

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 earth bank (retrospective).

LOCATION: Burnard Vinery, Route Des Long Camps, St. Sampson.

APPLICANT: The House Of Green

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: 20/05/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 24/12/2021 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Block Plan and hand drawn section (24/12/2022)

Application Ref: FULL/2022/0068

Property Ref: B01382A008

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.

Expiry Date: This permission will cease to have effect on 19/05/2025 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/2022/0068
Property Ref: B01382A008
Valid date: 24/12/2021
Location: Burnard Vinery Route Des Long Camps St. Sampson Guernsey
Proposal: Erect earth bank (retrospective).

Applicant: The House Of Green

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.

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.

OFFICER'S REPORT

Site Description:

The site known as Burnard Vinery is a small parcel of land to the west of La Route des Longs Camps and south of the tennis and padel club. There is a working vinery to the west, open agricultural land to the south and residential properties to the east. The property is located Outside of the Centres as defined in the Island Development Plan (IDP).

Relevant History:

There is no relevant history pertaining to this application.

Existing Use(s):

Agricultural use class 28: Agriculture

Assessment: *(Tick as appropriate)*

no representation

X

accords with policy

X

within curtilage

X

design acceptable

X

visual amenity acceptable

X

no material neighbour impact

X

traffic not affected

X

Policies considered most relevant:

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

GP1: Landscape Character and Open Land

GP8: Design

Consultations:

Comments received from Environmental Health 18/01/2022:

“There is currently insufficient information for me to be able to comment on this application.

There are no details of the source of the material that has been imported to the site and

limited details on what this is made up of. I can confirm that this office is currently

investigating contaminated land issues in relation to this site and as such requires clarification as to the material that has been used to create the earth bank. At a minimum the following is requested:

- Where was the material imported from?
- When was the material imported to the site?
- Who imported the material?
- How much material was imported?
- Was any testing carried out on the imported material?
- Was there any kind of assessment carried out on the material, e.g. visual/odour?"

Conclusion/Brief comment:

This is a retrospective application to erect an earthbank across part of the site, which would separate an old vinery reservoir, located on the southernmost part of the vinery, from the rest of the open grassed land, just north of the reservoir.

The land is agricultural, associated with the horticultural site to the west, although the reservoir appears disused. The reservoir is approximately a metre lower than the remainder of the site. The newly constructed earthbank runs across the site (east/west) closing the lower area off from the upper area, which would provide a safety feature.

The newly built earthbank respects the character of the area, located between development on three sides, and does not impact on the openness of the area. There will be no losses of any distinctive features, and the earthbank is considered to improve visual views to the south by hiding the old reservoir, which is not in a good state.

The application was initially deferred in order for the agent to collate the information requested by Environmental Health in respect of the quality of the soil used in the construction of the earthbank. No information has been received.

The investigation of potential contaminated land by Environmental Health is not however material to the consideration of this planning application, and can be pursued independently of the determination of the application. The form of construction indicated on the submitted plans is appropriate and the application can therefore be determined without the submission of further information.

Due to the nature and type of development, it is not considered necessary for the applicant to demonstrate that the proposal has been designed to take into account the criteria of Policy GP9 (Sustainable Development).

The proposals are considered to conform to the above policies of the Island Development Plan and grant of permission is recommended, subject to conditions.

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.

Recommendation:

Grant with Conditions



Date: 19/05/2022

