

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: Change of use of agricultural land to domestic garden (915sqm).

LOCATION: Gardenia Lodge Residential Home, La Rue Batee, Vale.

APPLICANT: Gardenia Lodge 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: 13/07/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 11/04/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: A7 Design: 21-1330-P1/PD/01A.

Application Ref: FULL/2022/0905

Property Ref: C003780000

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.Prior to the implementation of the hereby approved change of use of the land, details of the wildflower meadow mix, including the species, shall be submitted to and agreed in writing by the Authority.

Reason - To make sure that a landscaping scheme for the development is agreed, in the interests of biodiversity.

5.The wildflower meadow shall be fully completed in accordance with the details agreed under the terms of the above condition 4 in the first planting season following the implementation of the change of use of the land or in accordance with a programme previously agreed in writing by the Authority. The existing hedges and tree planting shall be retained as set out on drawing 21-1330-P1/PD/01A. Any trees or plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting 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 make sure that the agreed landscaping scheme for the development is completed, in the interests of biodiversity.

Expiry Date: This permission will cease to have effect on 12/07/2025 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/2022/0905
Property Ref: C003780000
Valid date: 11/04/2022
Location: Gardenia Lodge Residential Home La Rue Batee Vale Guernsey
GY3 5NR
Proposal: Change of use of agricultural land to domestic garden (915sqm).
Applicant: Gardenia Lodge 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).

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.

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Reason - To make sure that a landscaping scheme for the development is agreed, in the interests of biodiversity.

5. The wildflower meadow shall be fully completed in accordance with the details agreed under the terms of the above condition 4 in the first planting season following the implementation of the change of use of the land or in accordance with a programme previously agreed in writing by the Authority. The existing hedges and tree planting shall be retained as set out on drawing 21-1330-P1/PD/01A. Any trees or plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting 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 make sure that the agreed landscaping scheme for the development is completed, in the interests of biodiversity.

OFFICER'S REPORT

Brief Description of the site:

Planning permission is requested to change the use of an area of agricultural/undeveloped land measuring approximately 915sqm to domestic land to be used in association with the adjacent residential home.

The southern section of the site consists of a large two story building which is used as a residential home with its associated garden and parking. The northern section of the site beyond the car park, the subject of this application, is recognised as agricultural/ undeveloped land. The site is located in an elevated position to the north-west of Bordeaux Harbour and is Outside of the Centres.

Relevant History:

24/01/2022 - PREA/2021/2655 – Pre-application advice was sought in this case.

Existing Use(s):

Northern section – Agricultural use class 28
Southern section – Residential 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:

Policy OC5(B): Agriculture Outside of the Centres – outside the Agriculture Priority Areas

Policy GP1: Landscape Character and Open Land

Policy GP15: Creation and Extension of Curtilage

Conclusion/Brief comment:

The proposal to extend the domestic land associated with the residential home falls to be considered principally under Policies GP15 and GP1 of the Island Development Plan.

The site is not within an Area of Biodiversity Importance or an Agriculture Priority Area. No changes to the existing boundaries are proposed and the proposed use of the land for domestic purposes would have no adverse effects on neighbouring residents.

The highways Rue Batee and La Butte wrap around the east and north boundaries of the site but well established evergreen hedges along the roadside boundaries of the site largely screen the parcel of land the subject of this application from public views. Although there is a large expanse of open and undeveloped land extending to the north, east and west, the layout of the highway wrapping around the site gives the impression of separating this parcel of land from the wider area of open and undeveloped land. This separation is further emphasised by the suburban style evergreen hedges along the roadside boundaries. Together with its elongated irregular shape and relatively modest size, the parcel of land gives the impression that it is more closely associated with the residential home to the south as opposed to the open and undeveloped land to the north, east and west. As a result the proposed change of use of the land is unlikely to have a significant adverse effect on the landscape character and openness of the area, in accordance with Policies GP15 and GP1. The land would be used in association with a residential home and therefore it would benefit from limited exemption rights.

In line with the States' Strategy for Nature, 2020, applications involving the change of use of agricultural land to domestic land must be accompanied by information demonstrating environmental benefits in respect of biodiversity. As part of the application it is proposed to create an area of wildflower meadow at the northern end of the site. In addition, it is advised that existing boundary hedges and an area of

tree planting along the west boundary of the site would be retained. The information submitted is sufficient to demonstrate that the proposal could enhance the biodiversity of the site. Precise details of the wildflower meadow will be required to ensure this is the case, this could be dealt with by condition.

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.

It is recommended that the application is approved.

Recommendation:

Grant with Conditions



Date: 11/07/2022