

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 car park area with associated landscaping (979 sqm).

LOCATION: Field Adjacent To R H Gaudion, Longue Rue, Vale.

APPLICANT: R H Gaudion & Sons 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: 10/07/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 13/04/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: A7 Design: 19-1013 PD/01 E

Application Ref: FULL/2023/0743

Property Ref: C01914A001

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.No development, including site works, shall begin on site until each tree shown to be retained on the approved plan has been protected, in a manner previously agreed in writing by the Authority. Each tree shall be protected in the agreed manner for the duration of building operations on the application site. Within the areas agreed to be protected, the existing ground level shall be neither raised nor lowered, and no materials or temporary building or surplus soil of any kind shall be placed or stored thereon.

Reason - The trees are important features in the area and this condition is imposed to make sure that they are properly protected while building works take place on the site.

5.The landscaping scheme shall be fully completed, in accordance with drawing 19-1013/PD/01E, in the first planting season following the removal of any of the existing trees or the first use of the hereby approved car park whichever is the sooner, or in accordance with a programme previously agreed in writing by the Authority. 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.

6.Prior to the first use of the hereby approved car park, a scheme showing the provision to be made for the parking of at least 8 cycles, under cover and secure, shall be submitted to and agreed in writing by the Authority and the agreed scheme shall be fully implemented. The provision for cycles shall thereafter be retained at all times.

Reason - To encourage the use of bicycles as an alternative to the car.

Expiry Date: This permission will cease to have effect on **09/07/2026** 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/2023/0743
Property Ref: C01914A001
Valid date: 13/04/2023
Location: Field Adjacent To R H Gaudion Longue Rue Vale Guernsey
GY6 8LU
Proposal: Change of use of agricultural land to car park area with
associated landscaping (979 sqm).

Applicant: R H Gaudion & Sons 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. No development, including site works, shall begin on site until each tree shown to

be retained on the approved plan has been protected, in a manner previously agreed in writing by the Authority. Each tree shall be protected in the agreed manner for the duration of building operations on the application site. Within the areas agreed to be protected, the existing ground level shall be neither raised nor lowered, and no materials or temporary building or surplus soil of any kind shall be placed or stored thereon.

Reason - The trees are important features in the area and this condition is imposed to make sure that they are properly protected while building works take place on the site.

5. The landscaping scheme shall be fully completed, in accordance with drawing 19-1013/PD/01E, in the first planting season following the removal of any of the existing trees or the first use of the hereby approved car park whichever is the sooner, or in accordance with a programme previously agreed in writing by the Authority. 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.

6. Prior to the first use of the hereby approved car park, a scheme showing the provision to be made for the parking of at least 8 cycles, under cover and secure, shall be submitted to and agreed in writing by the Authority and the agreed scheme shall be fully implemented. The provision for cycles shall thereafter be retained at all times.

Reason - To encourage the use of bicycles as an alternative to the car.

OFFICER'S REPORT

Site Description:

The site consists of a small field which is laid to grass and planted with 8 mature trees. The field forms a corner plot to the east of the junction between Longue Rue, Route du Camp du Roi, Les Rouvets Road and Landes du Marche. The field is under the same ownership as and is adjacent to the R H Gaudion and Sons Ltd retail site which consists of a fuel service station and forecourt shop, hardware and DIY centre, garden and fencing centre and animal and pet feed centre.

The site is Outside of the Centres. The field is the subject of an Area Tree Protection Order comprising of 8 trees (2 Corsican Pine, 1 Silver Birch, 2 Grey Alder, 1 Italian Alder, 1 Common Alder and 1 Liquid Amber). The Area Tree Protection Order was first registered on 23/08/2019 and subsequently confirmed on 21/02/2020.

Relevant History:

07/12/2022 – PREA/2022/1969 – Pre-application advice regarding change of use of field for car parking.

14/04/2020 – FULL/2019/0929 – Application refused for the change of use of agricultural land to create staff car parking area with associated landscaping.

Existing Use(s):

Agricultural use class 28

Brief Description of Development:

Planning permission is requested to change the use of a parcel of agricultural land to create a staff car park for 14 vehicles for the adjoining R H Gaudion and Sons Ltd retail site.

The application was accompanied by a Tree Assessment report dated 18/07/2022, proposed planting schedules and a Construction Environmental Management Plan.

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

Policy OC4: Retail Outside of the Centres

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

Policy GP1: Landscape Character and Open Land

Policy GP8: Design

Policy GP15: Creation and Extension of Curtilage

Policy IP7: Private and Communal Car Parking

Policy IP9: Highway Safety, Accessibility and Capacity

Representations:

None

Consultations:

Agriculture, Countryside and Land Management Services, 25/05/2023

“We received a consultation on the above application from yourself, dated 4th May 2023. Our response is as follows and focuses primarily on the presence of Tree Protection Order (TPO) on the site.

The original TPO assessment, done in 2019, identified eight trees on the site: Corsican pine x 2, Silver birch, Italian alder, Grey alder, Liquidamber, Common alder & Grey alder.

We advise that overall the landscape plan proposed is acceptable. It seeks to retain two existing trees and includes a significant number of new trees into the planting, most of which may be regarded as native. The replacement of *Elaeagnus* around the boundary with a native hedge mix is welcome. Although only two of the eight trees are retained the proposed planting scheme will more than compensate for the loss, over time, in terms of making a positive contribution to native biodiversity and ecological value. Whilst the two trees proposed for retention are not native they will provide a level of visual amenity during the establishment of the new plantings.

