

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: Install intake and extract flues to north of roof.

LOCATION: Homefields, Rue De L'Epinel, Forest.

APPLICANT: Paint Evolution

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: 19/10/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 24/07/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: JLG: 001_100. Spraybooth Technology Ltd: 112024-01A.

Application Ref: FULL/2023/1325

Property Ref: H00300A000

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.No development shall commence until a scheme demonstrating that the noise associated with plant and machinery incorporated within the development will be controlled such that the Rating Level, measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 5 dB(A) below the existing LA90 background noise level, including low frequency tones. Rating Level and existing background noise levels shall be determined as per the guidance provided in BS 4142:2014. The scheme must be submitted to and approved in writing by Planning Services. The plant and machinery shall be installed in accordance with the approved details and thereby retained as such unless a variation is subsequently submitted to and approved in writing by the Planning Services.

Reason - To ensure the equipment does not result in a nuisance or annoyance to nearby residents, and in the interests of neighbour amenity.

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

Reason: In the interests of protecting neighbour amenity and preventing a noise nuisance.

6.Plant and machinery associated with the development shall only operate between the hours of 08:00 and 17:00 Monday to Friday, and not at anytime on Saturdays, Sundays, Bank or Public Holidays.

Reason: In the interests of neighbour amenity.

7.The external flue/extractor equipment hereby approved shall have a galvanised matt finish and be retained as such thereafter.

Reason: In order to protect the character and appearance of the area.

Expiry Date: This permission will cease to have effect on 18/10/2026 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



PLANNING APPLICATION REPORT

Application No: FULL/2023/1325
Property Ref: H00300A000
Valid date: 24/07/2023
Location: Homefields Rue De L'Epinel Forest Guernsey
Proposal: Install intake and extract flues to north of roof.

Applicant: Paint Evolution

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.

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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. No development shall commence until a scheme demonstrating that the noise associated with plant and machinery incorporated within the development will be controlled such that the Rating Level, measured or calculated at 1-metre from the

façade of the nearest existing noise sensitive premises, shall not exceed a level 5 dB(A) below the existing LA90 background noise level, including low frequency tones. Rating Level and existing background noise levels shall be determined as per the guidance provided in BS 4142:2014. The scheme must be submitted to and approved in writing by Planning Services. The plant and machinery shall be installed in accordance with the approved details and thereby retained as such unless a variation is subsequently submitted to and approved in writing by the Planning Services.

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Reason: In the interests of protecting neighbour amenity and preventing a noise nuisance.

6. Plant and machinery associated with the development shall only operate between the hours of 08:00 and 17:00 Monday to Friday, and not at anytime on Saturdays, Sundays, Bank or Public Holidays.

Reason: In the interests of neighbour amenity.

7. The external flue/extractor equipment hereby approved shall have a galvanised matt finish and be retained as such thereafter.

Reason: In order to protect the character and appearance of the area.

INFORMATIVES

OFFICER'S REPORT

Brief Description of the site:

Homefield is a two-storey industrial style building situated to the south of La Rue De L'Épinel. The building has a metal clad exterior and pitched roof. Vehicular access is provided around the building with parking situated to both the north (front) and south (rear) of the building.

The site is located Outside of the Centres and is the subject of no other designation under the Island Development Plan.

Relevant History:

FULL/2020/0852 – Change of use of part of building from General Industry (Use Class 25) to IT consultancy (sui generis) and alterations to fenestration.

Approved 27-08-2020

FULL/2019/0985 - Variations to works previously approved for change of use of part of building from general industry (Use class 25) to IT consultancy (sui generis) - enlargement of unit within existing building.

Approved 08-08-2020

FULL/2018/2851 - Change of use of one unit from general industry (Use class 25) to IT consultancy (sui-generis). Enlarge door and install ground and first floor windows (south elevation) and install ground floor and first floor windows (east elevation).

Approved 24-01-2019

Existing Use(s):

Industrial Use Class 25 – General industry
Sui Generis – IT Consultancy

Consultations:

Environmental Health expressed concerns for the potential for noise and odour nuisance to occur as a result of the flue installation and requested additional details from an acoustic consultant.

The application was deferred while this additional information was requested. The applicants subsequently negotiated with Environmental Health who had previously engaged with an acoustic consultant on this matter, at this site. Environmental Health have subsequently requested that the following conditions are applied to the consent to manage their concerns.

- No development shall commence until a scheme demonstrating that the noise associated with plant and machinery incorporated within the development will be controlled such that the Rating Level, measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 5 dB(A) below the existing L_{A90} background noise level, including low frequency tones. Rating Level and existing background noise levels shall be determined as per the guidance provided in BS 4142:2014. The scheme must be submitted to and approved in writing by Planning Services. The plant and machinery shall be installed in accordance with the approved details and thereby retained as such unless a

variation is subsequently submitted to and approved in writing by Planning Services.

- Noise associated with plant and machinery incorporated within the development shall be controlled such that the Rating Level, measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 5 dB(A) below the existing L_{A90} background noise level, including low frequency tones. Rating Level and existing background noise levels shall be determined as per the guidance provided in BS 4142:2014.
- Plant and machinery associated with the development shall only operate between the hours of 08:00 and 17:00 Monday to Friday, and not at anytime on Saturdays, Sundays, Bank or Public Holidays.

Assessment: *(Tick as appropriate)*

no representation	☒	visual amenity acceptable	☒
accords with policy	☒	no material neighbour impact	☒
within curtilage	☒	traffic not affected	☒
design acceptable	☒		

Policies considered most relevant:

OC3 – Offices, Industry and Storage and Distribution Outside of the Centres
GP8 - Design

Conclusion/Brief comment:

Policy OC3 supports works to existing industrial premises where it is demonstrated that the development:

- Is of a scale and form that respects the character of the surrounding area and would not adversely affect or detract from the amenities of surrounding uses with regard to noise, vibration, smell, fumes, smoke, ash, dust or grit.
- Will not jeopardise highway safety,
- Will achieve the most efficient and effective use of the land and the least negative visual and amenity impacts, with buildings designed to respect the character of the area;
- Includes details of an appropriate soft landscaping system to screen and mitigate the development.

Environmental Health have been consulted on the application and consider it necessary to apply three conditions to manage and control the amount of noise and to limit the hours of operation accordingly. On this basis, it is not considered that the proposal will result in an adverse impact in terms of noise, dust, smell etc, or amenity, in accordance with OC3i and iii. and GP8.

The proposal is not considered to have an impact on highway safety due to the nature of the development.

The 3.4m high flue will have some visual impact due to its height, however, the unit has an existing industrial use and is of a functional, industrial design and character, where such a flue will not appear inappropriate in its immediate setting. The surrounding boundary trees and hedges are mature and provide a significant level of screening of the site, which mitigates the visual impact of the flue on the character of the area.

The agent has confirmed that the proposed flue/extraction equipment will have a matt galvanised finish, this prevents a shiny, reflective appearance which could mean the flue is more prominent. It is considered that the visual impact of the flue would be reduced by ensuring the exterior of the flue has a matt finish. A condition can be imposed on this permission to secure this.

The development is therefore, on balance, not considered to result in a harmful impact on visual amenity.

It has not been considered appropriate to require additional soft landscaping to screen the development as the site is already well screened and the height of the flue means that only well established, mature planting would be meaningful.

In summary, the proposal is considered appropriate in respect of Policy OC3 and GP8. All material considerations as set out in the Land Planning and Development (Guernsey) Law, 2005 and the Land and Planning (General Provisions) Ordinance 2007 have been taken into account in the assessment of this application.

Recommendation:

Grant with Conditions



Date: 17/10/2023