

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 replacement double sided illuminated signage and replacement pumps to north of site, erect store/GRP enclosure to north elevation, erect walls and bollards to create fill point to east of site.

LOCATION: Thompson Motors, Route De L'Eglise, Castel.

APPLICANT: ATF Fuels

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: 13/12/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 17/10/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: A7 Design Ltd: 24-1575/PD/01A.

Application Ref: FULL/2024/1706

Property Ref: D007640000

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.Within 28 days of the existing Rubis sign being replaced, the existing, smaller, ATF Fuels sign below shall be removed from the site, in accordance with drawing ref: PD/01 A.

Reason - To avoid any ambiguity with the permission, and in the interests of visual amenity.

5.The replacement pumps hereby approved shall not be operational at any time other than between 07:00 hours to 19:00 hours on any day.

Reason - The amenities of neighbouring residents as a result of noise and disturbance during unsocial hours.

6.The illuminated signage hereby approved shall not be illuminated by any means at any time other than between 07:00 hours to 19:00 hours on any day.

Reason - to respect the character and appearance of the surrounding area, and the amenities of neighbouring residents to prevent light pollution during unsocial hours.

Expiry Date: This permission will cease to have effect on 13/12/2027 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

Please note that any illumination of the hereby approved replacement fuel pumps whether by external or internal means, is likely to require a separate grant of planning permission.

Please note that all changes to signage and ancillary works are to comply with the Design, Construction, Modification, Maintenance and Decommissioning of Petrol Filling Stations (Blue Book), as set out in the Health and Safety Executive's comments.

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/2024/1706
Property Ref: D007640000
Valid date: 17/10/2024
Location: Thompson Motors Route De L'Eglise Castel Guernsey GY5 7NB
Proposal: Install replacement double sided illuminated signage and replacement pumps to north of site, erect store/GRP enclosure to north elevation, erect walls and bollards to create fill point to east of site.
Applicant: ATF Fuels

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. Within 28 days of the existing Rubis sign being replaced, the existing, smaller, ATF Fuels sign below shall be removed from the site, in accordance with drawing ref: PD/01 A.

Reason - To avoid any ambiguity with the permission, and in the interests of visual amenity.

5. The replacement pumps hereby approved shall not be operational at any time other than between 07:00 hours to 19:00 hours on any day.

Reason - The amenities of neighbouring residents as a result of noise and disturbance during unsocial hours.

6. The illuminated signage hereby approved shall not be illuminated by any means at any time other than between 07:00 hours to 19:00 hours on any day.

Reason - to respect the character and appearance of the surrounding area, and the amenities of neighbouring residents to prevent light pollution during unsocial hours.

INFORMATIVES

Please note that any illumination of the hereby approved replacement fuel pumps whether by external or internal means, is likely to require a separate grant of planning permission.

Please note that all changes to signage and ancillary works are to comply with the Design, Construction, Modification, Maintenance and Decommissioning of Petrol Filling Stations (Blue Book), as set out in the Health and Safety Executive's comments.

OFFICER'S REPORT

Site Description:

Thompson Motors is situated to the south of Route De L'Eglise, with residential properties surrounding it, and sited above the main building at first floor level. A gym/fitness centre exists to the east of the site.

The existing forecourt comprises a hipped roof canopy which is limited in depth.

The site is located Outside of the Centres as designated in the Island Development Plan.

Relevant History:**Thompsons Motors:**

PAPP/2009/0612	Alter existing residential unit and create an office ancillary to the existing commercial garage.	Granted
PAPP/2006/1215	Enlarge garage forecourt (revised)	Granted
PAPP/2000/0089	Replace illuminated pole sign.	Granted
PAPP/1995/4375	Erect a sign.	Refused
PAPP/1994/4097	Replace pole sign.	Refused

Existing Use(s):

Sui generis use - comprising the sale of fuel for motor vehicles, with associated forecourt shop, car sales and vehicle repair.

Brief Description of Development:

Planning permission is sought for the following:

- Install a replacement double sided illuminated signage.
- Replace the existing fuel pumps to the north of the site, housed under the forecourt canopy.
- Erect a small store/GRP enclosure to the north elevation, and;
- Erect walls and bollards to create a fill point to the east of site.

The application was deferred for further information in respect of the proposed development.

The agent has provided clarity over the hours of operation, the illuminated sign, and the small enclosure to the front of the site. The agent has also confirmed that all changes to the signage and ancillary works will comply separate legislation in accordance with the Health and Safety Executive's comments.

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

OC4: Retail Outside of the Centres

GP8: Design

GP9: Sustainable Development

Representations:

None.

