

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 replant hedge with temporary netting to south boundary (Protected Building) (retrospective).

LOCATION: 1 Cameron Place, Upper St Jacques, St. Peter Port.

APPLICANT: Mr D Sheil & Ms N Fielding

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: 15/03/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 07/12/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Site Location Plan and Block Layout Plan (both dated 7th March 2023), schematic plan of replacement planting (date stamped received 10th October 2022), photograph of replacement planting (received via e-mail dated 5th March 2023).

Application Ref: FULL/2022/1996

Property Ref: A206020000

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.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 ensure that the replacement planting scheme becomes established in the interests of visual amenity.

Expiry Date: This permission will cease to have effect on 14/03/2026 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/2022/1996
Property Ref: A206020000
Valid date: 07/12/2022
Location: 1 Cameron Place Upper St Jacques St. Peter Port Guernsey
GY1 1SU
Proposal: Remove and replant hedge with temporary netting to south
boundary (Protected Building) (retrospective).
Applicant: Mr D Sheil & Ms N Fielding

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. 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 ensure that the replacement planting scheme becomes established in the interests of visual amenity.

OFFICER'S REPORT

Brief Description of the site:

The application site comprises a semi-detached Protected Building which is located on the corner between Upper St. Jacques and La Gibauderie. The roadside wall is included in the listing of the Protected Building.

The property is in a Conservation Area as defined in the Island Development Plan.

Retrospective permission was refused in 2022 to remove a hedge and erect a timber fence along the south boundary of the property. The timber fence consisted of an interwoven appearance.

Retrospective permission is now sought to remove a hedge and plant a replacement Laurel hedge. The schematic drawing also shows a replacement cherry tree following the removal of a Protected Tree which was granted permission in 2021 (FULL/2020/2522).

Further clarification was sought in respect of the proposal. The applicant has provided updated site and block plans and has set out in their e-mail of 5th March 2023 that the hedge has been replaced and has provided a photograph from the inside of the rear garden.

It is also noted that the Cherry tree was planted but shortly died after planting, therefore as per application FULL/2020/2522, the tree will be replaced with a Birch tree during Spring 2023 during the planting season.

Relevant History:

FULL/2022/0021	Remove hedge and erect fence to south boundary (Protected Building) (retrospective).	Refuse
FULL/2020/2522	Fell a Protected Tree.	Granted

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
GP5 Protected Buildings
GP8 Design
GP13 Householder Development

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.

It is a requirement under the Land Planning and Development (Guernsey) Law, 2005, when considering applications affecting Protected Buildings and Conservation Areas, to secure so far as possible that the special historic, architectural, traditional or other special characteristics are preserved. These duties are reflected in Policy GP4 and Policy GP5 of the Island Development Plan respectively.

Roadside boundary treatments in the immediate locality are generally characterised by hedges, trees and low walls. As set out in the previous officer's report (FULL/2022/0021):

The removal of a hedge may be acceptable under the relevant planning policies, subject to the replacement boundary treatment adopting a high standard of design for the purposes of Policy GP8, preserving the special interest of a Protected Building and its setting (Policy GP5), and respecting the character and appearance of the Conservation Area (Policy GP4).

In light of the amendments secured following the refusal, the replacement hedge is of a suitable species and, in time, will have a neutral effect on the setting of the special interest of the protected building and the wider Conservation Area. On this basis, the proposal is compliant with the relevant planning policies.

The replacement Birch tree is controlled under permission FULL/2020/2522.

The development will not affect the amenities of neighbouring residents.

Recommendation:

Grant with Conditions



Date: 14/03/23