**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:** Variation to previously approved plans to erect 18 light industrial units with associated parking and landscaping, alterations to vehicle access and erect signage - Enlarge window at 1st floor level to east elevation of Block 3/4 and to allow for clear glazing of that window (retrospective).

**LOCATION:** Rock Business Centre, Braye Road Industrial Estate, Braye Road, Vale.

**APPLICANT:** Rock Business Centre 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: 25/06/2025**

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 30/04/2025 and the drawings referred to below. This grant of permission is subject to the following conditions:-

**Drawing Nos:** Lovell Ozanne & Partners Ltd. - AA30-104-60S1-01/A & 13/A

**Application Ref:** FULL/2025/0537

**Property Ref:** C00840A000+C00839A000

**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 variation specified above. In all other respects the development shall be carried out in full accordance with the permissions dated 24/03/2022, issued under planning application reference FULL/2021/2298, and 26/05/2023, issued under planning application reference FULL/2022/1884 and subject to the terms and conditions thereof.

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

5. The enlarged window hereby approved shall be fixed (i.e. non-openable).

Reason - To minimise the effect of the development on the privacy and amenities of nearby residents.

**Expiry Date: This permission will cease to have effect on 24/06/2028 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

States of Guernsey
Planning Service

**PLANNING APPLICATION REPORT**

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|---|---|
| **Application No:** | FULL/2025/0537 |
| **Property Ref:** | C00840A000+C00839A000 |
| **Valid date:** | 30/04/2025 |
| **Location:** | Rock Business Centre Braye Road Industrial Estate Braye Road Braye Road Vale Guernsey |
| **Proposal:** | Variation to previously approved plans to erect 18 light industrial units with associated parking and landscaping, alterations to vehicle access and erect signage - Enlarge window at 1st floor level to east elevation of Block 3/4 and to allow for clear glazing of that window (retrospective). |
| **Applicant:** | Rock Business Centre Limited |

**RECOMMENDATION -** Grant: Planning Permission with Conditions:

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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 variation specified above. In all other respects the development shall be carried out in full accordance with the permissions dated 24/03/2022, issued under planning application reference FULL/2021/2298, and 26/05/2023, issued under planning application reference FULL/2022/1884 and subject to the terms and conditions thereof.

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

5. The enlarged window hereby approved shall be fixed (i.e. non-openable).

Reason - To minimise the effect of the development on the privacy and amenities of nearby residents.

**OFFICER'S REPORT**

**Site Description:**

The application site is located within an urban/built up area within the Vale parish, to the south of La Route du Braye. The site comprises approximately 0.42 hectares (2.6 vergees) currently under development, implementing the approval granted under FULL/2021/2298.

There are no significant changes in level across the site although there is a slight slope down from the north to the south and west to east. The site falls within the Lowlands Landscape Character Area in the Braye du Valle Wetlands.

Surrounding the site, the area comprises industrial units to the south and west, and residential properties to the north and northeast. The land to the east of the site comprises a former horticultural site and does not fall within the domestic curtilage of the adjacent dwellinghouse. That land would be classified as agricultural for the purposes of planning law. The north boundaries are formed by c1.8m high walls, with those to the west of the access road surmounted by trellicing. The east boundary is relatively open to the adjacent land, marked by intermittent and sparse planting.

The site is accessed from La Route du Braye to the north of the site, which is a Traffic Priority Route, between existing residential properties.

The site is situated within the Bridge Main Centre Outer Area and the western part is allocated as part of the wider Saltpans Key industrial Area with the eastern part allocated as a Key Industrial Expansion Area as designated in the Island Development Plan. Situated to the north and sharing a boundary with the site is a protected building (Brayehurst).

**Relevant History:**

FULL/2021/2298 Permission to erect 18 light industrial units with associated parking and landscaping, alterations to vehicle access and erect signage. Approved 24/03/22

FULL/2022/1095 Rescind condition 4 of application number FULL/2021/2298 to erect 18 light industrial units in order to develop the approved scheme as a single phase of work, rather than in two phases. Approved 23/08/22

FULL/2022/1884 Variation to previously approved plans to erect 18 light industrial units with associated parking and landscaping, alterations to vehicle access and erect signage - Raise roof height, alter wall finish and alterations to fenestration to Units 1 & 2; Extend, raise roof height to create first floor level and alterations to fenestration to Units 3 & 4 (additional plans). Approved 26/05/23

FULL/2023/2465 Variations to works previously approved to erect 18 light industrial units: Alterations to Block 2 to form 3-storey self-storage building. Approved 02/07/24

**Existing Use(s):**

Site under development

**Brief Description of Development:**

Permission is sought in retrospect to enlarge an existing first floor window to the east elevation of the linking element between the blocks originally known as 3 & 4, and to retain the glazing within that window as clear.

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

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| MC5(A) | Industry Storage and Distribution Uses in Main Centres and Main Centre Outer Areas – within Key Industrial Areas and Key Industrial Expansion Areas |
| GP8 | Design |
| GP9 | Sustainable Development |

Braye Road Industrial Estate Development Framework Supplementary Planning Guidance June 2021.

**Representations:**

Two letters of representation received raising the following points:

- The window has been installed without planning permission, and with clear glass, and directly overlooks garden and amenity areas of adjacent property;

- The window is significantly larger than the approved windows in this elevation, which are located within 3m of the property boundary and have previously been conditioned to be obscurely glazed;
- The conditions applied to the previous decision were applied for a reason and should be adhered to;
- The application form does not state the proposal is retrospective;
- Other windows and doors in the same elevation do not appear to have been installed in accordance with the approved plans.

**Consultations:**

None undertaken.

**Summary of Issues:**

The principle of development;
Impact on the character of the area;
Impact on neighbour amenity.

**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 proposal is for an amendment to the previously approved scheme for the development of industrial/storage units at this site.

The enlargement of the window in question would appear anomalous with the remainder of the elevation within which it sits, however this elevation is visible in public views from only limited and distant view points and installation of the window will not significantly compromise the impacts of the building in those views.

The land to the east of the building, onto which the window faces, is agricultural in designation and the proposal would not impact on the ability to use that land for its authorised planning use. Any impacts on that land cannot be considered in terms of residential amenity. Furthermore, the window serves a stairwell and the first floor landing is set c2.5m back from the window. An internal site visit has been undertaken and, between the set back from the window and an obscuring tree located on the adjacent property, direct views of the adjacent land are restricted and views back towards the domestic properties along La Route du Braye are not possible. The window remains fixed shut.

As proposed under the initial application for development at this site (FULL/2021/2298), the potential for first floor accommodation was identified,

however no detailed first floor plans were provided as part of that application. Any impacts arising from those windows could not therefore be fully assessed and the decision was therefore conditioned to require obscure glazing of the first floor windows. As set out above, the additional information now available and the ability to undertake a visit within the actual building has demonstrated that the level of overlooking from this particular window is not of a level which would warrant refusal of the application.

Whilst the application form does not identify the proposal as being retrospective, the application was advertised as such and a retrospective fee was paid. The fact that the proposal is retrospective has therefore been made clear in the public domain.

Any suspected breach of the planning approvals brought to the attention of the Planning Service is investigated by the Enforcement team. The Planning and Development (Guernsey) Law, 2005 and associated Ordinances set out a number of mechanisms which can be used to address any such breaches. Matters raised in representation relating to other potential breaches of the planning permission have been referred for separate investigation.

In respect of the variations proposed under this application, taking into account the recognised use of the adjacent land and the outlook from the proposed window, as noted above, any impacts arising from the proposal would not be such that could warrant refusal of the application.

**Date: 24/06/25**