

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

LOCATION: Jacksons, Rue Des Landes, Forest.

APPLICANT: Jacksons (CI) 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: 08/09/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 26/06/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Lovell Ozanne & Partners - U35-10393-S1-10, 11A, 12, 13, 14, 15, 16, 17 & 18.

Application Ref: FULL/2023/1150

Property Ref: H00208A000

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.Prior to the commencement of any work in connection therewith details of all new external lighting shall be submitted to and agreed in writing by the Authority. The development shall be carried out only in accordance with the agreed details.

Reason - The information provided with the application does not include full details of the proposed lighting. This condition is imposed to make sure that external lighting does not generate hazards or nuisance to the local environment with particular regard to the location of the site in close proximity to the airport, within a Public Safety Area.

5.Within four weeks of the new access formed, the ends of the new opening shall be finished off using materials and a method of construction which match the remainder of the boundary.

Reason - In the interests of visual amenity.

6.Prior to the commencement of any work in connection therewith details of the design, appearance and projection above the roof plane of the solar panels hereby approved shall be submitted to and agreed in writing by the Authority. The development shall be carried out only in accordance with the agreed details and the solar panels approved to the roof of the extension hereby approved shall be installed and be made operational prior to the extension being first brought into use.

Reason - The information provided with the application does not include full details of the proposed feature. This condition is imposed in the interests of visual amenity and sustainable development (Policy GP9).

7.The retail floorspace hereby approved shall be used only in connection with, ancillary to, and shall operate only during the opening/trading hours of the workshop hereby approved (Use Class 22) as defined in 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 - Given the sui-generis nature of the site and to ensure that the retail sales at the site remain ancillary to the industrial use.

Expiry Date: This permission will cease to have effect on 07/09/2026 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.

Should any plans develop that would result in a change in the uses or the balance of uses on the site occur please contact the Planning Service in the first instance in order to establish whether planning permission is required for the changes proposed.

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/2023/1150
Property Ref: H00208A000
Valid date: 26/06/2023
Location: Jacksons Rue Des Landes Forest Guernsey GY8 0DD
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 (Revised Scheme).

Applicant: Jacksons (CI) Limited

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. Prior to the commencement of any work in connection therewith details of all new external lighting shall be submitted to and agreed in writing by the Authority. The development shall be carried out only in accordance with the agreed details.

Reason - The information provided with the application does not include full details of the proposed lighting. This condition is imposed to make sure that external lighting does not generate hazards or nuisance to the local environment with particular regard to the location of the site in close proximity to the airport, within a Public Safety Area.

5. Within four weeks of the new access formed, the ends of the new opening shall be finished off using materials and a method of construction which match the remainder of the boundary.

Reason - In the interests of visual amenity.

6. Prior to the commencement of any work in connection therewith details of the design, appearance and projection above the roof plane of the solar panels hereby approved shall be submitted to and agreed in writing by the Authority. The development shall be carried out only in accordance with the agreed details and the solar panels approved to the roof of the extension hereby approved shall be installed and be made operational prior to the extension being first brought into use.

Reason - The information provided with the application does not include full details of the proposed feature. This condition is imposed in the interests of visual amenity and sustainable development (Policy GP9).

7. The retail floorspace hereby approved shall be used only in connection with, ancillary to, and shall operate only during the opening/trading hours of the workshop hereby approved (Use Class 22) as defined in 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 - Given the sui-generis nature of the site and to ensure that the retail sales at the site remain ancillary to the industrial use.

INFORMATIVES

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

Should any plans develop that would result in a change in the uses or the balance of uses on the site occur please contact the Planning Service in the first instance in order to establish whether planning permission is required for the changes proposed.

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.

FULL/2022/1222 – Demolish outbuildings/store. Erect workshop to east elevation, install solar panels, alterations to cladding to main building. Create additional vehicle access to north elevation – refused

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.

Existing Use(s):

Sui-generis mixed use - comprising a mix of car showroom, workshop and ancillary stores and ancillary offices and facilities

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.

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 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 and other States policies and objectives. 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.

This revised application has been accompanied by additional drawings to show the extent of external sales/parking area that would be lost to the proposed extension and the changes to internal layout that would see the internal showroom enlarged into the floorspace of the existing workshop and parts storage. A void is shown above the workshop and MOT bay. The written submission also sets out comparison figures between existing and proposed areas and a letter of support from the Guernsey Retail Group.

The proposal involves a phased development, first constructing a new workshop with ancillary stores and facilities building immediately to the east of the existing building followed by recladding and remodelling of the existing building to the west.

Although various signs are shown on the application drawings they do not form part of the application submission (description or application fee) and have not been assessed as part of this application.

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

Strategic Land Use Plan

LP6- Emphasises the need to ensure development outside of the MC's does not dilute the role of the MCs or detract from their current and future role as attractive and viable commercial, leisure and residential areas.

LP10 – The Development Plans will identify local centres based on the assessment of services and facilities (sustainability indicators) within the locality and enable limited development of a scale that is appropriate for the specific location and would not result in the centre affecting the vitality and viability of the MCs. This will be achieved by (inter alia) enabling small scale economic development where it is appropriate to do so and enabling a flexible approach to the management of development that can adapt to more or less growth or change over time.

SLP3 – The main focus for industry will remain in and around MCs. The Local Centres may also provide some opportunities. Provision will be made for a comprehensive range of employment opportunities.

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
GP17: Public Safety and Hazardous Areas
IP7: Private and Communal Car Parking
IP9: Highway Safety, Accessibility and Capacity

Annex IX: Public Safety Areas

Representations:

None.

