

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 existing staff accommodation and erect 8 assisted living apartments (Residential Use Class 3) and associated landscaping.

LOCATION: GreenAcres, Les Hubits, St. Martin, Guernsey, .

APPLICANT: GreenAcres Property 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: 02/03/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 27/09/2021 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: A7 Design drawing no's: 13-575-P8 PD/01, 02, 03 & 04

Application Ref: FULL/2021/2146

Property Ref: J003350000

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 additional accommodation hereby approved shall be used for assisted living units within Residential Use Class 3 of 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 and shall not at any time be used as independent residential accommodation falling within any other Use Class.

Reason - The permission is limited to the specific use applied for and subject to such restriction to be consistent with the original permission for the main use of the site and to ensure that the units hereby approved are used in connection with such use and do not form new private residential units which would be precluded Outside of the Centres.

Expiry Date: This permission will cease to have effect on 01/03/2025 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

Please find enclosed a copy of comments made by Health and Social Care. Please ensure that these comments are properly considered in carrying out the development.

For the avoidance of any doubt, the Computer Generated Images shown on the approved drawing Ref: PD/04 are not approved.

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/2021/2146
Property Ref: J003350000
Valid date: 27/09/2021
Location: GreenAcres Les Hubits St. Martin Guernsey Guernsey GY4 6LS
Proposal: Demolish existing staff accommodation and erect 8 assisted living apartments (Residential Use Class 3) and associated landscaping.

Applicant: GreenAcres Property 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).

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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.

4. The additional accommodation hereby approved shall be used for assisted living units within Residential Use Class 3 of 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 and shall not at any time be used as independent residential accommodation falling within any other Use Class.

Reason - The permission is limited to the specific use applied for and subject to such restriction to be consistent with the original permission for the main use of the site and to ensure that the units hereby approved are used in connection with such use and do not form new private residential units which would be precluded Outside of the Centres.

INFORMATIVES

Please find enclosed a copy of comments made by Health and Social Care. Please ensure that these comments are properly considered in carrying out the development.

For the avoidance of any doubt, the Computer Generated Images shown on the approved drawing Ref: PD/04 are not approved.

OFFICER'S REPORT

Brief Description of the site:

The application site comprises a detached residential care home of two storey construction with hipped roof design situated to the west of Les Hubits. Surrounding the site, the area comprises open fields with residential beyond to the north, south and east. To the east of the main residential care home is a single storey staff accommodation block and a storage shed both used in connection with the main use of the site. Access onto Les Hubits is situated to the southeast corner of the site and parking for visitors is situated immediately adjacent.

The site is situated Outside of the Centres and within the Agriculture Priority Area as designated in the Island Development Plan.

Relevant History:

FULL/2017/2770	Erect a sunroom.	Granted 13/12/2017
FULL/2017/2499	Erect single storey extension to create additional office space within courtyard (north) of building.	Granted 16/11/2017
FULL/2017/2415	Infill first floor window and install two windows to north-west elevation.	Granted 31/10/2017

FULL/2016/1491	Re-roofing of main building with slate.	Granted 05/08/2016
FULL/2016/1366	Install mechanical vent system to north flat roof.	Granted 21/07/2016
FULL/2016/0849	Install GRP bunded sub station enclosure.	Granted 21/06/2016
FULL/2016/0706	Remove chimney to rear of property.	Granted 08/04/2016
FULL/2016/0130	Install mechanical vent system to flat roof (north).	Granted 15/03/2016
FULL/2015/3021	Install additional means of escape stair.	Granted 11/01/2016
FULL/2015/2248	Erect 2 storey extension (rear elevation) and roof level extension (south elevation) and remove 2 external escape stairs, in connection with the permitted use as a specialist dementia care home.	Granted 19/11/2015
FULL/2014/2592	Change of use from hotel to dementia care home.	Granted 28/07/2015

Existing Use(s):

Residential Care Home

Assessment: *(Tick as appropriate)*

no representation ☒
accords with policy ☒
within curtilage ☒
design acceptable ☒

visual amenity acceptable ☒
no material neighbour impact ☒
traffic not affected ☒

Policies considered most relevant:

Island Development Plan Policies:

- OC2: Social and Community Facilities Outside of the Centres;
- GP1: Landscape Character and Open Land;
- GP8: Design;
- GP9: Sustainable Development;
- IP9: Highway Safety, Accessibility and Capacity.

Consultation Responses:

Health and Social Care

By email dated 21st January 2022 stated the following:

“Regarding the application below for GreenAcres Residential Home, myself and Steve Winterflood (Head of Quality & Safety – Health and Social Care) visited the care home on January 19th 2022. We had a discussion with the Care Manager and examined the proposed plans. The Health and Social Care regulation department supports this application, especially in light of current need for additional residential beds for dementia care on the island, as long as any new build, extension and first-time registrations comply with Health and Social Care’s Standards for Nursing and Residential Homes.”

