

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 replace hedges from west, north and east boundaries.

LOCATION: Studio One, Garenne Park, Rue De La Cache, St. Sampson.

APPLICANT: Joint Investment Properties

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: 20/10/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 13/04/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Tyrrell Dowinton Associates: 2121/04.01A & 04.02.

Application Ref: FULL/2022/0934

Property Ref: B01505D000

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 use of *griselina littoralis* as a replacement hedge species is not approved. The existing hedge shall not be removed until an alternative replacement hedge plant has been submitted to and agreed in writing by the Authority. The replacement hedge shall be planted in the first planting season following removal of the existing hedge.

Reason - To make sure that a satisfactory hedge species is planted in line with the Strategy for Nature.

5.Any digging undertaken within the Root Protection Areas of the trees located along the boundaries of the site shall be undertaken and back-filled by hand and any tree roots encountered with a diameter of 5cm or more shall be left unsevered.

Reason - The trees are important features in the area and this condition is imposed to make sure that they are properly protected while works take place on the site.

Expiry Date: This permission will cease to have effect on 19/10/2025 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

Appropriate hedge species are identified within the Trees and Hedges in Guernsey booklet.

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/2022/0934
Property Ref: B01505D000
Valid date: 13/04/2022
Location: Studio One Garenne Park Rue De La Cache St. Sampson
Guernsey
Proposal: Remove and replace hedges from west, north and east
boundaries.
Applicant: Joint Investment Properties

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 use of *griselina littoralis* as a replacement hedge species is not approved. The existing hedge shall not be removed until an alternative replacement hedge plant has been submitted to and agreed in writing by the Authority. The replacement hedge shall be planted in the first planting season following removal of the existing hedge.

Reason - To make sure that a satisfactory hedge species is planted in line with the Strategy for Nature.

5. Any digging undertaken within the Root Protection Areas of the trees located along the boundaries of the site shall be undertaken and back-filled by hand and any tree roots encountered with a diameter of 5cm or more shall be left unsevered.

Reason - The trees are important features in the area and this condition is imposed to make sure that they are properly protected while works take place on the site.

INFORMATIVES

Appropriate hedge species are identified within the Trees and Hedges in Guernsey booklet.

OFFICER'S REPORT

Brief Description of the site:

The site known as 'Studio One' is a commercial building which is part of Garenne Park. Rue a Chiens runs along the east boundary, Garenne Park access road runs along the north boundary and other commercial buildings are to the north (across the road), east and south. There are residential dwellings across the road to the east.

Relevant History:

FULL/2022/0289 - Erect covered entrance, install cladding to north-west elevation, remove hedge to alter parking area and vehicle access and erect signage – Approved April 2022.

FULL/2021/1890 – Alterations to fenestration – Approved October 2022.

Existing Use(s):

Commercial

Brief Description of Development:

Initially the application was to remove the trees and hedges from the west, north and east boundaries and replace with new hedging.

After a letter of representation from the Guernesiaise Societe and a site visit, the trees along the roadside eastern boundary were considered to be visually important and so ACLMS carried out a tree survey and decided they could be grouped as a TPO.

The applicants have decided to omit the removal of trees from the application and to continue with replacing the hedges, which are not in a good condition.

Relevant Policies of any Plan, Subject Plan or Local Planning Brief:

GP1: Landscape Character and Open Land

OC3: Offices, industry and Storage and Distribution Outside of the Centres

GP8: Design

Representations:

La Societe Guernesiaise 22/06/22:

'In respect of this application, we would like to highlight that all types of trees and hedges support nesting birds and other wildlife. In addition, such features provide important natural screening for this industrial park, which is situated adjacent to La Garenne Nature Reserve, designated an Area of Biodiversity Importance.

In recent years, we have seen numerous applications to remove trees which are deemed 'poor' or 'imperfect' specimens. However, we do not support the stance that only 'perfect' trees are worth retaining. As long as specimens are generally healthy and do not pose a risk to human safety or infrastructure, we would recommend that they are retained where possible.

