

THE LAND PLANNING AND DEVELOPMENT (GUERNSEY) LAW, 2005

AND SECTION 19 OF THE LAND PLANNING AND DEVELOPMENT (GENERAL PROVISIONS) ORDINANCE, 2007

NOTIFICATION OF REFUSAL OF PLANNING PERMISSION

PROPOSALS: Demolish outbuildings/store. Erect workshop to east elevation, install solar panels, alterations to cladding to main building. Create additional vehicle access to north elevation.

LOCATION: Jacksons, Rue des Landes, Forest.

APPLICANT: Jacksons (CI) Ltd

I refer to the application referred to below received as valid on 01/07/2022 regarding the above proposals as described more fully in the application and drawings referred to below.

Date of refusal of permission: 25/01/2023

Drawing Nos: Lovell Ozanne & Partners Ltd. - U35-10393-S1-08, 09A, 10, 11, 12, 13, 14, 15, 16 & 17.

Application Ref: FULL/2022/1222

Property Ref: H00208A000

The Development & Planning Authority has decided to refuse your application under the provisions of section 16 of the Land Planning and Development (Guernsey) Law, 2005 for the following reasons:-

1. The proposed development is contrary to Policies LC4(A) a. and b. and LC5 of the Island Development Plan which provides that industrial and retail development will not be permitted in Local Centres where it would undermine the vitality of the Main Centres, which would exceed industrial operations that would enhance the character and vitality of the Local Centre and would not represent minor alterations to facilitate the continuation of an existing retail use at its current level of operation. This is because the proposed development would constitute a significant expansion of the business as a result of the increase in comparison retail and industrial floorspace and operations.

OTHER REMARKS:-**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, against a decision to refuse an application for planning permission or outline planning permission to the Planning Tribunal on the merits. 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.

Copy of representations made

In reaching this decision the Development & Planning 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 to the Authority under section 11 will be included with this decision in accordance with section 19 of the Ordinance.

A J ROWLES

Director of Planning
Planning Service



PLANNING APPLICATION REPORT

Application No: FULL/2022/1222
Property Ref: H00208A000
Valid date: 01/07/2022
Location: Jacksons Rue des Landes Forest Guernsey GY8 ODD
Proposal: Demolish outbuildings/store. Erect workshop to east elevation, install solar panels, alterations to cladding to main building. Create additional vehicle access to north elevation.
Applicant: Jacksons (CI) Ltd

RECOMMENDATION - Refusal with Reasons:

REASONS FOR REFUSAL

1. The proposed development is contrary to Policies LC4(A) a. and b. and LC5 of the Island Development Plan which provides that industrial and retail development will not be permitted in Local Centres where it would undermine the vitality of the Main Centres, which would exceed industrial operations that would enhance the character and vitality of the Local Centre and would not represent minor alterations to facilitate the continuation of an existing retail use at its current level of operation. This is because the proposed development would constitute a significant expansion of the business as a result of the increase in comparison retail and industrial floorspace and operations.

OFFICER'S REPORT

Site Description:

Jacksons Showroom is situated to the north of Rue des Landes between the 'Happy Landings' pub and the airport carpark and terminal building. To the north of the site is an airport access road. An existing commercial style showroom/workshop building exists to the northwest of the site with areas of car parking/show room parking to the south and east.

The site is located in a Local Centre and Airport Consultation Zone as designated in the Island Development Plan. 'Happy Landings' is a Protected Building as are residential properties to the south of Rue des Landes. A protected tree is situated on the site, adjacent to the south site boundary.

Relevant History:

PAPP/2003/2182 - Utilise first floor of premises as independent office accommodation – refused

PAPP/2004/0718 - Utilise first floor of premises as a training and briefing unit – refused

PAPP/2003/3950 - Utilise first floor of premises as a training and briefing unit – granted

PAPP/2005/1583 - Create car parking area at rear of premises and construct a storage building for parking and valeting vehicles – granted

PAPP/2007/3215 - Change of use of ancillary office space to independent office accommodation (use class 25) – granted

FULL/2012/2655 - Demolish existing car wash building to create additional car display area – granted

FULL/2014/3406 - Change of use of first floor office to parts and archive store – granted

PREA/2019/1194 - change of use for Happy Landings Hotel, adjacent to the site to the south, to a client services area. A workshop was additionally proposed to be constructed north of Happy Landings within the extent of the Jackson's site.

