

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 extensions, extend and alter at ground floor, 1st floor and 2nd floor level, erect fencing and gates.

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: 31/03/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 10/01/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: A7 Design - 21-1330 PD/01, PD/02, PD/03 & PD-04

Application Ref: FULL/2023/0010

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 removal of the existing tree, details of the siting, species, size at the time of planting and number of replacement trees shall be submitted to and agreed in writing by the Authority. The agreed replacement trees shall then be planted, in the first planting season following the first occupation of any part of the extended building or completion of development whichever is the sooner, or in accordance with a programme previously agreed in writing by the Authority. Any trees removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by trees of a size and species similar to those originally required to be planted.

Reason - In the interests of visual amenity.

Expiry Date: This permission will cease to have effect on 30/03/2026 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 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/2023/0010
Property Ref: C003780000
Valid date: 10/01/2023
Location: Gardenia Lodge Residential Home La Rue Batee Vale Guernsey
GY3 5NR
Proposal: Demolish extensions, extend and alter at ground floor, 1st floor
and 2nd floor level, erect fencing and gates.

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 - In the interests of visual amenity.

OFFICER'S REPORT

Site Description:

The site consists of a traditional two story pitched roof building with later single and two storey additions to the sides (south and north) and rear (west) with associated garden and parking areas. The building is used as a residential home. The site is located in an elevated position to the north-west of Bordeaux Harbour and is Outside of the Centres.

Relevant History:

13/07/2022 – FULL/2022/0905 – Permission granted for the change of use of agricultural land to domestic garden (915sqm).

24/01/2022 – PREA/2021/2655 – Pre-application advice regarding erect extension.

Existing Use(s):

Residential use class 4: specialised housing

Brief Description of Development:

Planning permission is requested to partially demolish extensions and fire escape to the rear (west) of the building and to erect a 2 and 3 storey extension to the rear (west) and side (north) elevations, a single storey extension to the front (east) elevation and to erect a timber fence and gate to enclose a refuse storage area.

The extensions are proposed to be finished with a mix of rendered and vertical composite clad walls, dark grey aluminium fenestration and a natural slate roof.

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

Policy OC2: Social and Community Facilities Outside of the Centres

Policy GP1: Landscape Character and Open Land

Policy GP8: Design

Policy GP9: Sustainable Development

Policy IP6: Transport infrastructure and support facilities

Policy IP7: Private and Communal Car Parking

Representations:

None

Consultations:

The Office of Environmental Health and Pollution Regulation, 24/01/2023

"I have reviewed the proposed plans for the demolition of existing extensions, construction of a replacement extension and alterations at ground floor, 1st floor and 2nd floor levels, and the erection of fencing and gates at Gardenia Lodge Residential Home.

There is currently insufficient information contained with the submitted documents for me to comment fully on the application. I have looked at Drawing ref. PD/01 and have concerns regarding the proposed ground floor kitchen and make the following comments:

- 1) There are no details submitted regarding the kitchen extraction system that will be used.
- 2) There are no details submitted regarding the position of a wash hand basin.
- 3) It is noted that a toilet is proposed to open directly into the kitchen. This is not acceptable for a food preparation area and it must be separated by a lobby. I further note there is no source of natural ventilation for the toilet and it should be mechanically ventilated.

If further information is submitted regarding these matters, I would be happy to look at this and provide further comments. I would be grateful if these matters are considered during the determination of this application.

In addition to my above comments, I would recommend that the enclosed Construction Site Guidance is passed to the applicant and that they are advised to adhere to it during the demolition and construction phases of the project.

I would also recommend that Vanessa Penney, Registration & Inspection Officer for Health and Social Services is consulted on the proposals".

Registration & Inspection Officer, 17/02/2023

“Thank you for a copy of the plans for an extension to Gardenia Lodge Residential Home – ref: FULL/2023/0010.

The Health & Social Care regulation department supports this application , especially in light of the current need for additional beds for residential care needed on the island, as long as any new build, extension and first-time registrations comply with Health & Social Care’s Standards for Nursing and Residential Homes (see attached).

It was noted on the plans that the fire escapes from the rooms above the ground floor were not clearly visible. Can you provide further information in relation to the fire escapes for people on levels 1 & 2?”

Summary of Issues:

The main issues in deciding this application are:

1. Scale, design and impact of the development on the appearance and character of the area.
2. The impact of the development on the amenity of people living in the area.

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).**

Th agent advises that the Gardenia Lodge is a private care home where the level of care provided for its occupants is above that of a standard care home. On this basis, the application falls to be considered principally under Policy OC2.

Policy OC2 supports the extension and alteration of existing social and community facilities where the proposal would not undermine the vitality of the Centres, where it would be of a scale appropriate to its setting and where there are no unacceptable impacts on the visual appearance and amenity of the location concerned.

The Health & Social Care regulation department supports the application, especially in light of the current need for additional beds for residential care on the island, provided that any new extension complies with Health & Social Care’s Standards for Nursing and Residential Homes.

The existing rear 3 storey flat roof extension does not achieve a good standard of design. The proposal would increase the scale and mass of the building although the siting of the extension to the rear of the property would limit its visual impact. The extension achieves a good standard of design and respects the form and materials of

the existing building. The agent has confirmed that replacement trees will be planted to the north of the site to mitigate the loss of a tree to the rear of the building and this would further partially screen the extension from public views from the north (this can be dealt with by condition). The scale and design of the extension is appropriate for its setting, it would not undermine the vitality of the Centres and it accords with Policies OC2, GP1 and GP8.

The 1st and 2nd floor windows in the south elevation would be set back over 20 metres from the boundary with the neighbouring property which would be sufficient to safeguard the amenities of the neighbouring residents. To the west the site is bounded by agricultural land.

With regards to the comments of the Registration & Inspection Officer, the agent advises that an internal fire escape strategy will be designed alongside Guernsey Fire and Rescue Services. The agent also advises that no external alterations will be required in relation to the comments by The Office of Environmental Health and Pollution Regulation. As a result any internal alterations required to comply with The Office of Environmental Health and Pollution Regulations are unlikely to require the submission of a further planning application.

Due to the nature of the accommodation provided and the likely relatively low traffic movements associated with it, the proposed increase in the size of the accommodation by approximately 25% is unlikely to have any significant adverse effects on road safety and traffic management. The extension would encroach slightly on the staff parking area but it would result in no significant loss of parking provision.

Information has been submitted to demonstrate that the design has taken into account the use of energy and resources, in accordance with Policy GP9.

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

Date: 31/03/2023