It should be noted that there are a small number of minor discrepancies on the landscape plan. There is reference to alders being used in the new plantings but these are not detailed in the specification table. Common alder is worth considering in the mix since at the time of the assessment in 2019 the ground conditions were wet in places. This suggests poor drainage which raises the question of whether this has been considered in the design. Any change to the hydrology of the site would have implications for species selection. Where Scot's pine is referenced on the plan it should be Corsican pine and "*Castanea sativa* Liquidambar" identified for retention should read "Liquidambar". *Castanea sativa* is the Latin for Sweet chestnut which is not believed to be present on the site".

Summary of Issues:

The main issues in deciding this application are:

1. Whether the principle of the development is acceptable.
2. The impact of the development on the appearance and landscape character of the area.
3. Parking provision and traffic management.

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).**

Planning permission was refused for the change of use of agricultural land to create a staff car parking area in April 2020 (FULL/2019/0929). The application was refused on account that the removal of 6 of the 8 existing protected trees and the replacement of approximately 55% of the surface area of the existing undeveloped open space with a car park would have a significant and unacceptable detrimental impact on the landscape character and local distinctiveness of the area.

This current revised application involves creating a car park area with 14 spaces (as opposed to the previous 20 spaces) over a smaller proportion of the land and includes a revised landscape scheme. In addition, the application is supported by a

Tree Assessment report which provides information about the condition of each of the existing trees.

There are no car parking standards for sites situated Outside of the Centres. As a comparison, if the site was situated in the Main Centre Outer Areas, the stated footprints of the various retail and ancillary storage elements would result in a maximum car parking provision of 93 spaces (total stated floor area of 1857m², Main Centre Outer Area retail uses have maximum provision of 1 space per 20m²). The stated footprints appear to underestimate the total floor area as they do not appear to include first floor areas. The proposed car park would result in a total on-site provision of 85 spaces. In addition, the site is not well served by public transport and the nature of many of the items for sale at the site limits opportunities for customers to use alternative modes of transport. The car park would not increase the retail floor area of the site. As a result, the provision of 14 car parking spaces could constitute a development of limited scale to provide for minor alterations to facilitate the continuation of the existing retail use at its current level of operation. Consequently, the principle of the development is supported by Policy OC4 providing that the development would not have an unacceptable adverse impact on the visual character and amenity of the locality and it accords with other relevant policies of the Island Development Plan.

The site is not within an Area of Biodiversity Importance or an Agriculture Priority Area and the proposed change of use would not of itself have an adverse impact on or affect the amenities of neighbouring residents. The removal of the existing *Elaeagnus* hedge around the boundary and its replacement with a native mixed hedge would enhance the landscape character of the area and the biodiversity value of the site.

The site forms a highly visible parcel of land adjacent to a busy junction and comprises of a pleasant undeveloped open space providing a break in the built up ribbon development along the highways, particularly when travelling along Route du Camp du Roi and Landes du Marche. The existing trees on the site form a backdrop in views along the highways and make an important contribution to the landscape character and local distinctiveness of the area. The Authority has formally recognised this by imposing an Area Tree Protection Order covering all of the existing 8 trees on the site. Section 42(b) of the Law requires special attention to be paid to the desirability of protecting protected trees, establishing a high threshold when considering proposals for the removal of protected trees.

The submitted Tree Assessment report notes that 2 of the trees (T4 and T8) are poorly formed and are recommended for removal having been classified as category U trees in accordance with BS5857 (2012). 4 of the trees are classified as trees of low quality category C trees, whilst 2 trees (T1 and T5) are categorised as trees of moderate quality category B. The proposed landscape scheme is a significant enhancement on the previously refused scheme and includes a significant number of new trees, most of which may be regarded as native. The replacement of the *Elaeagnus* hedge around the boundary with a native mixed hedge is welcomed.

Although the proposal will result in the loss of 6 of the existing trees and there will be a short to medium term detrimental effect on the landscape character of the area as the new planting establishes itself, in the medium to long term, the proposed planting scheme will adequately compensate the visual impact of the loss of the trees on the landscape character of the area and will more than compensate for the loss in terms of making a positive contribution to native biodiversity and ecology. In addition, whilst the two trees proposed for retention are not native, they will provide a level of visual amenity during the establishment of the new plantings.

The revised scheme including a reduced area of car parking and deeper landscaped boundaries along the highways will provide sufficient screening and the proposal would not have an unacceptable impact on the visual character and amenity of the locality. The proposal accords with Policies GP1, GP8, GP15 and OC4.

The Construction Environmental Management Plan (section 10.9) sets out that fencing and ground protection measures will be adopted to avoid ground compaction or soil disturbance within the root protection area of trees. Details of which can be dealt with by condition.

As discussed above, in the absence of any specific car parking standards for sites Outside of the Centres and considering the comparison with car parking standards for sites within Main Centre Outer Areas, the limited public transport provision and the nature of the retail use which limits opportunities for customers to use alternative modes of transport, it is concluded that the proposed additional 14 car parking spaces could be justified in this instance.

To encourage a range of travel options, as set out in Policy IP6, the agent advises that at least 8 secure and covered bicycle spaces could be provided for staff and customers elsewhere on the site, closer to the existing retail units. The agent suggests a condition for bicycle parking to be agreed and implemented prior to the use of the extended car park being first brought into use. This approach is supported and bicycle parking for the site can be dealt with by condition.

The additional spaces are proposed to be designated for staff parking. The proposal would result in no increase in the retail floor area of the site and the increased parking provision is unlikely to significantly increase the intensity of the use of the site or have any significant additional adverse effects on traffic management.

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: 05/07/2023

