

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 single storey extension to south (rear) elevation to Unit 2 and balconies to all elevations of Units 1 & 3.

LOCATION: Birklands Vinery, Les Canus, St. Sampson.

APPLICANT: Mr P Gouveia

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: 22/09/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 07/07/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: A7 Design: 20-1239 WD/02C, 03C & 04C

Application Ref: FULL/2022/1257

Property Ref: B013680000

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.The 1.8m high privacy screens as shown on the approved plans, serving units 1 and 3, shall be glazed with obscure glass to a minimum of Level 3 on the Pilkington scale (or equivalent) and shall be installed prior to the respective terraces hereby approved being first brought and shall thereafter be retained at all times.

Reason - in the interests of neighbour amenity.

Expiry Date: This permission will cease to have effect on 21/09/2025 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/2022/1257
Property Ref: B013680000
Valid date: 07/07/2022
Location: Birklands Vinery Les Canus St. Sampson Guernsey GY2 4UJ
Proposal: Erect single storey extension to south (rear) elevation to Unit 2 and balconies to all elevations of Units 1 & 3.

Applicant: Mr P Gouveia

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).

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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. The 1.8m high privacy screens as shown on the approved plans, serving units 1 and 3, shall be glazed with obscure glass to a minimum of Level 3 on the Pilkington scale

(or equivalent) and shall be installed prior to the respective terraces hereby approved being first brought and shall thereafter be retained at all times.

Reason - in the interests of neighbour amenity.

OFFICER'S REPORT

Brief Description of the site:

The application site comprises a redundant vinery site, formerly known as Birklands Vinery, which is located to the south of Les Canus. Following the grant of planning permission to convert and extend the packing sheds to dwellinghouses work has commenced on site.

Surrounding the site the area comprises vineries to the north and south, with residential to the east and fields to the west.

The site is situated Outside of the Centres as designated in the Island Development Plan.

Relevant History:

FULL/2020/0926	Convert and extend packing shed to 3 dwellings with associated landscaping and parking.	Granted
FULL/2021/0013	Variations to plans previously approved to convert and extend packing shed to 3 dwellings with associated landscaping and parking - increase footprint of Units 1 and 3, alteration to fenestration of unit 2 and alter unit boundary lines.	Granted
FULL/2021/2255	Variations to plans previously approved to convert and extend packing shed to 3 dwellings with associated landscaping and parking - Erect garage/carport to west boundary and resurface service road.	Granted

Existing Use(s):

Residential.

Assessment: *(Tick as appropriate)*

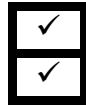
no representation
accords with policy

✓
✓

visual amenity acceptable
no material neighbour impact

✓
✓

within curtilage
design acceptable



traffic not affected



Policies considered most relevant:

GP8 Design
GP9 Sustainable Development
GP13 Householder Development

Conclusion/Brief comment:

Following a recent site visit, the blockwork of the approved units has been constructed, together with the installation of windows and doors and the roof, all in accordance with the approved plans. It is noted that the majority of the external cladding has been installed, although is not complete in certain areas.

Consideration has been given as to whether the level of construction that has taken place on site is sufficient to recognise the building as three dwelling-houses for the purposes of Policy GP13, or as a development site, which would result in the need to consider the current application under Policy GP16(B).

Under planning law, for a building to constitute a dwelling-house it must first be 'wind and watertight'. In this particular case, due to the extent of the construction taken place on site as described above, the building could reasonably be regarded as being 'wind and watertight', thus being recognised as dwelling-houses, which would engage with gateway Policy GP13.

Policy GP13 (Householder Development) states that proposals for the alteration and/or extension of residential properties within the residential curtilage, will be supported where there are no significant adverse effects on the amenities of neighbouring properties; the design, scale, mass and form would not detract from the open character of open locations; and they do not affect the special interest of Conservation Area, Area of Biodiversity Importance, protected building or protected monument.

The proposed extension adopts a good standard of design by virtue of its scale, form, massing, siting and materials. Due to its position and design, the proposed flat roof extension will not have a detrimental impact on the character of the area, visual amenity, or the amenities of neighbouring residents.

The additional terrace to the front of the property together with the increase in the terraces serving units 1 and 3 are also acceptable, subject to the privacy screens being comprised of obscure glazing to respect the amenities of neighbouring residents. It is recommended that a condition be attached to ensure that the privacy screens are installed prior to their first use and retained thereafter.

Sufficient information has been submitted that has taken into account the criteria of Policy GP9 (Sustainable Development).

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.

Based on the above, the application is considered compliant with the relevant Island Development Plan policies; it is therefore recommended that planning permission be granted, subject to conditions.

Recommendation:

Grant with Conditions



Date: 22/09/22

