

**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:** Erect single storey extension with extract flue to north (rear) elevation of building/workshop.

**LOCATION:** Auto Collision Repairs, Route De La Foret, St. Martin.

**APPLICANT:** Mr G Rowe

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:** 03/11/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 14/09/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

**Drawing Nos:** PF+A Ltd - 5795-01 B1D, B2D, B3D & Sound Advice Acoustic Report dated 19-24 February 2016 (Ref: SA - 4313).

**Application Ref:** FULL/2023/1601

**Property Ref:** J002230000

**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 finish of the flue hereby permitted shall be submitted to an agreed in writing by the Authority. The agreed finish shall be applied within 28 days of construction.

Reason - To ensure a satisfactory external appearance in the interests of visual amenity.

5.The spray booth ventilation system hereby approved shall not operate except between the hours of 07:00 hrs till 18:00 hrs Monday - Friday and between 07:00 hrs and 13:00 hrs on Saturdays. There shall be no operation of the ventilation system on Sundays or Public Holidays.

Reason - To protect the reasonable amenities of neighbouring residents.

6.The spray booth ventilation system shall not operate at a rating level above 45 dB(A) at the nearest noise sensitive receptor. The rating level shall be assessed and determined in accordance with BS4142:2014 and having regard to the acoustic report prepared by Sound Advice Acoustics Ltd dated 19th - 24th February 2016 (reference SA - 4313).

Reason - To protect the reasonable amenities of neighbouring residents.

**Expiry Date: This permission will cease to have effect on 02/11/2026 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](http://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](mailto: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/2023/1601  
**Property Ref:** J002230000  
**Valid date:** 14/09/2023  
**Location:** Auto Collision Repairs Route De La Foret St. Martin  
Guernsey GY4 6UE  
**Proposal:** Erect single storey extension with extract flue to north (rear)  
elevation of building/workshop.  
  
**Applicant:** Mr G Rowe

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

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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.

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5. The spray booth ventilation system hereby approved shall not operate except between the hours of 07:00 hrs till 18:00 hrs Monday - Friday and between 07:00 hrs and 13:00 hrs on Saturdays. There shall be no operation of the ventilation system on Sundays or Public Holidays.

Reason - To protect the reasonable amenities of neighbouring residents.

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## **OFFICER'S REPORT**

### **Site Description:**

The application site comprises a detached industrial building situated to the east of Rue Sans Nom. Surrounding the site the area comprises residential properties to the south, a hotel to the west and agricultural fields to the north.

The site is situated Outside of the Centres and within the Eastern Airport Public Safety Zone as designated in the Island Development Plan (IDP).

### **Relevant History:**

|                |                                                                                                                                                                                                                                        |                       |
|----------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|
| FULL/2022/1403 | Change of use of agricultural land (Use Class 28) to storage of vehicles (Use Class 22) (290sqm), install 3 skips and 1 container (Retrospective). Install 1 container and erect fence to landscape buffer adjacent to north boundary. | Granted<br>14/02/2023 |
| FULL/2017/0131 | Extend existing workshop on north elevation to create new paint oven                                                                                                                                                                   | Granted<br>03/03/2017 |
| FULL/2015/2404 | Extend existing workshop to provide paint oven to north elevation.                                                                                                                                                                     | Granted<br>06/07/2016 |

|                |                                                                                                                                                                                                                                                     |                       |
|----------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|
| PRCN/2006/4127 | Operation of car body repair shop independently of residential occupation of adjoining dwelling (rescind condition of permission); block up existing access and create new vehicle access, create additional vehicle access and erect timber fence. | Granted<br>24/11/2006 |
|----------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|

**Existing Use(s):**

Car body repair shop  
Agricultural land

**Brief Description of Development:**

Planning permission is sought to erect an extension to the rear elevation of the premises (north elevation) to create a paint oven to be used in association with the car body workshop.

