

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 hedge and erect fence to south boundary.

LOCATION: Les Yvelins, Rue De Quanteraine, St. Pierre Du Bois.

APPLICANT: Mr L Abbott & Mr T Holland

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: 10/07/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 31/05/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: DLM Architects: 1105_3 & _4.

Application Ref: FULL/2023/1015

Property Ref: F00602A000

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.

Expiry Date: This permission will cease to have effect on 09/07/2026 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/2023/1015
Property Ref: F00602A000
Valid date: 31/05/2023
Location: Les Yvelins Rue De Quanteraine St. Pierre Du Bois Guernsey
Proposal: Remove hedge and erect fence to south boundary.

Applicant: Mr L Abbott & Mr T Holland

RECOMMENDATION - Grant: Planning Permission with Conditions:

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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.

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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.

OFFICER'S REPORT

Site Description:

The application site is located to the north of Route Des Sages and to the rear of a residential property known as 'Le Grai' and access is from Rue de Quanteraine. The site is located Outside of the Centres and within an Agriculture Priority Area (APA) as designated under the Island Development Plan (IDP).

The site previously comprised a complex of former agricultural buildings and an area of hardstanding, however these have now been demolished as part of site clearance works associated with the approved application FULL/2021/1092 which allowed the demolition of existing buildings and erection of five dwellings with associated parking and landscaping.

The neighbouring 'Le Grai' is a Protected Building, although the application site does not contribute to or form part of the setting of the protected building in any materially significant way.

Relevant History:

FULL/2022/2167 - Variation to previously approved plans to demolish existing buildings and erect 5 dwellings with associated parking and landscaping - reconfigure, alter materials and fenestration and alter boundaries to unit B1 & B2. Omit Juliet balcony, alteration to materials and fenestration to Units A1, A2 & A3 and alterations to passing point – Approved February 2023.

FULL/2021/1092 - Demolish existing buildings and erect 5 dwellings with associated parking and landscaping – Approved August 2022.

FULL/2020/0552 - Convert agricultural units into five dwellings with associated parking and landscaping – Approved September 2020.

Existing Use(s):

Residential use class 1: dwelling houses.

Brief Description of Development:

This application is to remove the southeast boundary of Laylandi trees, belonging to the neighbouring property Le Grai, which have become over grown and were unfortunately compromised during the clearance of the previous warehouses. The proposal is to replace the line of trees with 2.5m high acoustic fencing. The applicants have the consent of the neighbours to submit this application.

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

GP8: Design

GP13: Householder Development

Representations:

There has been three letter of representation, one objection, one partially objecting and one in support of the application. They are as follows;

Objection

- The location is in a very rural area of Guernsey, it is on the external boundary of a property, and that there would be a net biodiversity loss should the hedge be removed. If the Leylandii is an issue, then it could be replaced with native hedging.

Partial objection

- The hedge is long established and belongs to the neighbouring property 'Le Grais' to the south of the application site. This hedge presently shields the residential buildings at Le Grais from being overlooked by the new development. My understanding is that the developer wishes to remove the hedge to create more light for the new development. The purpose of the fence in replacement being to then replicate that shielding to prevent overlooking as far as possible, i.e. at least up to a given height of 2,500 mm.
- The neighbouring property (Willow Hey) to the southeast of the site, to the east of Le Grais, is presently and almost totally shielded from view by the last (easterly) Leylandii tree, which also partially grows over Willow Hey's land. That cover will be lost and especially so in autumn and winter months when other surrounding trees/ bushes/shrubbery lose their leaf cover. The fencing that is proposed to be erected in that area will not replace that cover at all at first floor level if that particular tree is removed.
- The last Leylandii tree (at the east) has branches interwoven with an existing tree that is on Willow Hey's land that also provides some cover from overlooking. Removing that Leylandii tree could damage the tree that is on Willow Hey's land, thus exacerbating the overlooking problem. Therefore the last Leylandii tree should not be removed.
- The fence as proposed will do little or nothing to shield the nearest house (A3) from Willow Hey if the most easterly Leylandii tree is removed, given that the newly constructed houses have a 45 degree south easterly view of Willow Hey. Noting that the present application only seeks to mitigate the loss of trees (i.e. the Leylandii 'hedge') at its southerly aspect as viewed from the site, not at its south easterly aspect which will still have an overlooking problem to Willow Hey.
- Noting also at this time that the vast majority earth bank along the eastern boundary of the development site that contained other bushes and trees and provided shielding from Willow Hey being overlooked was removed by the

developer earlier this year without any planning consent being applied for, either then or retrospectively.

In support

- The homeowners of "Les Grais" that share the boundary within this planning application. They objected to the original plans to build houses on this agricultural land, to no avail.
- The building works to remove the barns and dig footings for the houses completely undermined the tall and thick conifer hedges, to the extent that they have collapsed onto the neighbours garden next to the pool and are no longer viable. The swimming pool is now completely exposed and visible from the building plot - a situation which is totally unacceptable and provides none of the privacy that has been enjoyed for the last 12 years.
- The existing planning permission shows a low-level hedge to the boundary on the application side, but the applicants did not envisage the complete collapse of the existing conifer screening on the neighbours side.
- The builders making this application have suggested to the neighbours that to restore some level of screening, they will erect 2.5M fencing along the swimming pool area.
- The damage to the conifers has been done so now the neighbours have requested immediate restoration of high level screening to give them some privacy. Planting a new hedge alone that will take 10 years to mature is not acceptable and hence we confirm that **we support this application for specialist fencing.**

Consultations:

None

Summary of Issues:

- Design of the development.
- Impact of the development on the character and appearance of the area.
- Impact of the development on neighbouring properties.

Assessment against:

1 - Purposes of the law.

The objectives of the Law, as set out in Section 1(2), have been considered and this forms part of the assessment of policy issues as set out in 2 below.

2 - Relevant policies of any Plan, Subject Plan or Local Planning Brief.

From the information received the Leylandii trees, which were once a boundary hedge, belong to Le Grais, and during the demolition and groundworks for the new

development some of the trees were compromised and are now leaning in towards Le Grais.

Removing the trees would leave an exposed boundary with scope for overlooking from the main development onto the pool area of Le Grais. The owners of Le Grais and the developers came to an agreement that a 2.5m high acoustic fence would replace the trees along the south boundary, providing privacy and screening between both properties.

The neighbours who own Willow Hey have requested that the last Leylandii tree in the southeast corner of the site is retained because its branches are intertwined with a mature tree on their property, and it helps screen the new development and prevents overlooking. There is concern about the stability of all of the trees, and the applicant wishes to remove all of them. This is however, a civil matter and not an issue which can be controlled by a planning condition.

The issue of overlooking is not considered to be an issue because the distance between the new development and the neighbour to the southeast is 40m, with at least 16m to the shared boundary from house (A3) of the development. Therefore the 2.5m high acoustic fence is considered to be an appropriate screening measure.

Due to the boundary being between two residential properties the proposal is not thought to have any detrimental impacts on the character of the area. Leylandii offer little biodiversity and so their removal is not considered to impact the local flora and fauna. Lastly the proposals are not considered to have any adverse impacts on the immediate neighbours due to support and mitigation.

The proposals are considered to conform to the above policies of the Island Development Plan and grant of permission is recommended, subject to conditions.

3 - General material considerations set out in the General Provisions Ordinance.

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. Where relevant the issues are considered in section 2 above.

4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).

The proposal would have no impact on Protected Buildings, Trees or Monuments or on SSS's.

Date: 10/07/2023