Existing Use(s):

Sui-generis mixed use

The sale of motor vehicles is a comparison retail use under planning policy.

The display of motor vehicles outside the showroom is regarded as ancillary to comparison retail.

Other facilities on site include a workshop for the maintenance of vehicles, a parts store and car valeting which are considered industrial and storage uses.

Ground floor areas are currently used for reception and toilets. The first floor provides offices and a canteen which are ancillary to commercial operations on site.

There are no definitive ratios with the application and the commercial operations are considered to be ancillary for both comparison retail and industrial operations in equal measure.

Brief Description of Development:

The application relates to the demolition of existing outbuildings and the erection of a workshop attached to the east elevation of the existing showroom building over the current tarmacked area used mainly for outdoor storage and the display of vehicles for sale. The floorspace will increase from 1981m² to 3428m² (addition of 1447m²) as indicated on the application form. Solar panels are also proposed along with changes to the cladding to the main showroom building. A new vehicular access is proposed to the north site boundary.

The submission sets out that the development would be phased, firstly to construct a new workshop and facilities to the east of the existing building, then recladding and remodelling the existing building.

The application has been accompanied by a Waste Management Plan, Design Statement and Sustainability Statement. The covering letter that accompanies the submission also addresses relevant Island Development Plan policies. The application submission outlines that the extension to the existing workshop is necessary to provide a fit for purpose space for electric and combustion engine vehicle servicing. The size of the workshop is dictated by the requirements of servicing space for cars and vans. The existing workshop space is no longer considered up to standard and is not effective for current vehicles. The proposal will also improve storage of parts (to ensure sufficient stock is kept on site) and specialist tools for car maintenance.

The application was deferred in order to seek further information regarding the existing floor layout to understand and assess the existing extent of the workshop/storage floor area along with ancillary offices/staff facilities to enable an assessment against Policy LC4(A) of the IDP. In addition information regarding the floorspace of the car valet building, car wash area and various storage units were requested because they contribute to existing floorspace. Attention was drawn to Policy LC5 and its provision for limited works to existing comparison retail outlets and information requested regarding existing and proposed internal floorspace for the car showroom area and the use of the external area east of the building. Further information and plans were provided in relation to this deferral including a request for a minor departure from policy if deemed necessary.

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

Island Development Plan policies:

LC4(A): Offices, Industry, Storage and Distribution in Local Centres - New, Extension, Alteration or Redevelopment of Existing Uses

LC5: Retail in Local Centres

GP5: Protected Building (setting)

GP8: Design

GP9: Sustainable Development

IP7: Private and Communal Car Parking

IP9: Highway Safety, Accessibility and Capacity

Representations:

None.

Consultations:

None.

Summary of Issues:

The key issues in this case relate to the principle of the proposed development, the design and appearance of the extension and alterations on the character and appearance of the area and potential impact on highway safety.

Assessment against:

1 - Purposes of the law.

The objectives set out in Section 1(2) of The Land Planning and Development (Guernsey) Law, 2005, 'the Law', have been considered and this report forms part of the assessment, with policy issues set out in Section 2 below.

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

The Spatial Policy for the distribution of new development within the Island, as set out within the Strategic Land Use Plan (SLUP), seeks to concentrate *'development within and around the edges of the urban centres of St Peter Port and St Sampson/Vale with some limited development within and around the edges of the other main parish or local centres to enable community growth and the reinforcement of sustainable centres'* (Para 10.1.1 of the IDP). *'In order to ensure that Local Centres remain sustainable places within which to live, work and spend leisure time, it is important to sustain their existing range of facilities. In the case of retail, the Strategic Land Use Plan allows for limited opportunities for retail development to meet identified needs that will create sustainable communities and community growth'*. (IDP Para 13.2.1).