Consultations:

Guernsey Airport – no comments received at point of determination.

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:

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.

An identical proposal was refused due to concerns regarding the scale of the increases in both workshop/storage and car display/sales areas and whether these could be considered limited in scale having regard to the potential impacts on the vitality and viability of Main Centres. The revised application incorporates further information to support the proposals which sets justification for the need to extend the floorspace for the workshop, stores and specialised tools store. This also clarifies that the extension of floor space for car display and sales is not the driver for the application but is the use of an existing floorspace made void as a consequence of the main proposals for the workshop/stores which will become redundant following construction of the new workshop area. The intention of the application is not, therefore, to increase the scale of the car sales (comparison retail) part of the business.

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

Policy LC4(A) makes clear (Para 13.1.2) 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’. Further “maintaining and enhancing the existing range of office, industrial and storage and distribution sites will also be important to the vitality of each local centre” (para 13.1.4).

Whilst not directly relevant to this case it should be noted that Policy LC4(B) demonstrates (with a requirement to demonstrate it is not required/unsuccessful marketing), an emphasis on the retention of employment uses, including industrial uses, in Local Centres. Nonetheless the IDP (para 13.1.3) seeks to ensure that proposals are not of a scale or that their cumulative impact with other existing/proposed development which would undermine the vitality and viability of Main Centres.

The revised submission explains that the proposed workshop and ancillary storage is required due to the changing nature of the vehicle maintenance industry (transition to electric vehicles) and gives credible justification why the particular floor area proposed is needed operationally. The proposals do not relate to a significant increase in the level of operation and are considered to maintain the character of the Local Centre.

This is in line with the policy intentions to maintain and enhance existing Local Centre uses which is seen as important to the vitality of the Local Centre. It also responds to the SLUP requirement to apply a flexible and proportionate approach to the control of development that can adapt to more or less growth or change over time.

The impact of the development on the vitality of the Main Centres should not be considered in isolation (physical extent of the application proposal or floor area calculation) but having regard to the aims of the Spatial Strategy as well as the wording of Policy LC4(A) which refer to the implications of the proposals for the overall impact that the whole Local Centre would have on the vitality of the Main Centres (i.e. other existing or proposed development).

Having regard to the above and additional information provided, the proposals would not result in the Forest Local Centre undermining the vitality of the MCs and the proposals are acceptable under Policy LC4(A).

Policy LC5: Retail in Local Centres

Although the application contends this, for the purposes of the IDP car display and sales falls within the definition of comparison retail. It is also noted that a minor departure has been requested however, for the reasons outlined below, is not considered necessary in this instance.

The IDP (para 13.2.4) seeks to ensure development in a Local Centre does not detract from the Main Centres as primary retail providers and the Plan does not make provision for new comparison retail in any Local Centres but it does, however, allow for limited works to alter and/or extend existing comparison retail outlets where this would facilitate the continuation of the existing retail use at its current level of operation.

Similar to the consideration of impact on Main Centre vitality (see above), the consideration of 'limited scale' with regard to retail is not solely in relation to floor area or size. The size of extension and level of business operation may not be mutually exclusive but equally they may not be linked when considering the purpose and intent of the policy. A relatively large extension can be of limited scale in terms of the implications for the operation of the business on the site and the policy does not seek to limit the physical dimensions of a building but to ensure that comparison retail outlets do not expand outside the Main Centres in terms of the level of business operation which could detract from the Main Centres.

A relatively large additional area of floorspace will be given over to comparison retail for the display of vehicles for sale but as the submission sets out, the reason for the proposal is that the workshop/store is necessary for the business to evolve and meet requirements rather than to increase comparison retail sales. At Jacksons the previous workshop area, now proposed as internal car showroom floorspace, would be utilising redundant floorspace given that, as set out above, the workshop accords

with policy and due to the nature of the proposals, there is no particular alternative use for this redundant floor area.

The nature of car sales means that there are certain access and floor area requirements that are not as easily accommodated in MC's as other comparison retail uses. This, in addition to the particulars of this proposal means that there will not be a significant impact on the potential comparison retail offer of Main Centres and the scheme is not contrary to the intent of the policies. As previously stated, the use of the redundant floor area is not the main driver for these proposals and there is no plan to significantly expand car sales nor the overall scale of operations at the site following the completion of the workshop. The use of the redundant floorspace as proposed is therefore considered to be of limited scale in terms of Policy LC5 (minor alterations to facilitate the continuation of the existing retail use at its current level of operation) and the nature of the specific proposals on this particular site means that Policy LC5 is met.

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.

Para. 19.18.2. of the IDP highlights the need to carefully consider development proposals that could affect the safe and effective operation of the airport. The Annex states "Development will generally be supported in this area where proposals accord with all the relevant policies of the Island Development Plan, however additional controls or constraints on new development may be applied in this area to ensure the safe and effective operation of the airport is not adversely affected". The height and physical characteristics of the development are considered appropriate although consideration should be given during construction and the use of cranes which could pose risks to planes approaching/leaving the airport. Lighting can also present difficulties close to the airport (dazzle/distract pilots or air traffic controllers) but external lighting associated with the extension and the associated alterations to access around the building and via the north site boundary can be managed by planning condition.

Conclusions

The proposals accord with the requirements of the Island Development Plan and it is recommended permission is granted for the proposed extension and other alterations.

It is appropriate to consider whether any conditions are necessary in this case. Given the sui generis nature of the site it is reasonable to make clear that retail sales at the site should remain ancillary to the industrial use and that any change to the uses or balance of uses on the site will require planning permission. Although a planning agreement has been offered through the submission it is not deemed necessary.

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: 04/09/2023

