

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 to south-west (roadside) boundary.

LOCATION: Les Belles Arbres, Avenue Beauvais, Ville Au Roi Estate, St. Peter Port.

APPLICANT: Mr A Casebow

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: 29/11/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 24/10/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: 1:500 scaled block plan (date stamped received 24/10/2023)

Application Ref: FULL/2023/2005

Property Ref: A404710000

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.Notwithstanding the information submitted and prior to the removal of the existing hedge, precise details of the replacement hedge to be planted in the area shown hatched on the approved block layout plan (date stamped received 24/10/2023), including the size and density/spacing of plants shall be submitted to and agreed in writing by the Authority.

Reason - To make sure that an appropriate roadside hedge is maintained that continues to contribute to the character and appearance of the surrounding area.

5.The replacement hedge shall be planted in accordance with the details agreed under the terms of condition 4, in the first planting season following the removal of the existing hedge. Any plants planted in the area hatched on the approved block layout plan which die, are removed or become seriously damaged or diseased, within 5 years of planting shall be replaced in the next planting season with plants of a size and species similar to those originally required to be planted, unless the Authority gives written approval to any variation.

Reason - To make sure that an appropriate roadside hedge is maintained that continues to contribute to the character and appearance of the surrounding area.

Expiry Date: This permission will cease to have effect on 28/11/2026 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

It is recommended that the existing hedge is not removed between the bird nesting period beginning on 1st March and ending on the 31st July in any calendar year.

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/2023/2005
Property Ref: A404710000
Valid date: 24/10/2023
Location: Les Belles Arbres Avenue Beauvais Ville Au Roi Estate Ville Au Roi Estate St. Peter Port Guernsey GY1 1PQ
Proposal: Remove and replace hedge to south-west (roadside) boundary.
Applicant: Mr A Casebow

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. Notwithstanding the information submitted and prior to the removal of the existing hedge, precise details of the replacement hedge to be planted in the area shown hatched on the approved block layout plan (date stamped received 24/10/2023), including the size and density/spacing of plants shall be submitted to and agreed in writing by the Authority.

Reason - To make sure that an appropriate roadside hedge is maintained that continues to contribute to the character and appearance of the surrounding area.

5. The replacement hedge shall be planted in accordance with the details agreed under the terms of condition 4, in the first planting season following the removal of the existing hedge. Any plants planted in the area hatched on the approved block layout plan which die, are removed or become seriously damaged or diseased, within 5 years of planting shall be replaced in the next planting season with plants of a size and species similar to those originally required to be planted, unless the Authority gives written approval to any variation.

Reason - To make sure that an appropriate roadside hedge is maintained that continues to contribute to the character and appearance of the surrounding area.

INFORMATIVES

It is recommended that the existing hedge is not removed between the bird nesting period beginning on 1st March and ending on the 31st July in any calendar year.

OFFICER'S REPORT

Site Description:

The application site comprises a detached property situated to the east of Avenue Beauvais. Surrounding the site the area comprises residential properties to the north, south and west with the grounds of a large property situated to the east.

The site is situated in a Main Centre Outer Area as designated in the Island Development Plan.

Relevant History:

None relevant

Existing Use(s):

Residential

Brief Description of Development:

Planning permission is sought to remove an existing Leylandii hedge and to replace it with Bay hedging.

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

Island Development Plan policies:

GP1: Landscape Character and Open Land

GP8: Design

GP13: Householder development

Representations:

One letter of representation has been received in relation to this proposal. In summary the letter of representation questions why Bay hedging which is none native to Guernsey is being used when recently adopted planning rules state that the species should be native.

Consultations:

None

Summary of Issues:

- Impact on the landscape and visual character of the surrounding area;
- Impact on neighbouring properties;
- Impact on highway safety

Assessment against:**1 - Purposes of the law.**

The objectives set out in Section 1(2) of The Land Planning and Development (Guernsey) Law, 2005, 'the Law', have been considered and this report forms part of the assessment, with policy issues set out in Section 2 below.

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

The application proposes to remove an existing Leylandii hedge situated to the front of the property and to replace this with a Bay hedge.

The site is not within a sensitive location and the scheme provides a degree of flexibility and personal choice as advocated within the IDP.

The section of hedge in question is not altogether an attractive species, has little ecological value which if left unmaintained can grow out of control. Its replacement is supported in light of the relevant policies.

Whilst the replacement hedge is a non-native species and does not have a high ecological value, the site is located in an area that is less sensitive to change and is surrounded by other hedges of mixed types with no uniform hedging type. Taking into account the general support in favour of householder development set out in Policy GP13, the proposal is considered to have a neutral effect on the landscape character and visual amenity of the surrounding area and immediate street scene. It is however recommended that a condition be attached requesting full details of the replacement hedge including the size and spacing of plants, to ensure that an appropriate hedge is maintained that will continue to provide an attractive boundary enclosure along this roadside boundary.

The comments received from the representor have been noted. For a replacement roadside hedge to be considered Exempt (i.e. for it not to require the submission of an application) under the Land Planning and Development (Exemptions) Ordinance 2023, then it must be of a species native to Guernsey. In this instance a non-native species is proposed for which planning permission has been sought prior to removal of the existing hedge. For the reasons specified above, the hedge is considered compliant with the relevant Island Development Plan policies.

Due to the type of development, it is not considered necessary for the applicant to demonstrate that the proposal has been designed to take into account the criteria of Policy GP9 (Sustainable Development).

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 recommended that planning permission be granted subject to conditions.

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

In addition to the consideration of policy issues, Section 13 of the Land Planning and Development (General Provisions) Ordinance, 2007 identifies other material planning considerations which could be relevant. These include; the appropriateness of the development in relation to its surroundings in terms of design, layout, scale, siting and materials; the likely effect on the character and amenity of the locality; any possible fall-back position by way of extant planning permissions or exempt development; the likely effect on the reasonable enjoyment of neighbouring properties. These issues where relevant are considered above.

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

The proposal would have no adverse impact on protected trees, buildings or sites.

Date: 28/11/2023