**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;
- GP1: Landscape Character and Open Land;
- GP8: Design;
- GP9: Sustainable Development;
- GP17: Public Safety and Hazardous Development;
- IP9: Highway Safety, Accessibility and Capacity.

**Representations:**

One letter of representation was received from the occupiers of a neighbouring property objecting to the scheme. The grounds for objection are summarised as follows:

- The extension will be sited on land that was stated as needed as part of application FULL/2022/1403 for vehicle parking and the storage of skips etc;
- The extension of an industrial building in a residential area is inappropriate;
- The storage of car parts and skips in an agricultural area is unsightly;
- When the garage was redeveloped a wall between the neighbouring property was demolished, the height of the plot dropped and the garage rebuilt;
- The plans previously approved showed a retaining wall to be built between the site and neighbouring property which was not completed, resulting in the parking area at La Croix Guillon falling into the Auto Collision repair site;
- The proposal will overshadow the garden area of La Croix Guillon, preventing the growing of vegetables and plants;

## **Consultations:**

### **Office of Environmental Health and Pollution Regulation**

By letter dated 27<sup>th</sup> October 2023 stated the following:

*"I have reviewed the proposed plans to erect a single storey extension with extract flue for a paint oven to the north (rear) elevation of building/workshop at the above site. I note from our records and the applicant's cover letter that two previous applications were made to extend the workshop at the site and to install a new paint oven which required a flue. I have discussed this current application with the Planning Officer who has confirmed that the proposed extract flue remains the same as the one initially proposed under granted applications FULL/2015/2404 and FULL/2017/0131.*

*To protect residential amenity, I would recommend the conditions below are attached to any granted consent. For purposes of consistency, the below conditions mimic those recommended to be applied to the previous consents in accordance with letters issued by my colleague, Cathy Rirsch, Senior Environmental Health Officer on 14<sup>th</sup> June 2016 (in relation to FULL/2015/2404) and 3<sup>rd</sup> February 2017 (in relation to FULL/2017/0131):*

- The spray booth ventilation system shall not operate except between the hours of 07:00 hrs till 18:00 hrs Monday – Friday and between 07:00 hrs and 13:00 hrs on Saturdays. There shall be no operation of the ventilation system on Sundays or Public Holidays.*
- The spray booth ventilation system shall not operate at a rating level above 45 dB(A) at the nearest noise sensitive receptor. The rating level shall be assessed and determined in accordance with BS4142:2014 and having regard to the acoustic report prepared by Sound Advice Acoustics Ltd dated 19th – 24th February 2016 (reference SA – 4313).*

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

### **Guernsey Airport**

By email dated 16<sup>th</sup> October 2023 stated the following:

*"Thanks for the email – I have run the data through our safeguarding system and the development is well outside of any material concerns to our operation. Therefore we have no objections to the application."*



### **Summary of Issues:**

- The principle of the development;
- Design of the scheme and impact on the character of the area;
- Impact on the amenities of neighbouring residential properties;
- 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 principle of the development**

Policy OC3 supports proposals to extend, alter or redevelop existing industrial and storage and distribution premises. In all instances the applicant is required to demonstrate that:

- i. 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 existing surrounding uses especially with regard to noise, vibration, smell, fumes, smoke, soot, ash, dust or grit; and
- ii. The development will not jeopardise highway safety and the free flow of traffic on the adjoining highway; and
- iii. The site will be laid out to achieve the most effective and efficient use of the land and the least negative visual and amenity impacts with buildings, materials, parking, access and open storage areas designed to respect the character of the area; and
- iv. The proposal includes details of an appropriate soft landscaping scheme, which will make a positive contribution to the visual quality of the environment and will sufficiently screen the activities on the site and mitigate impacts.

Planning permission was granted for a similar proposal on 06 July 2016 (application ref: FULL/2015/2404) (albeit for a slightly smaller extension) at the time of the application the Rural Area Plan was the approved development plan, and the application was determined in accordance with its policies.

