

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 hard-surfacing to create additional parking area (Retrospective).

LOCATION: Garenne Park, Rue De La Cache, St. Sampson.

APPLICANT: Garenne Property 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: 27/06/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 15/02/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Tyrrell Dowinton Associates: 2303 03.01, 03.02A & the letter from the agent dated 23/06/2023

Application Ref: FULL/2023/0256

Property Ref: B01506B000

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 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.

3.The proposed planting shall be fully completed in accordance with approved plan number 03.02 Rev A and the details contained within the supporting letter from the Agent (dated 23/06/2023), in the first planting season following the grant of this permission, or by the 31/03/2024. 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 - In the interests of visual amenity and biodiversity.

Expiry Date: This permission will cease to have effect on 26/06/2026 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/2023/0256
Property Ref: B01506B000
Valid date: 15/02/2023
Location: Garenne Park Rue De La Cache St. Sampson Guernsey
Proposal: Install hard-surfacing to create additional parking area (Retrospective).

Applicant: Garenne Property 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 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.

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Reason - In the interests of visual amenity and biodiversity.

OFFICER'S REPORT

Brief Description of the site:

The application site comprises a detached parcel of land situated to the west of an existing industrial building and to the south of Garenne Park estate road. The land in question is situated within the Garenne Park estate.

Surrounding the site the area comprises industrial/office buildings to the north and east with agricultural land to the south and west.

The site is situated Outside of the Centres and the land to the south (outside of the application site) is designated as an Area of Biodiversity Importance as designated in the Island Development Plan.

During the course of consideration, the application was deferred to seek biodiversity enhancements in accordance with the Strategy for Nature SPG. Revised plans have been submitted which show that the grass verge between the car park and the Area of Biological Importance to the south will be planted with to create a wildflower meadow (using locally sourced seeds) and 4 Alder trees which are native to Guernsey.

Relevant History:

None relevant

Existing Use(s):

Agriculture (application site and land to the west);
Industrial (access road and building/land to the east)

Assessment: *(Tick as appropriate)*

no representation	☒	visual amenity acceptable	☒
accords with policy	☒	no material neighbour impact	☒
within curtilage	☒	traffic not affected	☒
design acceptable	☒		

Policies considered most relevant:

OC3: Offices, Industry and Storage and Distribution Outside of the Centres;
OC5(B): Agriculture Outside of the Centres – Outside the Agricultural Priority Areas;
GP1: Landscape Character and Open Land;
GP8: Design;
IP7: Private and Communal Parking;
IP9: Highway Safety, Accessibility and Capacity

Conclusion/Brief comment:

Following a review of the planning history for the site it appears that prior to the development of Garenne Park, the application site formed part of the surrounding horticultural/agricultural land. As part of the development of Garenne Park, the surrounding land was developed, but the site the subject of this application has remained as is and has not changed greatly since the 1960's. The recognised use of the application site is therefore considered to be agricultural.

In 2022 the application site was cleared of all vegetation (Pampus Grass and other invasive species) and a mesh grid force-based system installed with loose laid gravel on top. This was completed to create a car parking area to be used by the owners of the greater part of Garenne Park (the area shown in red on the application drawings) and the adjacent building immediately to the east of the site. Given the detached nature of the site and that it is separated from other buildings, the creation of the hard-surfaced area could not be considered as Exempt Development under The Land Planning and Development (Exemptions) Ordinance 2023, and therefore retrospective planning permission is now sought to regularise the development.

Policy OC5 (B) (Agriculture Outside of the Centres – outside the Agriculture Priority Areas) states that *“Proposals for development which would result in the loss of an existing farmstead, agricultural buildings or land will be supported where the proposed new use accords with the other relevant policies of the Island Development Plan”*.

In this instance given that the proposal would be used for car parking in connection with the industrial use of the adjacent building Policies OC3, GP8, IP7 and IP9 would also be relevant which is assessed in detail below.

Policy OC3 supports proposals to extend, alter, or redevelop existing industrial, storage and distribution uses or office premises subject to satisfying certain criteria. In this instance, the development is of a scale that respects the character of the area and would not adversely affect or detract from the amenities of existing uses regarding noise, vibration, smell, fumes, smoke, soot, ash, dust or grit. The development will be used by existing employees at the site and would use existing supporting infrastructure so as not to jeopardise highway safety (discussed in further detail below in the consideration of Policies IP7 and IP9) or the free flow of traffic. The car park has been laid out to make the best use of the land and has been designed using appropriate materials to respect the character of the surrounding area. An existing grass verge to the south and all existing trees and vegetation to the west have been retained to separate the development and to help it to assimilate into its surroundings. Considering the above, the scheme complies with the relevant provisions of Policy OC3 and OC5(B) and the principle of the development is acceptable.

The scheme does not impact on the landscape character or openness of the surrounding area, has been designed using appropriate materials to be in-keeping

with the character of the surrounding area and when seen in context with the industrial nature of the site would not cause harm to visual amenity. The development does not harm residential amenity. The scheme has also been designed using sustainable drainage techniques (SUDS) and would not harm the ABI on the adjacent site. The scheme as revised proposes a wildflower meadow (planted using locally sourced seeds) and 4 Alder trees to be planted on the grass verge to separate the site from the ABI land to the south. This will provide proportionate biodiversity enhancements in accordance with the Strategy for Nature SPG. However, to ensure that appropriate biodiversity enhancements are achieved in a timely manner, it is recommended that a condition is included on any permission to ensure that the proposed planting is completed by the end of the next planting season, i.e. by 31/03/2024.

Considering the above, the development complies with policies GP1 and GP8.

Policy IP7 requires the Authority when considering proposals for development to take into account the provision of appropriate levels of private and communal car parking in accordance with Supplementary Planning Guidance: Parking Standards and Traffic Impact Assessments (SPG).

Paragraph 1.2 of the SPG states that *“Outside of the Main Centres and Main Centre Outer Areas, development is generally of lower density and there tends to be less pressure for development and less congestion caused by it. Within these areas therefore, general car parking and motorcycle parking requirements will be assessed on a case by case basis taking into consideration the type of development proposed and its impacts on the character of the area, surrounding uses and the existing road network as well as the accessibility of the site to public transport and for pedestrians and cyclists.”*

A total of 18 car parking spaces have been allocated for parking and the existing electricity substation remains undisturbed. The development is of an appropriate scale to support the associated use of the site and for the reasons already expressed within this report would not harm the character of the area. The site is supported by existing infrastructure capable of accommodating the levels of car parking provided without significant harm to highway safety. For these reasons the scheme is acceptable from a highway safety perspective and complies with policies IP7 and IP9 of the IDP.

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.

For the reasons set out within this report the development complies with the relevant provisions of the IDP and it is recommended that Planning permission is granted.

Recommendation:
Grant with Conditions



Date: 27/06/2023