

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 demolish and rebuild dwelling and extend domestic curtilage - Widen and alter vehicle access (field gated access), alter hardstanding/landscaping and demolish and rebuild roadside wall.

LOCATION: Sous Les Arbres, La Rue du Hamel, Castel.

APPLICANT: Mr & Mrs Cohen

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: 03/10/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 20/12/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: DLM Architects drawing no's: 1112_Revised Driveway and Roadside Planting Scheme , _7B, _8B, _9, _11A, _12A, _13B , & _15A

Application Ref: FULL/2023/0049

Property Ref: D000630000

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 03/11/2023.

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). In this case, as the application is for variations, the time period corresponds with the original permission under application reference FULL/2020/1121.

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 03/11/2020, issued under planning application reference FULL/2020/1121, and subject to the terms and conditions thereof.

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

5. Prior to demolition of the roadside wall ('refurbishment' works), full details, including a large scale elevation drawing, shall be submitted to and agreed in writing by the Authority.

Reason - To ensure that the wall is of a traditional construction that respects the style and appearance of the existing wall and the rural character of the surrounding area. The design and construction of the wall is ambiguous based on the information submitted.

6. Within 2 months of the vehicular access being widened, the roadside wall shall be made good to match as closely as possible to the existing roadside wall, or in accordance with the approved works to the wall as controlled by Condition 5.

Reason - in the interests of visual amenity and to ensure that the works are completed in a timely manner.

7. The landscaping scheme shall be fully completed, in accordance with the approved details, in the first planting season following the removal of the roadside trees (the subject of this application). 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 trees and associated landscaping is implemented within a reasonable timeframe to help assimilate the dwelling into its surroundings.

Expiry Date: This permission will cease to have effect on 02/10/2026 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

The applicant is advised that the replacement roadside wall should have a dry-stone wall appearance, comprised of a random granite rubble construction. The wall should re-use stone within the existing wall/earth bank as part of the 'refurbishment' works, with the larger boulders incorporated at the base of the wall to ensure that the wall respects the original character and appearance of the roadside wall and the wider countryside. The wall should not match the style of wall on the opposite side of the road.

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 trees may be used by nesting birds or other wildlife. You are therefore requested to undertake the works outside of the main bird breeding season (March-July inclusive). If the pruning works are considered essential during the breeding, it is recommended that you contact La Societe Guernesiaise so that the site can be inspected prior to pruning works 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/2023/0049
Property Ref: D000630000
Valid date: 20/12/2022
Location: Sous Les Arbres La Rue du Hamel Castel Guernsey GY5 7QJ
Proposal: Variation to previously approved plans to demolish and rebuild dwelling and extend domestic curtilage - Widen and alter vehicle access (field gated access), alter hardstanding/landscaping and demolish and rebuild roadside wall.

Applicant: Mr & Mrs Cohen

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 03/11/2023.

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). In this case, as the application is for variations, the time period corresponds with the original permission under application reference FULL/2020/1121.

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 03/11/2020, issued under planning application reference FULL/2020/1121, and subject to the terms and conditions thereof.

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

5. Prior to demolition of the roadside wall ('refurbishment' works), full details, including a large scale elevation drawing, shall be submitted to and agreed in writing by the Authority.

Reason - To ensure that the wall is of a traditional construction that respects the style and appearance of the existing wall and the rural character of the surrounding area. The design and construction of the wall is ambiguous based on the information submitted.

6. Within 2 months of the vehicular access being widened, the roadside wall shall be made good to match as closely as possible to the existing roadside wall, or in accordance with the approved works to the wall as controlled by Condition 5.

Reason - in the interests of visual amenity and to ensure that the works are completed in a timely manner.

7. The landscaping scheme shall be fully completed, in accordance with the approved details, in the first planting season following the removal of the roadside trees (the subject of this application). 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 trees and associated landscaping is implemented within a reasonable timeframe to help assimilate the dwelling into its surroundings.

INFORMATIVES

The applicant is advised that the replacement roadside wall should have a dry-stone wall appearance, comprised of a random granite rubble construction. The wall should re-use stone within the existing wall/earth bank as part of the 'refurbishment' works,

with the larger boulders incorporated at the base of the wall to ensure that the wall respects the original character and appearance of the roadside wall and the wider countryside. The wall should not match the style of wall on the opposite side of the road.

