

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: Variation to previously approved plans to remove hedge and earth bank and erect wall and plant hedge and alter vehicle access to west (roadside) boundary - omit hedge and create planter.

LOCATION: Maison D'Amour, Steam Mill Lane, St. Martin.

APPLICANT: Mr & Mrs R Vidamour

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: 25/04/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 22/08/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: G E Le Friec: 2117 / 1B

Application Ref: FULL/2022/1713

Property Ref: J004460000

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 on or before 22/03/2025.

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 permission hereby granted relates only to the variation specified above. In all other respects the development shall be carried out in full accordance with the permission dated 23/03/2022, issued under planning application reference FULL/2021/2040, and subject to the terms and conditions thereof.

Reason - To limit the effect of the permission to the specified variation only.

5.Prior to the existing hedge being removed, a landscaping scheme, to include those details specified below, must be submitted to and agreed in writing by the Authority:
i) full details of hedge planting noting the species, sizes, numbers and densities of plants;

Reason - To make sure that a satisfactory landscaping scheme for the development is agreed, in order to help assimilate the development into its surroundings.

6.The hedge planting scheme shall be fully completed, in accordance with the details agreed under the terms of the above condition, in the first planting season following the completion of development, or in accordance with a programme previously agreed in writing by the Authority. Any trees or plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by trees or plants of a size and species similar to those originally required to be planted.

Reason - To make sure that the appearance of the completed development is satisfactory and to help assimilate the development into its surroundings.

Expiry Date: This permission will cease to have effect on 22/03/2025 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

Your attention is drawn to the Animal Welfare (Guernsey) Ordinance 2012 and the 2020 Strategy for Nature, and the need to comply with their 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 societe@cwgsy.net.

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/2022/1713
Property Ref: J004460000
Valid date: 22/08/2022
Location: Maison D'Amour Steam Mill Lane St. Martin Guernsey GY4 6NQ
Proposal: Variation to previously approved plans to remove hedge and earth bank and erect wall and plant hedge and alter vehicle access to west (roadside) boundary - omit hedge and create planter.
Applicant: Mr & Mrs R Vidamour

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 on or before 22/03/2025.

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 permission hereby granted relates only to the variation specified above. In all other respects the development shall be carried out in full accordance with the permission dated 23/03/2022, issued under planning application reference FULL/2021/2040, and subject to the terms and conditions thereof.

Reason - To limit the effect of the permission to the specified variation only.

5. Prior to the existing hedge being removed, a landscaping scheme, to include those details specified below, must be submitted to and agreed in writing by the Authority:
i) full details of hedge planting noting the species, sizes, numbers and densities of plants;

Reason - To make sure that a satisfactory landscaping scheme for the development is agreed, in order to help assimilate the development into its surroundings.

6. The hedge planting scheme shall be fully completed, in accordance with the details agreed under the terms of the above condition, in the first planting season following the completion of development, or in accordance with a programme previously agreed in writing by the Authority. Any trees or plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by trees or plants of a size and species similar to those originally required to be planted.

Reason - To make sure that the appearance of the completed development is satisfactory and to help assimilate the development into its surroundings.

INFORMATIVES

Your attention is drawn to the Animal Welfare (Guernsey) Ordinance 2012 and the 2020 Strategy for Nature, and the need to comply with their 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 societe@cwgsy.net.

OFFICER'S REPORT

Site Description:

The application site comprises a detached dwelling house which is located to the east of Steam Mill Lane. The roadside boundary features a hedgebank. The front boundaries of neighbouring properties are typically comprised of a hedgebanks, tree lined earthbanks and natural stone and rendered walls.

The property is located Outside of the Centres as defined in the Island Development Plan.

Relevant History:

FULL/2021/2040	Remove hedge and earth bank and erect wall and plant hedge, and alter vehicle access to west (roadside) boundary.	Granted
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Existing Use(s):

Residential

Brief Description of Development:

Planning permission was granted in 2022 (FULL/2021/2040) to remove a roadside hedge bank and erect a wall and plant a replacement hedge, and alter the vehicle access to the west (roadside) boundary. The replacement hedge was sited behind the proposed low granite wall.

Permission is now sought to vary that permission (FULL/2021/2040) to omit the replacement hedge and erect a wall with an integrated planter. The wall will be finished in granite faced blockwork and the planter will be 300mm wide and 550mm deep. The main difference between the two applications is to incorporate a 'hedge' within the planter, rather than planting a new hedgerow behind the granite faced wall.

No alterations are proposed to the access point. The vehicle access will remain 4500mm wide, as approved as part of application FULL/2021/2040. The height of the roadside wall has not changed in light of the approved scheme.

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

GP8 Design

GP13 Householder Development

Representations:

The Authority has received a letter of representation from one party objecting to the proposal. Grounds for objection principally relate to the following issues:-

- Removal of the hedge bank.
- Appropriateness of the shrubs to be used and the suitability of the proposed planter.

Consultations:

None.

Summary of Issues:

- Whether the incorporation of an integrated planter is appropriate in this location and whether there would be any impact of the development on the character and appearance of the area.

Assessment against:

- 1 - Purposes of the law.**
- 2 - Relevant policies of any Plan, Subject Plan or Local Planning Brief.**
- 3 - General material considerations set out in the General Provisions Ordinance.**
- 4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).**

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.

For the avoidance of doubt, the alterations to the access point and height of the roadside wall together with its finish is not under consideration as part of this application as these aspects of the development remain unchanged.

In light of the policy context above and the nature of the variation proposed, the development proposal seeks to retain the screen hedging, albeit within a planter and as such the appearance of the development and the impact on the character and appearance of the surrounding area is no different to that originally approved.

Providing, that conditions are attached relating to the planting of the hedging, the application is considered compliant with the relevant Island Development Plan policies and accords with the purpose of the Law and material considerations and is considered favourably.

Date: 25/04/23

