Centre.

Whether the existing building is redundant

Policy GP16(A) supports the conversion of existing buildings subject to satisfying various criteria, which is assessed in turn:

- a) it is demonstrated that the building is no longer required or capable of being used for its current or last known purpose*

As part of the application, information has been provided to demonstrate that the property has been advertised for sale and to rent with the largest commercial property agent on the Island, since October 2024. The premises has been proactively marketed for the duration of this period and a *'far and wide'* targeted informed marketing strategy has been undertaken, which involved direct approaches, advertising on social media, listing on websites and in Guernsey Press and displaying signage at the property itself. Despite key retailers being made aware of its availability, there has been no substantive interest shown. The information states that this property would only be suitable for bulky goods retail, which in the current market is challenging. Furthermore, there are properties available in better locations at Admiral Park (former Carpetright premises) and the Bridge (Former Co-op Homemaker Building) which despite being advertised for bulky goods retail for years have not secured tenants in this sector. In fact, permission has been sought and granted for the Co-op Homemaker Building to be converted into storage and distribution use. The information concludes that the agents are confident that the *"entire sector has been covered, with further interest now unlikely to come forward."*

Based on this evidence, it has been satisfactorily demonstrated that the building is no longer required for its last known use in accordance with criterion (a).

- b) the conversion will result in the establishment of either residential, social and community, industrial, storage and distribution, convenience retail in coastal locations in accordance with Policy OC4, visitor accommodation or office use or provide facilities for outdoor formal recreation or informal leisure and recreation uses*

The scheme relates to the creation of storage and distribution floorspace which satisfies this criterion.

- c) the existing building is of sound and substantial construction and is capable of conversion without extensive alteration or rebuilding*

The building comprises a modern building which until relatively recently was in an active use and it is evidence in this instance (without the need of a structural report) that the building is of sound and substantial construction and is capable of conversion to the uses proposed without extensive alteration or rebuilding. Furthermore, other than an alteration to the entrance point no external alterations are proposed. Criterion (c) is therefore satisfied.

- d) *The proposals would have no adverse impacts on the special interest of a protected building and that such interest is appropriately and proportionately preserved and, where possible, enhanced*

There are no protected buildings near to the site

- e) *The proposals would have no unacceptable impacts on the contribution a building of character makes to the character and appearance of the area*

The application building is of modern construction and is not considered to be of either architectural or historic interest, nor does it make a specific positive contribution to the character and appearance of the area. As such there is no conflict with the requirements of this criterion.

- f) *The conversion and any ancillary development associated with it can be implemented without having any unacceptable adverse impacts on the character and openness of the landscape &*
g) *The conversion would not require more than modest extension to the existing building for it to be achieved;*

No extensions are proposed as part of this application and the proposal involves the change of use of an existing building, with the proposed uses contained within the envelope of the existing building. It is recommended however to ensure that no harm is caused to the character of the area that conditions are imposed to restrict the outside storage of materials to the rear aspect of the site and to ensure that the overall height of any storage does not exceed 2.5m from ground level. Subject to the recommended condition there would be no conflict with either of these criteria of the policy.

- h) *The proposal would have no unacceptable adverse impacts on the amenities and enjoyment of neighbouring properties and the surrounding area*

This criterion is assessed in detail within the impact on neighbours section of this report.

In light of all of the above, it is considered that the proposal complies with the requirements of Policy GP16(A).

Use of part of the building for public amenity use.

Policy OC9 sets out the circumstances under which an indoor formal recreation use, such as that proposed, will be supported Outside of the Centres. There is no requirement that such a use must be permitted only through the conversion of a redundant building so for this aspect of the proposal GP16(A) is not relevant.

Paragraphs 8.1.5 to 8.1.7 of the Island Development Plan sets out how the policies aim to concentrate leisure and recreation facilities in the Main Centres so that they can contribute to a vibrant mix of uses and support the viability of the day and night

time economies of the Centres. The Harbour Action Areas and Regeneration Areas may also provide new opportunities as part of mixed use developments. Main Centres should be considered prior to Main Centre Outer Areas when considering the location of new indoor formal recreation uses as these uses are considered to be more appropriately located in Main Centres *“as highly accessible locations where such development would contribute to vitality”*.

