

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: Sub-division of property to create additional dwelling (Residential Use Class 1) and alterations to fenestration.

LOCATION: Bergen, La Giffardiere, Albecq, Castel.

APPLICANT: Mr J R Lihou

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: 21/02/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 23/01/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Application Block Layout Plan; Plans & Elevations

Application Ref: FULL/2023/0091

Property Ref: D012060000

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 shall begin on site until a scheme for the boundary treatment between the rear amenity spaces of the existing and proposed residential properties has been submitted to and agreed in writing by the Authority. No use or occupation of the dwelling hereby permitted shall begin until the agreed scheme for boundary treatment has been fully completed.

Reason - To secure the privacy of the existing and proposed accommodation.

Expiry Date: This permission will cease to have effect on 20/02/2026 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

The area shaded red on the Application Block Layout Plan is accepted as the curtilage to be associated with the new dwelling hereby approved. The Authority does not however recognise all of the wider area of land outlined in red on that Plan as forming the domestic curtilage associated with the dwelling presently known as Bergen.

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/2023/0091
Property Ref: D012060000
Valid date: 23/01/2023
Location: Bergen La Giffardiere Albecq Albecq Castel Guernsey GY5 7HN
Proposal: Sub-division of property to create additional dwelling (Residential Use Class 1) and alterations to fenestration.

Applicant: Mr J R Lihou

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 shall begin on site until a scheme for the boundary treatment between the rear amenity spaces of the existing and proposed residential properties

has been submitted to and agreed in writing by the Authority. No use or occupation of the dwelling hereby permitted shall begin until the agreed scheme for boundary treatment has been fully completed.

Reason - To secure the privacy of the existing and proposed accommodation.

INFORMATIVES

The area shaded red on the Application Block Layout Plan is accepted as the curtilage to be associated with the new dwelling hereby approved. The Authority does not however recognise all of the wider area of land outlined in red on that Plan as forming the domestic curtilage associated with the dwelling presently known as Bergen.

OFFICER'S REPORT

Brief Description of the site:

Bergen stands above Albecq on the northern side of La Giffardiere. The domestic curtilage is limited to the south-east part of the site and comprises a dwellinghouse and former linked garage. The garage is presently in (authorised) use as a chiropody clinic. Parking is available in the south-east corner of the site. The majority of the property falls outside the domestic curtilage with fields to the west and scrub to the north.

The site is located Outside of the Centres within the Island Development Plan.

Relevant History:

PREA/2022/1905 Pre-application enquiry regarding subdivision of property to form additional residential unit.

PAPP/2007/0659 Extend chiropody clinic. Approved 26/07/2007, conditional upon:

4. The use hereby approved shall not be carried on otherwise than in strict accordance with the details set out in the letters of application dated 08/07/2002 and 02/03/2007 and within the terms of Residential Use Class 5 of the Island Development (Use Classes) Ordinance, 1991, or of any provision equivalent to that Use Class in any Ordinance replacing or re-enacting that Ordinance.

5. The permission granted shall be personal to the applicant and on the applicant ceasing to occupy the premises, the use for which the permission is hereby granted shall be discontinued and the current use of the premises as Residential Use Class 1 shall be resumed.

P.5A Extend and alter garage to create a consultation room. Approved 12/11/02 – max. no. of clients would be 4 per day; max. no. of hours 10 per week; 8 parking spaces stated to be available. Conditioned as ancillary to the use of the dwelling by its occupants.

Existing Use(s):

Residential Use Class 5

Assessment: *(Tick as appropriate)*

no representation

☒

accords with policy

☒

within curtilage

☒

design acceptable

☒

visual amenity acceptable

☒

no material neighbour impact

☒

traffic not affected

☒

Policies considered most relevant:

OC1 Housing Outside of the Centres

GP8 Design

GP9 Sustainable Development

IP6 Transport Infrastructure and Support Facilities

IP7 Private and Communal Car Parking

Conclusion/Brief comment:

Permission is sought under this application to subdivide the existing property, retaining the main house as one unit and the current chiropody clinic as a separate 1 bed unit.

The chiropody clinic is authorised as an ancillary function to the residential use of the property and, whilst currently still in operation, when that use ceases the accommodation would revert back to forming part of the main house, falling within Residential Use Class 1. The proposal would therefore comprise the subdivision of an existing residential property, falling to be considered under Policy OC1, in addition to the relevant General and Infrastructure policies outlined above.

The proposed subdivision would be compatible with the character and amenities of the surrounding area, would provide a satisfactory living environment for both the proposed and existing units, and no extension is proposed. Details of the proposed means of division of the rear amenity space should however be required by condition.

Alterations to the building would be limited to the installation of a window in place of the existing garage door, and there would be no adverse impacts on the character or visual quality of the area.

Adequate parking is provided for both units and cycle storage is to be provided within an existing shed to the rear of the proposed new unit.

Confirmation has been received that the proposed development has been designed to take into account matters of energy efficiency and current Building Regulations in accordance with Policy GP9.

The proposed use would represent a resumption of the residential use of that part of the site, albeit at a slightly greater intensity, and would not have any adverse impacts on the amenity of adjoining properties.

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: 20/02/23

