

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 plans previously approved (FULL/2022/1463) - fell and replant trees (Condition 4).

LOCATION: Mont Saint Lodge, Rue Des Hougues, St. Saviour.

APPLICANT: Mr & Mrs J Thomason

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: 28/06/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 25/01/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Tyrrell Dowinton Associates: 2221/03.201 & .202A.

Application Ref: FULL/2023/0224

Property Ref: E006790000

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 03/11/2025.

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). In this case, as the application is for variations, the time period corresponds with the original permission under application reference FULL/2022/1463.

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 04/11/2022, issued under planning application reference FULL/2022/1463, and subject to the terms and conditions thereof.

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

5.The trees planting scheme shall be fully completed in accordance with the details set out on drawing no. 03.202A in the first planting season following the removal of Tree 3 and 5 or completion of development whichever is the sooner. Any trees removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by trees of a size and species similar to those originally required to be planted.

Reason - the trees are important features in the area and therefore the loss of the existing trees as shown on drawing no. 03.202A is acceptable, provided that they are appropriately offset by suitable replacement trees within a reasonable timeframe.

Expiry Date: This permission will cease to have effect on 03/11/2025 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 trees may be used by nesting birds or other wildlife. You are therefore requested to

remove the trees outside of the main bird breeding season (March-July inclusive). If removal during the breeding season is considered essential, it is strongly 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 via email info@societe.org.gg

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/2023/0224
Property Ref: E006790000
Valid date: 25/01/2023
Location: Mont Saint Lodge Rue Des Hougues St. Saviour Guernsey
Proposal: Variation to plans previously approved (FULL/2022/1463) - fell and replant trees (Condition 4).

Applicant: Mr & Mrs J Thomason

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 03/11/2025.

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). In this case, as the application is for variations, the time period corresponds with the original permission under application reference FULL/2022/1463.

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 04/11/2022, issued under planning application reference FULL/2022/1463, and subject to the terms and conditions thereof.

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

5. The trees planting scheme shall be fully completed in accordance with the details set out on drawing no. 03.202A in the first planting season following the removal of Tree 3 and 5 or completion of development whichever is the sooner. Any trees removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by trees of a size and species similar to those originally required to be planted.

Reason - the trees are important features in the area and therefore the loss of the existing trees as shown on drawing no. 03.202A is acceptable, provided that they are appropriately offset by suitable replacement trees within a reasonable timeframe.

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 trees may be used by nesting birds or other wildlife. You are therefore requested to remove the trees outside of the main bird breeding season (March-July inclusive). If removal during the breeding season is considered essential, it is strongly 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 via email info@societe.org.gg

OFFICER'S REPORT

Brief Description of the site:

Mont Saint Lodge is a late 1960s/early 1970s long pitched roof split-level bungalow with basement garage. It houses three bedrooms and has a front porch and flat-roofed rear conservatory.

Facing north-east, it is situated on Rue des Hougues on a very prominent ridge top corner site at the junction of Rue du Dos D'Âne and the steeply sloping Grande Rue.

The house is currently screened from public view to the immediate west as a result of the area's topography, mature planting along the north-west and south-west

boundaries and the much lower road level. Although visible on the skyline, it currently has a relatively low visual impact in longer views.

The site is situated Outside of the Centres and within an Agriculture Priority Area as defined in the Island Development Plan.

The site has been subject to multiple permissions in recent years to extend and alter the dwelling.

This application relates to vary the plans approved as part of application FULL/2022/1463 by virtue of felling two trees, T3 (Acer) and T5 (Pinus radiata), and replacing these trees with 2 new trees, including Judas Tree and Honey Locust with the size/girth of each tree being approx. 10-12cm, with a maximum height of approx. 4m. An evergreen shrub, including Sea Buckthorn, has also been incorporated.

The application has been supported by an arboricultural report in attempt to justify the removal of the trees and the suitability of the replacement trees.

The application was deferred over the suitability of the replacement tree species. In response, the agent has amended the drawings to include Silver Birch trees which are native to the British Isles.