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 trees may be used by nesting birds or other wildlife. You are therefore requested to undertake the works outside of the main bird breeding season (March-July inclusive). If the pruning works are considered essential during the breeding, it is recommended that you contact La Societe Guernesiaise so that the site can be inspected prior to pruning works 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

Brief Description of the site:

The site is located Outside of the Centres in the Island Development Plan, and is within an Agriculture Priority Area.

Sous Les Arbres comprised a low profile single storey hipped roof bungalow located to the north-east of La Rue du Hamel. The dwelling is set below the level of the road, and the land falls away steeply to the north and north-east. The dwelling is visible in long views from the coastal road.

The property is bounded by open land to the north, east and south-east and is set against established tree cover on the rising land to the south and south-west. The property is bounded by a residential property to the north-west, which comprises a contemporary dwelling constructed in 2010.

Planning permission was granted in 2020 to erect a replacement dwelling as well as extending the domestic curtilage of the property.

Permission is now sought to vary the permission by widening and altering the vehicle access towards the south of the site, and to alter the hardstanding and landscaping to the front of the property. The proposal seeks to remove the majority of the existing trees parallel to the roadside and to plant a replacement hedgerow interspersed with various trees.

It is noted that 3 existing trees will be kept to the south of the southern vehicle access, 4 new trees (*Tilia europaea euchlora*) will be planted within Border 1 (middle of the existing accesses) and 7 trees (*Tilia europaea euchlora*, and *Alnus cordata*) will be planted within Border 2 (north of the northern vehicle access). 4 trees will be planted within Border 2 (within the centre of the proposed driveway) and 5 trees

planted along the north-western boundary. A mix of other trees and hedge planting is also incorporated into the landscaping scheme.

Concerns were raised over the landscaping scheme submitted and the introduction of non-native species as well as seeking clarification over the works to the roadside wall.

In response the agent has included additional native species as part of the proposed landscaping scheme in attempt to overcome the concerns raised. The agent has also noted that the visualisations in the drawings are for indicative purposes only with regards to the scale of the wall and the style of construction would be to match the adjacent roadside walls. It is noted on drawing 1112_7A that the granite roadside wall is to be rebuilt although it is not explicitly noted anywhere else on the drawings submitted or the proposal statement.

Further information was requested to clarify the statement to retain existing trees as the drawings submitted did not explicitly show their retention. The agent has amended the drawings to show the retention of 3 trees to the south-west of the application site. In addition, the agent has clarified that the tree setback from the road, towards the north-west corner of the site, is to be removed as it is a Cupressus species and it at the end of its life cycle.

Relevant History:

FULL/2020/1121	Demolish and rebuild dwelling and extend domestic curtilage	Granted
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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:

- GP1 Landscape character and open land
- GP7 Archaeological remains
- GP8 Design
- GP9 Sustainable Development
- GP13 Householder Development

GP15 Creation and extension of curtilage
OC5(A) Agriculture Outside of the Centres – within the Agriculture Priority Areas
IP7 Private and communal car parking

Comments - Agriculture, Countryside & Land Management Services (ACLMS)

Original comments (26th May 2023):

“Following an onsite assessment of the Sous les Arbres site and reviewed the proposed landscape plans. In answer to your specific question on the Monterey cypresses which form a boundary line of trees against the lane: I did not measure the stems to calculate an estimated age but from a basic assessment of the trees I would describe them as post mature and have entered their last third of their lives. This species typically lives less than a hundred years and as they mature become more prone to branches snapping and stems breaking.

In the photo above the typical structure of the cypresses can be seen. Often the trees are multi-stemmed with several main scaffold branch/stems arising from the same point – an inherent weak point. It is also a difficult tree to manage because the species does not grow back from pruning cuts to wood (as opposed to foliage). This results in the foliage of the canopy restricted to the upper third or less of the tree. The trees have reached a point where the risks of branch failure are difficult to manage. They are a non native species with a low wildlife value although they may offer sites for roosting and nesting for birds and possibly certain species of bats. The dense year round foliage can cast heavy shade and restrict the amount of rain reaching the ground. The lack of light and water makes the establishment of any new plantings under the canopy very difficult. In conclusion I support the removal of the Monterey cypresses on condition that the works are done outside the recognised bird breeding season and that bat surveys are conducted by an appropriate specialist to ensure compliance with the Animal Welfare Ordinance.

The landscape scheme scopes in the whole development site including the garden area on the other side of the new development, which runs down the slope. According to the habitat survey the area includes amenity grassland and in past surveys, parkland, coniferous and mixed woodland, although it is likely that the coniferous woodland may refer to the boundary line of trees. In summary the area, which is curtilage and constitutes a garden, does not hold a particular ecological value and has no specific biological designation such as a SSS or ABI. However the site is in a locality near to fields which have previously been surveyed as semi-improved grassland and so there is opportunity to support the biological value of the area through appropriate planting.