Furthermore paragraph 13.2.4 states *'Care must be taken that the Local Centres do not detract from the Main Centres as the Island's primary retail providers. Therefore the Island Development Plan states that comparison retail is best located within the Main Centres where it can contribute positively to the vitality and viability of them and cluster together this form of retail offer ... Works to existing comparison outlets will be permitted only where this is a limited scale to provide for minor alterations to facilitate the continuation of the existing retail use at its current level of operation'*.

Policy LC4(A): Offices, Industry, Storage and Distribution in Local Centres - New, Extension, Alteration or Redevelopment of Existing Uses

Taking into account the support for development to existing industrial uses within a Local Centre where the scale is supported for that Local Centre so as not to undermine main centres, the IDP states that the "concept of vitality and viability is central to maintaining and enhancing town centres. It will depend on many factors, including the range and quality of activities in a centre, its mix of uses, its accessibility to people living and working in the area and its general amenity, appearance and safety" (4.1.6). The IDP defines vitality (and viability) of a Centre as a "measure of how busy and lively a Centre is, including the diversity of uses and purposes within it, reflecting the ability of the Centre to attract people, operators and businesses. Useful in assessing change over time and the likely impact of development proposals on that vitality" (Glossary).

Each Local Centre has its own identity and development proposals will need to be assessed within the context of the Local Centre in question. Of relevance are the 'sustainability indicators' that were used to identify the Local Centres (10.1.3). The Local Centres Survey 2020 found that five of the ten indicators were present at the time of survey. There is no bank/cash point, doctor's surgery, amenity areas or employment opportunities within the Local Centre (Jacksons is considered comparison retail so is not a sustainability indicator).

The scheme shows an increase in the workshop footprint from 505sqm to 806sqm (+301sqm) and the parts store from 90sqm to 372sqm (+282sqm) with an area dedicated to specialist tools indicated as necessary for the business and accounting for an additional 153sqm gain. The submission sets out that this increase in floor area is necessary due to the changing nature of vehicle maintenance, particularly the requirements of the electric vehicle market (now and in future). The need to accommodate service and repairs for both fuel and electric vehicles is recognised and is accepted will occur over a 10 year or longer time period and there is scope to consider an extension to an existing facility to accommodate this. To accord with policy however, the existing business needs to continue operations at the current levels.

The submission sets out that the increase in workshop (including ancillary storage of 131 sqm) represents a 21% increase however using the figures provided the increase has been calculated by the Service to be 27%. Furthermore, the submission fails to consider all of the industrial operations such as the new special tools and the increase in parts store floorspace. Whilst the decrease in space requirements for car valeting and outside storage is noted, the industry and storage floorspace is calculated to increase from an original combined value of 971sqm to 1535sqm, a 58% increase.

It must then be questioned whether the substantial increase in floor area is reasonable to accommodate the changes in the sector, expected to be time limited and whether the extension would represent an increase in the level of operations at the site. It is understood that the servicing requirements of electric vehicles are much lower than for the hydrocarbon counterparts, up to 50% less. Based on the information provided it is not clear whether the 58% increase in floor area proposed would increase the level of operation or simply the continuation of the existing business.

The proposed increase to the parts store is considered excessive without appropriate justification as to the reasonableness of this aspect of the development. Although this information could be requested given that the application is unacceptable in other respects this could result in costly and abortive work to address this need.

The IDP asserts that 'it is vital that such proposals are not of a scale or cumulative impact with other such existing or proposed development that would undermine the vitality and viability of the Main Centres'. Industrial operations at the site are proposed to increase to 1535sqm and the industrial component proposed at Jackson's would exceed the footprints of both Freelance (St Sampson/Vale Main Centre) and Bougourd Ford (St Sampson/Vale Main Centre), regardless of ratios of comparison retail to industrial operations at either of these other sites. The scheme represents a 1/3rd

increase in industrial operations at Jacksons which is likely to undermine the vitality of the Main Centres and the proposal at its current scale of increase is contrary to Policy LC4(A) criterion b. Furthermore, the increase proposed would not represent development of a scale appropriate to and which would complement the sustainability and vitality of the Local Centre contrary to Policy LC4(A) criterion a.