Relevant History:

FULL/2022/2065	Permission granted to remove and replace section of hedge to north-west boundary.
FULL/2022/1463	Permission granted to extend and alter at lower ground floor and ground floor levels and landscaping, alter fenestration to front of dwelling and erect roadside wall to create pedestrian access and alter existing vehicle access, erect gate to side and front of dwelling.
FULL/2020/1064	Permission granted to extend and alter dwelling including raise ridge height to create additional storey, create balconies and raised terrace to rear (south-west) elevation and alter fenestration. Remove section of roadside bank to increase width of pedestrian access.
FULL/2018/1124	Permission granted to fell Monterey Pine tree (south-east boundary).
FULL/2017/1319	Permission granted for variations to plans previously approved - Replace flue with chimney and replace part of glazed guarding to balcony with a screening wall.

FULL/2017/0969	Permission granted to remove section of roadside wall and hedging on north boundary and erect new roadside wall.
FULL/2017/0027	Permission granted for variations to works previously approved to extend and alter dwelling - centralise gable (south-west elevation) and extend single storey extension and first floor balcony (south-east elevation), and install a flue.
FULL/2016/2075	Permission granted to remove section of timber balcony and replace existing door with window and block up opening (north-west elevation).
FULL/2016/0428	Permission granted to extend and alter dwelling (revised).

Existing Use(s):

Residential

Assessment: *(Tick as appropriate)*

no representation
 accords with policy
 within curtilage
 design acceptable

✓
✓
✓
✓

visual amenity acceptable
 no material neighbour impact
 traffic not affected

✓
✓
✓

Policies considered most relevant:

Policy GP1: Landscape Character and Open Land
 Policy GP8: Design
 Policy GP9: Sustainable Development
 Policy GP13: Householder Development

Comments:

La Societe Guernesiaise:

"In respect of this application, we would like to highlight that all types of trees and hedges can support nesting birds and other wildlife.

If the application is approved, we would request that the removal of the trees be undertaken outside of the main bird breeding season (March-July inclusive). If removal during the bird breeding season is considered essential, then we would strongly recommend that the trees are inspected for current or recent use by birds (and other wildlife) by a suitably qualified person prior to removal. This would reduce

the risk of disturbing or destroying animals which are protected under the Animal Welfare Ordinance 2012.

We would request that an informative note be added to the Information Sheet as follows -

'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 remove the trees outside of the main bird breeding season (March-July inclusive). If removal during the breeding season is considered essential, it is strongly 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 via email info@societe.org.gg'

Conclusion/Brief comment:

The arboricultural report sets out that the former trees located along the east boundary of the site have now been removed as part of application FULL/2022/1463 which has resulted in reviewing the condition of each tree in a more detailed and clearer perspective due to the works undertaken.

As set out in the arboricultural report, it is recommended to removal the naturalised tree (T3) with its loss mitigated by additional tree planting. The arboriculturist's recommendation has been influenced by the extent of works to improve the structural condition of the tree, which itself is likely to result in a significant wound to the main scaffold of the tree, together with potentially reducing the overall crown of the tree and the likely effect of increasing the combined mass of a new scaffold structure.

On this basis, it is reasonable to require that a suitable replacement tree(s) is planted within a reasonable timeframe to mitigate the loss of the existing Acer, and its overall contribution to the amenity of the area.

With regards to the other mature tree (T5), the arboricultural report notes that the existing tree is significantly disfigured following the removal of the existing trees to the north and ...*"It is now beyond the scope of the tree's ability to reinstate new lateral stems to the existing stem section on the North East elevation"*. Moreover, the removal of the existing trees has had a major effect to the tree due to the significant alterations to the overall crown line of the previous group of trees, and that the tree is likely to result in unsustainable lateral stem extension. Due to these structural defects, it is reasonable to require that a suitable replacement tree(s) is planted within a reasonable timeframe to mitigate the loss of the existing Pinus radiata, and its overall contribution to the amenity of the area.

The replacement trees (T10, T11 and T12) comprising Silver Birch (with the size/girth of each tree being approx. 10-12cm and with a maximum height of approx. 4m), is a

native species appropriate to this location and would make a positive contribution to the character and appearance of the surrounding area once matured.

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.

Based on the above, the application is considered compliant with the relevant Island Development Plan policies; it is therefore recommended that planning permission be granted, subject to conditions.

Recommendation:

Grant with Conditions



Date: 27/06/23