

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: Remove and plant replacement hedge and erect shed to west boundary (Retrospective)

LOCATION: Bramble Lodge, La Ville Baudu, Vale.

APPLICANT: Mr & Mrs L Butler

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: 16/06/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 22/03/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: 'Proposed shed' drawing and annotated plan (both date stamped received 27th May 2022).

Application Ref: FULL/2022/0403

Property Ref: C010700000

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 boundary hedge shown on the approved block plan (date stamped received 27th May 2022) shall be planted in the first planting season following the grant of this permission. Any plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by plants of a size and species similar to those originally required to be planted.

Reason - in the interests of visual amenity and Conservation Area and to provide sufficient screening towards the replacement shed hereby approved.

5.Notwithstanding the information submitted, the north elevation of the hereby approved shed shall be finished in rendered blockwork within 2 months of the shed being brought into first use.

Reason - in the interest of visual amenity and to conserve the appearance of the Conservation Area.

Expiry Date: This permission will cease to have effect on 15/06/2025 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

For the avoidance of doubt, this decision permits the proposed shed, however named, to be used only for purposes incidental to the enjoyment of the dwelling house. Any use in connection with a trade or business would require a separate grant of planning permission.

Your attention is drawn to The Animal Welfare (Guernsey) Ordinance, 2012 and the need to comply with its provisions. The hedge may be used by nesting birds or other wildlife. You are therefore requested to remove the hedge outside of the main bird breeding season (March-July inclusive). If removal during the breeding season is considered essential, it is recommended that you contact La Societe Guernesiaise so that the site can be inspected prior to removal to ensure that any protected species present are not impacted by the works. La Société can be contacted on 07781 166924 or email info@societe.org.gg.

Your attention is also drawn to the biodiversity benefit of introducing native hedge planting to the site in place of the proposed Griselinia hedge. Should an alternative hedge plant be proposed, the applicant is requested to advise the Planning Service of this change.

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/2022/0403
Property Ref: C010700000
Valid date: 22/03/2022
Location: Bramble Lodge La Ville Baudu Vale Guernsey GY3 5AA
Proposal: Remove and plant replacement hedge and erect shed to west boundary (Retrospective)

Applicant: Mr & Mrs L Butler

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. The boundary hedge shown on the approved block plan (date stamped received 27th May 2022) shall be planted in the first planting season following the grant of

this permission. Any plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by plants of a size and species similar to those originally required to be planted.

Reason - in the interests of visual amenity and Conservation Area and to provide sufficient screening towards the replacement shed hereby approved.

5. Notwithstanding the information submitted, the north elevation of the hereby approved shed shall be finished in rendered blockwork within 2 months of the shed being brought into first use.

Reason - in the interest of visual amenity and to conserve the appearance of the Conservation Area.

INFORMATIVES

For the avoidance of doubt, this decision permits the proposed shed, however named, to be used only for purposes incidental to the enjoyment of the dwelling house. Any use in connection with a trade or business would require a separate grant of planning permission.

Your attention is drawn to The Animal Welfare (Guernsey) Ordinance, 2012 and the need to comply with its provisions. The hedge may be used by nesting birds or other wildlife. You are therefore requested to remove the hedge outside of the main bird breeding season (March-July inclusive). If removal during the breeding season is considered essential, it is recommended that you contact La Societe Guernesiaise so that the site can be inspected prior to removal to ensure that any protected species present are not impacted by the works. La Société can be contacted on 07781 166924 or email info@societe.org.gg.

Your attention is also drawn to the biodiversity benefit of introducing native hedge planting to the site in place of the proposed Griselinia hedge. Should an alternative hedge plant be proposed, the applicant is requested to advise the Planning Service of this change.

OFFICER'S REPORT

Brief Description of the site:

The application site comprises a traditional, end of terrace property located to the north of La Ville Baudu.

Planning permission is sought to remove a hedge and summerhouse and erect a replacement shed and hedge to the west boundary. The shed will be 2700mm high (with a pent style roof) x 4200mm long x 3200mm wide.

Following a site visit to the property, it was observed that works had already commenced on site and therefore retrospective permission is sought.

The applicant has provided additional information in respect of the replacement hedge to the west of the application site. It is also understood that the replacement hedge comprises of Griselinia, with 6 specimens at approximately 1m high, and planted at 750mm spacing.

Relevant History:

None germane to this application.

Existing Use(s):

Residential

Assessment: *(Tick as appropriate)*

no representation	☒	visual amenity acceptable	☒
accords with policy	☒	no material neighbour impact	☒
within curtilage	☒	traffic not affected	☒
design acceptable	☒		

Policies considered most relevant:

GP4 Conservation Areas
GP8 Design
GP9 Sustainable Development
GP13 Householder Development

Comments:

La Societe Guernesiaise's comments:

"In respect of this application, we would like to highlight that all types of hedges support nesting birds and other wildlife. We support the removal of the bamboos which are non-native and invasive. However, if the application is approved, we would request that the removal of the hedge be undertaken outside of the main bird breeding season (March-July inclusive). If removal during the bird breeding season is considered essential, then we would recommend that the hedge is inspected for current or recent use by birds (and other wildlife) by a suitably qualified person prior

to removal. This would reduce the risk of disturbing or destroying animals which are protected under the Animal Welfare Ordinance 2012.

We would request that an informative note be added to the Information Sheet as follows -

Your attention is drawn to The Animal Welfare (Guernsey) Ordinance, 2012 and the need to comply with its provisions. The hedge may be used by nesting birds or other wildlife. You are therefore requested to remove the hedge outside of the main bird breeding season (March-July inclusive). If removal during the breeding season is considered essential, it is recommended that you contact La Societe Guernesiaise so that the site can be inspected prior to removal to ensure that any protected species present are not impacted by the works. La Société can be contacted on 07781 166924 or email info@societe.org.gg.

Finally, we would ask whether there could be provision for a replacement native hedge or some new natural screening in order to screen the proposed shed."

Conclusion/Brief comment:

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.

The proposed shed will be in a similar position to the existing summerhouse and will adopt a similar design in terms of its size. Despite the shed being in close proximity to La Ville Baudu, the property is served by a garden to the side (west) of the property and therefore it is considered a reasonable aspiration of the homeowner to position a shed in this manner. Furthermore, the shed will be sited behind the forward building line of the property and the impact on the locality would not significantly alter from the existing situation. The scheme will achieve a high standard of design for the purposes of Policy GP8 when taking into account the sensitive surroundings (Policy GP4) and the replacement hedge planting scheme.

Whilst it would be encouraged to plant native species, it is considered a reasonable aspiration to plant a non-native species when taking into account the degree of flexibility afforded to householder development as set out in Policy GP13, particularly when the site is located predominately in a residential area. Nonetheless, an informative note could be placed on the permission drawing attention to the benefit of using native planting on the site.

Overall, the proposal is not considered to adversely affect the character and appearance of the Conservation Area, or the amenities of neighbouring residents.

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

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: 13/06/22