In considering the Plan as a whole and the intention of the Spatial Strategy in connection with indoor formal recreation uses, it is clear that the Main Centres should remain the focus for this type of development and as such Policy OC9 is more restrictive than the equivalent Main Centre policy. Policy OC9 states that:

“Development to provide new formal leisure or indoor formal recreation will not be permitted Outside of the Centres except where:

- a. it is demonstrated that there is demand for the facility; and,*
- b. it is demonstrated that there is a specific operational or locational requirement that prevents the use of a site within the Main Centre, Main Centre Outer or Local Centre; and,*
- c. the proposal would not have an unacceptable impact on the vitality of a Centre; and,*
- d. the site does not fall within an Agriculture Priority Area, or where it does fall within an Agriculture Priority Area the land cannot positively contribute to commercial agricultural use or cannot be used as such without adverse environmental impacts”.*

In terms of compliance with criterion (a), the information submitted with the application describes that the Jiu Jitsu school has been in operation for 7 years and operates from a temporary location at the Cobo Bay Hotel which is limiting the future potential of the club. The club also has no guarantee to be able to use this accommodation and must vacate if the hotel requires the space for any reason. The applicant places great emphasis on the fact that the current location is not suitable for children or to provide group sessions due to the space requirements and the lack of padded walls (a health and safety requirement). The applicant confirms that they have significant waiting lists for children and group sessions (and provides evidence of this) that can only be catered for should alternative suitable premises be found. The information submitted by the applicant is sufficient to demonstrate that there is a demand for the facility, including sufficient explanation as to why the current site is insufficient.

With regards to criterion (b), the applicant confirms that since 2019 they have been searching for somewhere to rent and since 2022 have also been looking to purchase a suitable premise, but that only limited options have become available within one of the Centres over this timeframe. However, given the demand for such floorspace in the industrial sector, the few times that a site has been available the applicant has confirmed that the vendor either doesn't want to explore a change of use, or is not interested in selling. Evidence of the property search explored has been provided.

Although the specific operational requirements in themselves do not prevent a Main Centre, Main Centre Outer Area or Local Centre location, it has been demonstrated that in this case, relating to the applicants search and the proposed use, that there is a requirement for the use to be situated Outside of the Centres as there are no suitable premises within the Centres meeting the required needs of the proposed use. As a result, there are operational requirements preventing the use of a site within one of the Centres.

On this basis, and to prevent the permanent change of use of the premises to Public Amenity Use Class 21 when in future suitable premises for other indoor recreation uses within the Centres may be available, it is recommended that any permission is restricted to the use of the premises by Sarnia Jiu Jitsu and as specified in the supporting information, as it is the specific operational requirements of this club that cannot currently be met by the available premises within a Main Centre, Main Centre Outer Area or Local Centre.

Criterion (c) of Policy OC9 requires that the proposal would not have an unacceptable impact on the vitality of a Centre. At present, the club rents temporary accommodation within Cobo Local Centre. There are 30 – 40 members and around 10 child members. In supporting evidence, the applicant estimates that once within their own facility, the club could significantly grow. Again, this is a type of use that would ideally be accommodated within the Centres and makes a contribution to the vitality of the Cobo Local Centre. However, it would be difficult to defend a refusal on the grounds that the loss of this club from temporary accommodation despite its popularity, would have an *'unacceptable impact on the vitality of a Centre'*. That said, cumulatively, if multiple clubs were to move Outside of the Centres, this could have considerable impact on the vitality of the Centres and as such it is again reasonable to include a condition on any approval restricting the use of the unit solely to the Sarnia Jiu Jitsu Club and as specified in the supporting information.

The site is not within an Agriculture Priority Area and therefore criterion (d) of Policy OC9 does not apply. In summary, the principle to create public amenity floorspace as proposed is acceptable, subject to the recommended conditions limiting the use to the applicant only.