Policy LC5: Retail in Local Centres

Whilst the IDP notes that *'In order to ensure that Local Centres remain sustainable places within which to live, work and spend leisure time, it is important to maintain and enhance the existing range of facilities within them,'* there is a balance to be struck to ensure that *'proposals are not of a scale or cumulative impact with other existing or proposed development that would undermine the vitality and viability of the Main Centres'.*

The submission outlines that the proposed development would increase internal car display floor area from 1043sqm to 1696sqm with a decrease in external car sales/parking/circulation from 7563sqm to 6105sqm. The application states that there is an increase in internal comparison retail of 63% and taking into account the requirements of Policy LC5, this increase would be excessive, going beyond a need i.e. market transition to electric vehicles. The increase would represent an expansion of the business, excessive in terms of the requirements of the Local Centre and the reasonable aspirations of the business to continue operations. Furthermore, the scheme would exceed the Main Centre examples of total internal retail floorspace (Bougourd Ford and Freelance) and would be likely to undermine the vitality of the Main Centres. The scheme does not therefore accord with Policy LC5.

Other matters

The existing outbuildings/store on the site are of no particular merit and their removal is supported.

The design and appearance of the extension and other alterations is considered to represent a good standard of design in keeping with the commercial nature of the site and the backdrop of the site against the main airport terminal building (GP8). The development is set away from the adjoining Protected Building at the 'Happy Landings' and will not have a detrimental impact on the setting of the building when considering Policy GP5.

The site is positioned adjacent to an airport access road to the north and with an adjoining industrial building to the east. The development will not result in unacceptable overshadowing or loss of privacy to the occupiers of surrounding development in accordance with Policy GP8.

With regard to Policy GP9: Sustainable Development, it has been demonstrated that the proposed development will comply with the Building (Guernsey) Regulations 2012 and therefore has taken into account the use of energy, resources and any adverse impact on the environment. The scheme also proposes the installation of solar panels which

will contribute to sustainable design. The design and appearance of these can be controlled by planning condition.

The provision of a new vehicular access to the north site boundary has been demonstrated to provide satisfactory visibility onto the access road. Although a no through road it remains well used as it provides an area for parking for various airport staff and access to depots situated to the east. The alterations to the north boundary will not have a detrimental impact on the character and appearance of the locality in accordance with Policy GP8 and GP9. The scheme would see three parking spaces lost adjacent to the north boundary wall of the site for use by airport staff and designated for this purpose. The scheme does show reconfiguration of parking spaces within the access road however this falls outside the application site and does not appear to be within the applicant's ownership and control.

Conclusions

In this instance a request has been made for a minor departure from the Island Development but does not specifically highlight the policy in question. A minor departure can only be accepted where it relates to a very small element of the overall scheme and in all other respects the proposals must accord with the relevant planning policies. Where a proposal entirely conflicts with a policy in the Plan it cannot be considered a minor departure.

The proposed development at its current scale of increase would constitute an expansion of the business, facilitated by increased internal floorspace of comparison retail and industrial operations which in turn would undermine the vitality of the Main Centres.

The scheme does not comply with the aims of Policies LC4(A) criterion a. as the proposal to increase industrial operations exceeds what would reasonably be expected to enhance the character and vitality of the Local Centre and LC4(A) criterion b. because the scheme would undermine the vitality of the Main Centres. Furthermore, the scheme is contrary to Policy LC5 because there would be a substantial increase in comparison retail floor area which would go beyond the continuation of existing levels of operation. In view of this conclusion a minor departure cannot be considered in this case. It is therefore recommended that planning permission is refused.

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; any possible fall-back position by way of extant planning permissions or exempt development; 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 adverse impact on protected trees, buildings or sites.

Date: 25 January 2023

