

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 1.5 storey detached building for staff accommodation and storage and extend car park to north of site.

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: 07/12/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 13/09/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: A7 Design Limited: 21-1330-P2/PD/01A & /02A.
Tree Dimensions Landscape Design dated 24/11/2023

Application Ref: FULL/2023/1547

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.For the avoidance of doubt, this decision authorises the building hereby approved to be used only as staff accommodation and a store in association with and ancillary to the existing care home and for no other purpose.

Reason - Permission has been granted on the basis that the use will be limited to that outlined above. Any other use is likely to raise different planning policy considerations.

5.The landscaping scheme shall be fully completed, in accordance with drawing number 21-1330-P2/PD/01A and the Tree Dimensions Landscape Design dated 24/11/2023, in the first planting season following the first occupation of any part of the development or completion of development 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.

6.The bicycle store shall be completed and made available for use prior to the first occupation of any part of the development or the completion of the development whichever is the sooner.

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

Expiry Date: This permission will cease to have effect on 06/12/2026 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/2023/1547
Property Ref: C003780000
Valid date: 13/09/2023
Location: Gardenia Lodge Residential Home La Rue Batee Vale
Guernsey GY3 5NR
Proposal: Erect 1.5 storey detached building for staff accommodation
and storage and extend car park to north of site.

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.

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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:

31/03/2023 – FULL/2023/0010 – Permission granted to demolish extensions, extend and alter at ground floor, 1st floor and 2nd floor level, erect fencing and gates.

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 detached staff accommodation.

Existing Use(s):

Residential use class 4: specialised housing

Brief Description of Development:

Planning permission is requested to erect a 1½ storey detached building for staff accommodation and storage and to extend the car park to the north. The staff accommodation would comprise of 3, one bedroom units and would take the form of a traditional outbuilding finished with timber clad walls, brown/grey aluminium fenestration and a red/brown tiled 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, 27/09/2023

"I have reviewed the proposed plans for new staff accommodation which were received by email on 19th September and I do not wish to raise any objections to the proposals.

I should like to draw the applicants attention to

<https://www.gov.gg/housingstandards> which details the current minimum standards for rental accommodation. It should be noted that the States of Guernsey passed the Housing (Standards and Regulation) (Enabling Provisions) Law in 2021. The purpose of this law is to enable the drafting of legislation which will improve rental property housing standards, including houses in multiple occupation. The applicant is advised to consider the application in relation to future legal requirements, and I would be happy to discuss any proposed amendments to the submitted plans.

I would be grateful if these issues are considered during the determination of this application".

Summary of Issues:

The main issue in deciding this application is the scale, design and impact of the development on the appearance and character of 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).**

The 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.

Information has been submitted regarding the need for the proposed staff accommodation. Together with its siting and relationship with the existing care home, the use of the building as staff accommodation could be supported as an extension to an existing social and community facility under Policy OC2.

The scale and siting of the building would be subservient and well-related to the existing care home. The building achieves a good standard of design and respects the traditional form of the existing care home. Details of replacement and proposed planting has been submitted which includes tree planting along the roadside which will help to limit the visual impact of the development from public views. The scale and design of the building and the extended car park is appropriate for its setting, it would not undermine the vitality of the Centres and it accords with Policies OC2, GP1 and GP8.

The proposed staff accommodation and the previously approved extension are likely to result in a limited increase in vehicle movements to and from the site. Whilst the surrounding road network is narrow and not conducive to significant volumes of traffic, the likely limited increase in vehicle movements to and from the site is unlikely to have any significant adverse effects on road safety and traffic management. Secure and covered bicycle parking is indicated.

To the west and east the site is bounded by agricultural land and consequently the proposal is unlikely to have any adverse effects on the amenities of neighbouring residents.

The Office of Environmental Health and Pollution Regulation raise no objections to the proposal but highlight potential future changes to minimum standards for housing standards. The proposed staff accommodation provides a satisfactory living environment.

It is recommended that the application is approved.

Date: 06/12/2023