The impact of the development on the character of the area and on the amenity of surrounding uses

Policy OC3 requires the applicant to demonstrate as part of the proposal that the development is of a form that respects the character of the area and would not adversely affect or detract from the amenities of existing surrounding uses especially with regard to noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.

Policy GP8 requires proposals for new development to achieve a high standard of design which respects and where appropriate enhances the character of the environment and considers the health and well-being of the occupiers and neighbours of the development.

Policy GP9 criterion (b) requires the applicant to demonstrate that the development proposal would not have any unacceptable impacts on the amenities of neighbouring properties.

The application site is bounded to the south by Forest Road (with residential properties on the opposite side of the road), Forest Road Garage and petrol forecourt to the west, open agricultural land to the north and a residential property (Fairfield) to the east. As part of the application the applicant's agent has confirmed that the existing air conditioning units will be used for the whole of the building and in particular the Jiu Jitsu school. This will allow for all doors and windows to be closed while training/classes are taking place (confirmed by the applicants agent) ensuring that there is no noise disturbance.

The applicant has confirmed that the maintenance of equipment and vehicles is limited to cleaning and simple servicing tasks which would not generate considerable noise. The proposed storage and distribution element would also be consistent/similar to the existing use/operation of the site and given that a large garage/petrol forecourt exists to the west, the refusal of permission based on noise and disturbance from this element would be unreasonable and unjustifiable.

The Office of Environmental Health and Pollution Regulation (OEHPR) was consulted on the application with particular regard to noise and disturbance and their comments on the application are set out in full above. OEHPR raised no concern with regard to noise from the storage and distribution element, but did have concerns regarding the potential for noise nuisance, from the Jiu Jitsu school. Further information confirming the hours of operation was provided by the applicant. OEHPR has requested that conditions be included on any permission to control the use of the premises for the hours stipulated and to ensure that the Jiu Jitsu School operates only while all windows and doors remain closed, both of which are acceptable and reasonable to impose from a planning perspective.

Despite the concerns raised from the representor and in the absence of any objection from OEHPR subject to the recommended conditions being imposed, the refusal of permission based on impacts on neighbours would be both unreasonable and unjustifiable.

The only external change proposed to the exterior of the building comprises the installation of a new entrance door to the front (south) elevation to provide a separate point of access into the Jiu Jitsu School. The design of the alteration is in-keeping with the character of the host building and would not harm the character of the surrounding area.

The storage and distribution operator (Breton) has stated the need for an element of outside storage and the agent for the application has noted that outside storage has taken place on parts of the site since 2009. That said given that the car parking area to the east of the building will be required for the dual use of the site, and to ensure that outside storage does not affect the visual character of the area or impact on the

amenities of the property to the east, it would be within reason to restrict outside storage to the rear of the premises only to a maximum height of 2.5m from ground level (controlled by condition). Subject to the recommended condition, the scheme would not harm the visual character or amenity of the surrounding area.

Traffic and access issues

The information regarding the availability of parking indicates that there is likely to be sufficient parking for both uses proposed at the site, taking into account the characteristics and requirements of each business. In addition, the arrangement to the front of the site should enable a degree of pick up and drop off to occur for the Jiu Jitsu element of the proposal. To support the use of alternative modes of transport and to accord with the Parking Standards and Traffic Impact Assessment Supplementary Planning Guidance, December 2016, it is recommended that a condition is included for the provision of a secure covered cycle storage area to be provided. Considering the above, the proposal accords with Policies IP7 and IP9.

3 - General material considerations set out in the General Provisions Ordinance.

In addition to the consideration of policy issues, Section 13 of the Land Planning and Development (General Provisions) Ordinance, 2007 identifies other material planning considerations which could be relevant. These include: the appropriateness of the development in relation to its surroundings in terms of design, layout, scale, siting and materials; the likely effect on the character and amenity of the locality; the likely effect on roads and other infrastructure, traffic and essential services; any possible fall-back position by way of extant planning permissions or exempt development; and the likely effect on the reasonable enjoyment of neighbouring properties. These issues where relevant are considered above.

4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).

The proposal would have no impact on protected trees, monuments or buildings.

It is recommended that the application is approved subject to conditions.

Date: 30/04/2025