A subsequent application was submitted (Ref: FULL/2017/0131) and approved for an extension scheme the same as that proposed as part of the application the subject of this report. The application was considered under the current Policies of the Island Development Plan and was approved subject to conditions on 03<sup>rd</sup> March 2017. Since the grant of that planning approval there have been no alterations to the policies of

the plan and no objections have been raised from statutory consultees from a public safety (airport operation) or public health perspective. The principle of the development therefore remains acceptable and the impacts of the development on the character of the area, neighbouring property and highway safety are assessed below.

#### Design of the scheme and impact on the character of the area

Policy GP8 of the Island Development Plan states a number of criteria that new development will be expected to adhere to in order to achieve a high standard of design which respects and where appropriate enhances the character of the environment.

The proposed extension is of an appropriate scale, mass and form so as not to detract from the openness of the surrounding area. Situated to the rear of the property and largely screened by existing boundary screening, the proposal will not negatively impact on the appearance of the surrounding area. The materials to be used will match the existing building in-keeping with the character and appearance of the surrounding area.

A stainless-steel flue is also proposed, attached to part of the roof of the extension. At its highest point the flue would measure 6.8m from ground level. The flue is at the minimum height required to safely operate the paint oven. Given the rural location of the property a stainless-steel finish to the flue would not be appropriate, however, to limit any impact on the surrounding area it is recommended that a condition is included for an appropriate finish/colour to be applied. The same condition was also recommended and imposed on the previous permission.

Although the proposal would project above the existing pitch height of the property given the distance from the main road (circa 70m) and the existing boundary screening to the rear of the site provided that a condition is included for an appropriate finish, any detrimental impact would not be so substantial to warrant the refusal of planning permission.

Confirmation has been received that the development proposed has been designed to take into account matters of energy efficiency and current Building Regulations in accordance with Policy GP9.

#### Impact on the amenities of neighbouring residential properties

Policy GP8 requires *inter alia* that proposals for new development will be expected to consider the health and well-being of the occupiers and neighbours of the development by means of providing adequate daylight, sunlight, and private/communal open space.

The comment from the representor relating to the loss of light to part of their garden has been noted. However, situated to the rear of the site, and at single storey level,

and given the height of the existing boundary treatment to the east, any additional overshadowing or light loss resulting from the proposal would be limited and not so substantial to warrant the refusal of planning permission. No windows are proposed in the east or west facing elevations and views from the window in the south elevation would be contained within the application site. The scheme would not unduly harm the privacy afforded to neighbouring properties.

The Office of Environmental Health and Pollution Regulation was consulted on the application and raised no objection from a public health perspective subject to applying conditions relating to hours of use and ensuring that the equipment operates at the appropriate noise levels both of which are acceptable in planning terms and were imposed on the previous permission.

The issues raised from the objector claiming that a retaining wall shown to be built on the previously approved scheme has still not been completed, which has resulted in the level of the parking area of La Croix Guillon falling into the application site has been noted. However, this is a private matter that would need to be resolved through the courts and is not a material planning consideration that can be considered in the assessment of this application.

#### Impact on highway safety.

The comments from the representor relating to the stated need for the parking to the rear of the site on previous applications and that the proposal will cause a detriment to available parking has been noted. However, the proposed extension would utilise an area of the site at the rear of the existing building, and adequate space for parking and servicing would remain in the land surrounding the extension and to the front of the site. Furthermore, by re-locating the paint oven from the interior of the building to the exterior, more available space is made available within the building to work on and to park vehicles.

No alterations are proposed to the existing vehicle access point, the scheme would support an existing use and the size of the extension is limited and would not cause a significant increase in traffic movements. The scheme would not harm highway safety and complies with the relevant policies in this respect.

### **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 effect of the proposed which the site could be put without further planning permission; 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 not impact on any Protected Buildings, trees, monuments or on any SSS's.

For the reasons set out within this report the proposal complies with the relevant provisions of the Island Development Plan and satisfies the other relevant material planning considerations; it is therefore recommended that planning permission be granted with conditions.

**Date:** 30/10/2023

