

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 additional bike store, Install electric distribution pillar, water storage and booster pump.

LOCATION: The Lea, Les Nicolles, Forest.

APPLICANT: Infinity Residence Ltd

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: 15/09/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 11/05/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: DLM 1123-C- 1000E, 1001E & 1004E; PW5000.INS.AG; PSH3001

Application Ref: FULL/2022/0856

Property Ref: H00235B000

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.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 - to protect the amenities of neighbouring residents.

5.Notwithstanding the information shown on the approved plans, within two months of the date of this permission details of the landscaping scheme set out on drawing 1123-C-1001E including full details of the sizes of plants shall be submitted to and agreed in writing by the Development & Planning Authority.

Reason - The revised area of landscaping is different to that approved as part of former applications and therefore requires a separate landscaping scheme. The hedge species and density has already been provided.

6.The landscaping scheme shall be fully completed, in accordance with the details agreed under the terms of the above condition, in the first planting season following the occupation of any dwelling or unit on site. Any plants removed, dying, being severely damaged or becoming seriously diseased, shall be replaced in the following planting season by trees or plants of a size and species similar to those originally required to be planted.

Reason - To ensure that the landscaping is carried out in a suitable timeframe.

Expiry Date: This permission will cease to have effect on 14/09/2025 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/2022/0856
Property Ref: H00235B000
Valid date: 11/05/2022
Location: The Lea Les Nicolles Forest Guernsey GY8 0AD
Proposal: Erect additional bike store, Install electric distribution pillar, water storage and booster pump.

Applicant: Infinity Residence Ltd

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. 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 - to protect the amenities of neighbouring residents.

5. Notwithstanding the information shown on the approved plans, within two months of the date of this permission details of the landscaping scheme set out on drawing 1123-C-1001E including full details of the sizes of plants shall be submitted to and agreed in writing by the Development & Planning Authority.

Reason - The revised area of landscaping is different to that approved as part of former applications and therefore requires a separate landscaping scheme. The hedge species and density has already been provided.

6. The landscaping scheme shall be fully completed, in accordance with the details agreed under the terms of the above condition, in the first planting season following the occupation of any dwelling or unit on site. Any plants removed, dying, being severely damaged or becoming seriously diseased, shall be replaced in the following planting season by trees or plants of a size and species similar to those originally required to be planted.

Reason - To ensure that the landscaping is carried out in a suitable timeframe.

OFFICER'S REPORT

Site Description:

The application site formerly comprised a residential care home and grounds and is located Outside of the Centres under the Island Development Plan. The home had 30 residential beds registered – 22 single, 8 double - and provided communal facilities for residents.

The site is currently under construction following permission to demolish the care home and erect replacement dwellings and flats with ancillary landscaping.

The site adjoins a residential property immediately to the south, with open agricultural fields to the north and west, and to the east on the opposite side of Les Nicolles.

Relevant History:

FULL/2020/2538 - Variations to plans previously approved to demolish care home, erect 6 new dwellings and 8 flats with ancillary landscaping - Extend 'Block C' by 3000mm to the south elevation. Approved.

FULL/2020/1440 - Demolish care home, erect 6 new dwellings and 8 flats with ancillary landscaping.
Approved.

FULL/2020/0328 - Subdivide former care home building to create 13 dwellings and 2 flats.
Approved.

Existing Use(s):

Development site

Brief Description of Development:

Planning permission is now sought to erect an additional bike store, install an electric distribution pillar, water storage tank and a water booster pump.

The application was deferred due to the position of the water storage tank and water booster pump cabinet immediately adjacent to north boundary of the site and the loss of the approved landscaping. The 'private garden' as shown on the drawings to the south-west of the site also raised concerns.

The agent has subsequently reduced the size of the water storage tank, repositioned both the water storage tank and water booster cabinet, reintroduced landscaping to the north boundary. The agent has also reverted the private garden to communal garden, omitted a high fence between the clear zone and the communal garden and reinstalled a high fence to the end of terrace property in Block C to form a private garden.

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

OC1 – Housing Outside of the Centres
GP1 – Landscape Character
GP8 – Design

Representations:

None generated.

Consultations:

The Office of Environmental Health and Pollution Regulation's comments:

"I have reviewed the proposed plans for a pump to be installed at the above mentioned address which were received by email on 17th May 2022 and I recommend the following condition.

- 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.

I would be grateful if this condition is considered during the determination of this application.

Please do not hesitate to contact me at the above address should you require any additional information regarding this matter."

Summary of Issues:

- Whether the design of the proposed development is acceptable.
- The impact of the development on the character and appearance of the area.
- The impact of the development on neighbour amenity.

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).**

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.

The proposed structures are generally located on the fringes of the development site and are subservient in scale to the buildings on site. Despite being visible in public vantage points in the surrounding area, the proposed works will be 'read' as part of

the residential development as whole and therefore would not cause undue harm to the character or appearance of the locality, subject to appropriate landscaping.

Although due to the change in the proposed landscaping scheme adjacent to north boundary of the site and that previously approved, it is considered reasonable and necessary to require full details of the proposed landscaping to ensure satisfactory screening is agreed and later implemented.

The alterations to the bin store have already been approved as part of a landscaping scheme and therefore do not form part of this assessment.

It is also reasonable and necessary to attach a condition to the effect of the Office of Environmental Health and Pollution Regulation's recommendation to protect the amenities of neighbouring residents.

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

Based on the above, the application is considered compliant with the relevant Island Development Plan policies; it is therefore recommended that planning permission be granted, subject to conditions.

Date: 14/09/22