

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 hedge and stabilise earthbank to east (roadside) boundary.

LOCATION: Hougue du Pommier Cottage, Route de la Hougue du Pommier, Castel.

APPLICANT: Mr P Ogier & Miss D Rowe

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: 25/05/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 25/11/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: JGA: 2220.02.01B
CBL: 10659-200 P2
Letter from JGA dated 03/05/2023
Letter from JGA dated 17/03/2023

Application Ref: FULL/2022/2172

Property Ref: D017340000

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 planting along the top of the bank shall be fully implemented and completed, in accordance with the details submitted by letters dated 17/03/2023 and 03/05/2023 and as shown in Plan 02.01B in the first planting season following the completion of development, or in accordance with a programme previously agreed in writing by the Authority. 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 trees or plants of a size and species similar to those originally required to be planted.

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

5.All dowel heads used to fix the rock catch netting including bolts, plates and cables (but excluding the net itself) shall be self-coloured black or painted black within 28 days of installation.

Reason - To secure the satisfactory appearance of the completed development.

6.Prior to the commencement of any work to replace the existing privet boundary hedge, a landscaping scheme for this aspect of the approved works, to include those details specified below, shall be submitted to and agreed in writing by the Authority:

- i) full details of hedge planting;
- ii) planting schedules, noting the species, sizes, numbers and densities of plants.

Reason - To ensure a satisfactory external appearance in the interests of visual amenity.

7. The landscaping scheme for the replacement hedging within the residential garden shall be fully completed, in accordance with the details agreed under the terms of the above condition, in the first planting season following the first occupation of any part of the development or completion of development whichever is the sooner, 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.

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Expiry Date: This permission will cease to have effect on 24/05/2026 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/2022/2172
Property Ref: D017340000
Valid date: 25/11/2022
Location: Hougue du Pommier Cottage Route de la Hougue du Pommier
Castel Guernsey GY5 7XX
Proposal: Remove and replace hedge and stabilise earthbank to east
(roadside) boundary.
Applicant: Mr P Ogier & Miss D Rowe

RECOMMENDATION - Grant: Planning Permission with Conditions:

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OFFICER'S REPORT

Brief Description of the site:

The site is located at the junction of Route de la Charruee and Ruelle des Forfaitures, and the earth bank forms the boundary along Ruelle des Forfaitures.

The site is located Outside the Centre and the application is partially retrospective.

Relevant History:

PREA/2022/0831 – Advice given regarding the works to the earth bank, trees and hedge.

Existing Use(s)

Residential Dwelling- Class 1

Agricultural- Class 28

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:

GP1: Landscape Character and Open Land

GP8: Design

GP13: Householder Development

OC5(B): Agriculture Outside of the Centres – outside the Plan Agriculture Priority Areas

Conclusion/Brief comment:

The proposed replacement hedge is located within the residential curtilage of the dwelling while the proposed works to the earthbank fall within agricultural land located to the north of the residential garden.

The proposal involves the crown reduction of 5x holm oak trees and introduction of slope protection mesh to stabilise the bank which has subsided in parts. The existing trees remain mechanically stable and their binding ability contributes positively to the earth banks stability, although the size of the tree canopies and evergreen variety has resulted in low rainfall penetration which has resulted in the collapse of areas of the bank.

The trees are not subject to a protection order and are not protected by the conditions of any previous consent on the site.

The proposal involves the retrospective crown reduction of the five oaks, removal of significant and major deadwood and crown lifting to 5m above road height, in order to retain the existing trees which contribute positively to the character of the area, and increases the light and water penetration to the earthbank enabling the growth vegetation on the bank. The proposal also involves the retrospective use of slope protection mesh, hog ring connections and dowels to assist in reinforcing the bank. The external finishes of the dowels, hog rings and fixings to secure the mesh have been conditioned to be painted black to minimise the visual impact of the works.

No details were originally included regarding the seeding or planting of the bank, and the mesh was clearly visible during the site visit. A landscaping scheme was subsequently requested and has been considered by a member of the States Agriculture, Countryside and Land Management Service (ACLMS) team. They advised that the proposed planting is supported, although the proposed *Rosa rugosa* should be replaced with the native *Rosa canina*, and that allowing natural regeneration of the earth banks is often best and allows native species to germinate and establish, rather than seeding. Subsequently amended plans have been received which indicate the use of the native *Rosa canina*.

The mesh has been left unpainted, as it is envisaged that in the medium term the vegetation which will establish naturally on the banks will screen the mesh. Therefore, although the proposal may have a significant adverse visual impact in the short term, as vegetation establishes this impact will reduce and in the medium term the bank should recreate a natural bank, screening the mesh, and respects the rural landscape character of the area.

The proposal also includes the removal of an approx. 16m section of existing boundary hedging with replacement privet hedging to be grown to approx. the same height as the existing hedgerow (2m). This is located within the residential curtilage and is acceptable under Policy GP13.

It is considered reasonable and necessary to attach a condition to the permission to ensure that the spacing and height of the hedge is confirmed prior to the commencement of these works to ensure that the replacement hedge achieves an acceptable boundary treatment.

On balance, the proposal would not cause sufficient harm to the appearance of the surroundings and the character of the locality to substantiate a reason for refusal. The proposal does not conflict with Policies GP1, GP8 and GP13 where relevant.

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: 24/05/2023