Conclusion/Brief comment:

Planning permission is sought to demolish an existing staff accommodation block at the site and to erect 8 assisted living apartments and associated landscaping.

Paragraph 2.2.20 of the IDP states that: *“Proposals relating to development that incorporates a care element, such as hospitals, nursing homes or residential establishments for the provision of accommodation and care along with residential schools, colleges and training centres, may, as appropriate, be assessed under policies relating to housing and/or social and community facilities depending on the nature and detail of the use.”*

Greenacres is used as a private dementia care home, where the level of care provided for its occupants is above that of a standard care home. Based on the requirements of paragraph 2.2.20 it is considered that the proposal would therefore be considered under the relevant policy relating to social and community facilities (which in this case would be policy OC2: Social and Community Facilities) as opposed to the general policy for householder development (which includes specialist housing) (Policy GP13).

Policy OC2 supports proposals for the extension, alteration and redevelopment of existing social and community facilities where the development would not undermine the vitality of the Centres, where it would be of a scale appropriate to its setting, where there are no unacceptable impacts on the visual appearance and amenity of the location concerned and where they accord with all the other relevant policies of the IDP.

To the west of the main residential care home building is a single storey staff accommodation block and a storage shed which are to be demolished to make way for the proposed assisted living apartments. In the supporting information, the applicant’s agent has confirmed that since the residential care home opened its doors (in 2016) only 2 members of staff have been accommodated within the staff accommodation over the years and the building currently remains unoccupied.

The main building on the site was granted permission in 2015 to operate as a care home for dementia patients. The scheme was considered under the policies of the Rural Area Plan (which has now been superseded by the IDP) and was granted permission with a condition controlling the use of the site to be used solely as a

dementia care home, which at the time fell within Use Class 8 of The Land Planning and Development (Use Classes Ordinance, 2007) as a nursing home or as a residential establishment for the provision of accommodation and care.

The 2007 Use Classes Ordinance has since been superseded by the 2017 Use Classes Ordinance which includes two Use Classes that are relevant to this case, Use Class 3: Sheltered Housing and Use Class 4: Specialised Housing.

Use Class 3 is defined as: *“A Use of one of a group of dwellings affording facilities and support services especially suited to the needs of older, disabled or other persons with particular needs (including the on-call assistance of a warden) as a permanent residence for (a) a person living alone who or (b) two persons living together of whom at least one requires access to those facilities because of their disability or other particular need.”*

Use Class 4 is defined as *“Use of a dwelling for the provision of accommodation and care, including use as a nursing home or residential home where staff provide care on-site other than (a) a use falling within Use Class 3 or 5 or (b) use as a hospital.”*

Based on the above and the level of care provided for currently within the main building on this site, it is considered that the main use of this site would fall within Use Class 4 of the 2017 Ordinance as a dementia care home providing around the clock support to its residents.

The information submitted as part of the application confirms that the proposed units will differ in the amount of care that will be provided when compared to that provided within the main building. The proposed units will be used as assisted living accommodation for those who are independent yet have been diagnosed with early onset dementia and therefore require an element of care (albeit not around the clock care as provided for within the main building). The proposed units therefore fall within Class 3 of the 2017 Ordinance which will support the main dementia care use of the site.

Information has been submitted to demonstrate the need for additional units (which is supported by States Health and Social Care), and that there is insufficient space within the main building to accommodate the proposal. Should planning permission be granted however, it is recommended that a condition is included to ensure that the units are used as proposed and will not be used to provide private residential accommodation which would be precluded by Policy in an Out of Centre Location such as this.

The proposal comprises two storey construction (multi-storey design is encouraged under Policy GP8 of the IDP) with a hipped roof to be consistent with the design of the main care home building. The scheme has been designed in a modern contemporary style using modern materials to appeal to younger generations that are experiencing dementia. The proposal when viewed from outside of the site will be read in context with the existing built form on the site and would not harm the

open character, landscape character or the visual character and appearance of the surrounding area.

The internal layout of the scheme provides a good standard of accommodation with the lounges positioned to overlook views to the west towards the open fields. Bedrooms and en-suite bathrooms are positioned in the east facing elevation towards existing accommodation, however a 12m separation distance will be maintained between the existing and proposed buildings, which will provide a good interrelationship and maintain privacy for existing occupiers. The nearest neighbouring property is situated circa 70m to the east on the opposite side of Les Hubits and at this distance the proposal would not cause harm to the amenities afforded to its occupiers.

Based on the above the proposal is of an appropriate scale appropriate to its setting that would not undermine the vitality of the Centres. The proposal would not have any unacceptable impacts on the visual appearance and amenity of the location concerned and therefore accords with Policies OC2, GP1, GP8 of the Island Development Plan.

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

No alterations are proposed to the existing vehicle access into the site and any increase in vehicle movements resulting from the additional accommodation are unlikely to be significant. Allocated parking for visitors to the units has been provided immediately to the south of the building. The proposal would therefore not negatively affect highway safety in accordance with policy IP9.

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: 01/03/2022