If this application is subsequently approved, we would recommend replacement planting of trees and hedges of suitable species be undertaken in the first available planting season.'

Consultations:

Agriculture, Countryside & Land Management Services 28/07/22:

'Please find attached my assessment of the seven trees which make up the line along the boundary between Studio 1 at Garenne park and the Rue a Chien. I have also completed the original TPO amenity assessment as best I can – there are one or two questions to which I do not have the answers. As is often the case with a line of trees, some of them, individually, wouldn't make the grade but, on balance, there is a justification for applying a group TPO but recognising that this should come hand in

hand with an expectation from all parties that any Order would need to be subject to a regular review. This to ensure the amenity value (which primarily come from screening and softening the impact of development) is retained in the longer term.

This assessment is, of course, only in regard to the justification for the making, or not, of a TPO. Whilst I have commented on the hedge and briefly the importance of native species in supporting biodiversity, as part of any site assessment you may wish to receive comment (if you haven't already) from other specialist ACLMS staff, specifically on biodiversity of the site as a whole and how any development might contribute to this.

Section of report:

This line of trees is a good example of where the amenity value of the line as a whole is greater than the sum of the parts. Two of the seven trees are Ash (trees B & F) and trees of this size are likely to succumb to Ash dieback within ten years since the disease appears to have become firmly established in Guernsey since it was first recorded, in the island, in 2018.

Two of the trees are Willows which have been severely truncated in the past. These trees would need to be on a regular pruning regime to minimise risk to people and property from branch failure. It should be noted that this would require cutting back to just above the original pollard points which action would temporarily remove the screening value for a year or so.

The hedge is noteworthy in itself. Whilst it is not a particularly vigorous hedge it is in fair condition overall and it has a diverse species mix including native Sloe, Hawthorn, Gorse & an Ivy component. It does also include non-native Eleagnus and Pittosporum but this does not detract from the hedge's value as a screen and a habitat for nesting birds. The site as it currently stands is very challenging in terms of supporting tree and hedge plants. The presence of tarmacked and compacted surfaces which surround the tree/hedge line, almost right up to the stems, will limit growth and longevity. However if the site is to be redeveloped there is a strong case for retaining this area for trees & hedging, to continue to provide screening and to soften the impact of new buildings. This should be done on a sustainable basis so the border that currently holds the trees and hedges can be improved, for example the partial removal of tarmacked surfaces to enable air/water exchange and mulching, to support healthy root development and longevity.,

Therefore, on balance, although a number of trees would, individually, not justify a TPO there is merit in applying a group order, with the proviso that the Order be reviewed on a regular basis to ensure that, where required, trees and hedging are being maintained and where necessary, replaced.'

Summary of Issues:

- Design of the development.
- Impact of the development on the character and appearance of the area.
- Impact of the development on neighbouring properties.

Assessment against:

1 - Purposes of the law.

The objectives of the Law, as set out in Section 1(2), have been considered and this forms part of the assessment of policy issues as set out in 2 below.

2 - Relevant policies of any Plan, Subject Plan or Local Planning Brief.

Since the removal of the trees have been omitted, it is just the replacement of the hedges which requires assessment.

The agent has explained that the area is to be re-paved, so hopefully, they will take ACLMS advice about allowing the plants to have more breathing space around the roots into consideration, especially along the eastern boundary.

The hedges along the north and western boundaries are in areas completely dead, so their replacement does seem appropriate to allow for biodiversity enhancement. However, native species must be used as replacements. This will be conditioned.

The hedge along the eastern boundary must be removed carefully so as not to impact on the protected trees, again this will be conditioned.

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

3 - General material considerations set out in the General Provisions Ordinance.

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. Where relevant the issues are considered in section 2 above.

4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).

The proposal would have no impact on Protected Buildings, Trees or Monuments or on SSS's.

Date: 14/10/2022