Many of the species included are non-native. Although typically a garden would likely contain a wide range of species many of which are not indigenous there is opportunity to tweak the balance in favour of more native selections. For example replacing Himalayan birch with Silver birch and Italian alder with Common alder. It is strongly recommended that the plantings along the Rue de Hamel reinforce the rural

character of the area. So borders 1, 2 & 8 should include the Tilia and Fagus but exclude the other species by replacing Alnus cordata with Alnus glutinosa. The ornamental holly suggested (Blue maid) should be replaced with species holly – Ilex aquifolium (ie no ornamental forms such as variegated types). A proportion of hedging species should also be included such as Hawthorn, Hazel and Sloe. The Loyd report suggests the use of evergreen oak. This species may be regarded as naturalised but has the capacity to become invasive. It should be used with care and not to the extent that it dominates any planting. See photo and note below about the proposed wall.

The plan proposes re-building the wall in a style which appears to mirror the wall opposite. The uniform nature of the build along with a uniformly trimmed hedge creates a more urbanised look which is alien in character to the surroundings. The picture below creates something akin to a channel which looks more akin to a luge than a country lane. If the rural quality of the area is to be reinforced such a uniform rebuild should be strongly resisted and any re-build should retain the informal and heterogenous nature of the boundary wall.”

Revised comments (16/08/23):

“I’ve now reviewed the revised plan and I am content with the changes to the planting scheme which run along the Rue de Hamel, which replace non-native with native.

I note on the plan that an additional or edited comment states: “...The wall is to be rebuilt to match the style and appearance of the adjacent roadside walls...” Following on from my previously stated concern about construction which reinforces urban rather than rural character: I am not sure if the comment refers to the loose stone wall on the same side as the proposed development or to the much more formal looking wall on the opposite side of the lane. Although commentary on the appearance of walls is outside our remit I would still wish to reiterate my view that an informal loose stone reconstruction would complement and reinforce the rural character which will be provided by the native planting.”

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.

As stated in the planning officer’s report of the original application (FULL/2020/1121) the trees parallel to the roadside help to maintain the landscape backdrop in long distance views from the coast and therefore are an integral part of the site and help to assimilate the development into the landscape:

“The trees on site are not however protected and this work would not have required planning permission. The majority of the trees to the south-west and

south-east of the dwelling however remain, maintaining the landscape backdrop in views from the coast.

Views from the adjacent Rue du Hamel to the south are limited by the tree and vegetation cover along the south-west boundary and on adjacent land, and, combined with the single storey nature and low profile of the existing building, and the lower ground levels on site, the impact of the existing building is limited. This neutral impact is however slightly undone by the materiality and design of the conservatory."

The application has been submitted with a landscaping plan as well as comments from an arboriculturist in which indicated that over the long term, "*consideration should be made to remove the row of trees entirely and create a new hedge with tree planting*".

No mention has been given in respect of the condition of the trees as part of the as part of the application as to why they should be removed from an arboriculturist. That said, the trees are mature specimens by virtue of their size and therefore are highly likely to be towards the end of their lifecycle as indicated on the drawings submitted. It is therefore reasonable in this circumstance to remove the trees, provided that a suitable landscaping scheme replaces the trees to the front of the dwelling.

The proposed landscaping scheme is comprehensive and seeks to plant native species, and will in time, mature and provide a similar backdrop to the dwelling-house when viewed in long distance views from the coast road, and from other vantage points.

The proposed width of the existing vehicle access is acceptable under Policy, provided the roadside wall is made good within a reasonable timeframe. The layout of the driveway together with the material and finish of the pavers are also acceptable.

Due to the ambiguity over the 'refurbishment' works to the roadside wall, it is considered necessary and reasonable to request a large-scale drawing of the wall is submitted to allow further consideration of this aspect of the proposed development. This is considered necessary given that parts of the information submitted describes the works as 'refurbishment' whilst other aspects of the application notes that the wall is to be rebuilt. An informative should also be attached to the decision to inform the agent that the replacement wall should replicate the dry stone construction of the existing wall to respect the character and appearance of the original wall and rural landscape character.

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, and accords with the purpose of the Law and material considerations; it is therefore recommended that planning permission be granted, subject to conditions.

Recommendation:

Grant with Conditions



Date: 02/10/23