Consultations:

Health and Safety Executive:

"I have reviewed submission drawing No: PD/01. The HSE advises that all changes to signage and ancillary works must comply with the Design, Construction, Modification, Maintenance and Decommissioning of Petrol Filling Stations (Blue Book), particularly sections 4.5 and 9.

Provided this guidance is followed, I can confirm that the HSE has no objections to the proposed alterations to signage and ancillary works."

The Office of Environmental Health and Pollution Regulation comments:

"I have reviewed the proposed plans which were received by email on 21st November 2024 which include the installation of illuminated signage and a GRP enclosure to the above site. There is an issue of concern that I must raise.

I have concerns that the illuminated signage may have an impact on the amenity of residents living close to the site. I would therefore recommend that the following conditions are attached to any consent granted for this application:

- The hours of operation for the exterior illuminated signage shall be limited to 07:00 to 19:00 each day.*
- The exterior illuminated signage shall be operated by a timer which is set to illuminate and extinguish lighting at the permitted times.*

I also note that the applicant has confirmed that the equipment housed within the GRP enclosure will not generate noise and as such I do not wish to raise any concerns regarding this aspect of the proposal."

Summary of Issues:

The key issues relate to the principle of the proposed development and the impact of the alterations to the building on the character and appearance of the street scene, and the impact on the amenities of neighbouring residents.

Assessment against:

- 1 - Purposes of the law.**
- 2 - Relevant policies of any Plan, Subject Plan or Local Planning Brief.**
- 3 - General material considerations set out in the General Provisions Ordinance.**
- 4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).**

Policy context:

Outside of the Centres there is limited scope for extensions and alterations to existing retail premises (including petrol filling stations) only where the development is of limited scale to provide for the continuation of the existing retail use at its current level of operation. The development must also comply with all other relevant policies including the visual impact of the development on the character and appearance of the locality, and neighbour amenity.

The proposed works are considered to be of limited scale and the works are considered to enable the continuation of the existing retail use at its current level of operation for the purposes of OC4: Retail Outside of the Centres.

Hours of operation for the proposed fuel dispensers:

The agent has confirmed in the e-mail dated 8th November 2024 that the opening hours of the business will be between 07:00 to 19:00 Monday to Sunday.

A condition should be attached to the decision regarding the hours for using the self-service fuel pumps to help to prevent noise and disturbance issues arising which could harm the amenities of neighbouring residents.

Illuminated signage:

In light of the additional information provided, the replacement signage immediately adjacent to the existing access point achieves a satisfactory standard of design (Policy GP8). The agent has clarified the proposal by confirming that the existing, smaller ATF Fuels sign, is to be removed as part of this application. A condition to this effect should be included in the interests of visual amenity and to avoid any ambiguity.

Previous applications have been approved for similar illuminated signage in the same position (see planning history above). The current scheme will have a neutral effect when compared to the existing sign in terms of its size and illumination.

The hours of the illumination should however, be managed in order to prevent undue light pollution to neighbouring residents during unsocial hours. A condition to this effect should be attached to the decision to reflect the times stated in the agent's e-mail of 8th November 2024, thus being illuminated between 07:00 and 19:00, Monday to Sunday. This is reflected of the comments provided by The Office of Environmental Health and Pollution Regulation.

For the avoidance of doubt, the agent has confirmed that the dispensers will not be illuminated.

Other works:

The GRP enclosure, and new fire wall and bollards are also acceptable.

Subject to appropriate conditions, the proposal adopts a good standard of design and will not have a detrimental impact on the character of the area, visual amenity, or the amenities of neighbouring residents.

In light of both HSE and Environmental Health's comments, it is reasonable to attach appropriate informative notes and conditions respectively to the permission. It is acknowledged that the Office of Environmental Pollution and Regulation have requested that the illuminated signage be operated automatically by a timer. Whilst it would be advisable, it is not considered necessary nor reasonable to require the installation of a timer by condition as this is likely to result in unnecessary additional cost to the applicant, as the proposed condition will be precise enough to ensure the Authority can take enforcement action should the hereby approved illuminated sign not be operated correctly.

Sufficient information has been submitted that has taken into account the criteria of Policy GP9 (Sustainable Development).

All material considerations as set out in the Land Planning and Development (Guernsey) Law, 2005 and the Land Planning and Development (General Provisions) Ordinance, 2007 have been taken into account in the assessment of this application.

Based on the above, the application is considered compliant with the relevant Island Development Plan policies, and accords with the purpose of the Law and the Material Planning Considerations. It is therefore recommended that planning permission be granted, subject to conditions.

Date: 11/12/24

