

ONLINE VERSION

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: Fell 15 sycamore, beech and oak trees.

LOCATION: Craig Gowan, Forest Road, St. Martin.

APPLICANT: Mr Titmuss

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: 21/04/2015

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 06/01/2015 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Application Ref: FULL/2015/0072

Property Ref: J001370000

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 Environment Department 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 proposed replacement trees specified in this application, specifically the letter from Wakefield Tree Services dated 16/12/2014 and the attached tree survey, as well as the landscape scheme which was submitted separately on 23 January 2015 by Mr Titmuss, (in relation to satisfying condition 8 of the original planning permission FULL/2012/0401) shall be planted within 6 months of the trees to be removed being removed. Any trees which die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Environment Department gives written approval to any variation.

Reason - To ensure that a satisfactory form of development is achieved in the interests of amenity.

Expiry Date: This permission will cease to have effect on 20/04/2018 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

For the avoidance of doubt, the details referred to in condition 3 approve only the replacement tree planting. The shrub planting is subject of separate consideration as part of the landscaping plans required by condition 8 of planning application reference FULL/2012/0401.

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 Department made this decision. The official Appeal Notice Forms are available on the Department's website at www.gov.gg/planning-appeals 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 Department took into account any written representations arising from consultations made under Section 11(1) of the Land Planning and Development (General Provisions) Ordinance, 2007 ('the Ordinance'). A copy of any representations made to the Department under section 11 will be included with this decision in accordance with section 19 of the Ordinance.

Other Remarks:

You should note that any work which abuts or affects the public highway requires prior approval by the Public Services Department (PSD). You must also ensure that any access/es to the development are constructed to meet the existing road/footway levels in accordance with PSD 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



Application No: FULL/2015/0072
Property Ref: J001370000
Valid date: 06/01/2015
Location: Craig Gowan Forest Road St. Martin Guernsey GY4 6UE
Proposal: Fell 15 sycamore, beech and oak trees.

Applicant: Mr Titmuss

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 Environment Department 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 proposed replacement trees specified in this application, specifically the letter from Wakefield Tree Services dated 16/12/2014 and the attached tree survey, as well as the landscape scheme which was submitted separately on 23 January 2015 by Mr Titmuss, (in relation to satisfying condition 8 of the original planning permission FULL/2012/0401) shall be planted within 6 months of the trees to be removed being removed. Any trees which die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Environment Department gives written approval to any variation.

Reason - To ensure that a satisfactory form of development is achieved in the interests of amenity.

Informative

For the avoidance of doubt, the details referred to in condition 3 approve only the replacement tree planting. The shrub planting is subject of separate consideration as part of the landscaping plans required by condition 8 of planning application reference FULL/2012/0401.

OFFICER'S REPORT

Site Description:

Recently built two storey detached dwelling, opposite St. Margarets Lodge Hotel. The site also includes agricultural land to the rear. There are substantial trees along the north and west boundaries of the site, and several trees to the rear of the site.

Relevant History:

25/06/2012 – FULL/2012/0401 - Application to demolish the existing dwelling and replace with a new two storey detached dwelling. The application included repositioning the domestic curtilage towards the front, and the field towards the rear, with access along the eastern side of the site. Approved, subject to a number of conditions, including;

4. Samples of the bricks and tiles to be submitted and approved – done 25/10/2012.
5. No trees (other than those specifically shown for removal on drawing 5855-01/C/1E) to be lopped, topped or felled without the prior written consent.
6. Trees to be protected with fencing.
7. The earthbank between domestic and agricultural land to be implemented prior to the building being first occupied/brought into use.
8. No development until a comprehensive scheme of landscaping is submitted and approved.
9. Landscape implementation in the first planting and seeding seasons following the occupation or completion.
10. Existing buildings and all ancillary materials, works and structures to be removed from the site within 28 days of substantial completion or occupation.

Existing Use(s):

Residential Use Class 1

Brief Description of Development:

This application is to fell 15 sycamore, beech and oak trees from the front, side and rear of the site.

The application was accompanied by a report, noting the previous planning condition, and listing the trees to be removed and the reasons, and suggesting proposed replanting.

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

RGEN3 – Landscape, ecology

RGEN6 – Character and amenity

Representations:

Two representations;

One very concerned and stating “Please save the Island’s trees” and adding, we rely on you to protect our trees, these trees are beautiful and we hope they are left as they are.

The other referred to a previous visit to this site as a Deputy and Tree Warden. Many mature and interesting trees on this site. A TPO was suggested, but was not taken up. Recently been shocked to see the destruction of a mature hedge between this property and neighbour, leaving no privacy, and it appears some trees have already been felled. Would like to see hedge reinstated.

Consultations:

None

Summary of Issues:

Character and appearance of area and effect on landscape.

Assessment against:

- 1 - Purposes of the law.**
- 2 - Relevant policies of any Plan, Subject Plan or Local Planning Brief.**
- 3 - General material considerations set out in the General Provisions Ordinance.**
- 4 - Additional considerations (for protected trees, monuments, buildings and/or SSS’s).**

This site was previously split between a house to the east and a field to the west. Following planning permission, the split was to be rearranged with the house towards the front (north) and the field towards the rear (south).

There were a number of conditions, requiring trees to be protected, and none to be removed, a landscape plan to be approved, and an earthbank between the domestic land to the front and the agricultural land to the rear (to ensure it did not slip by default into domestic use). The approved plans clearly showed the access from the road serving both the dwelling to the front and the field to the rear.

This application is now to remove a number of trees around the site, six of these (5 Sycamore and a beech) are within the domestic part of the site, towards the north-west corner, the remainder are generally towards the rear of the agricultural part of the site.

Originally, the trees grew with relatively little management, and merged together to form a combined canopy as a linear group, with branches sweeping low to the ground, and with areas of shrubby under-storey. Most of the lower branches have been removed and the trees are now being managed as individual specimen trees rather than a combined group.

The trees have been assessed by the applicant's arborist as individual trees and those which it is proposed to remove have all been found to be in relatively poor condition. This is partly because of site clearance work and partly because of earthworks on site (apparently in connection with the realignment of the west boundary, demolition of the previous house and building of a new larger house in a new location). The earthworks have resulted in soil levels being raised by an estimated 200mm on average over the root plates and around the stems of many of the trees along the north and west boundaries.

The applicant recognises the important contribution that the trees on this site make to the landscape character and amenity of this locality, and has proposed the planting of 11 replacement trees in his landscape scheme, which was submitted separately on 23 January 2015, in order to satisfy condition 8 of the original permission. These are also referred to in the letter from Wakefield Tree Services dated 16/12/2014 and the attached tree survey, submitted with this application.

The approved relocation of the house has resulted in it being closer to the canopies of heavily shading trees. In the circumstances, the proposal to thin out the trees by the removal of those in poorest condition is reasonable provided an acceptable replanting/landscape scheme is agreed in the first instance. The landscape plan remains as an outstanding matter from the original planning permission, and can continue to be pursued separately.

It is recommended that this application is approved, subject to a condition that agreed replacement trees are planted within 6 months of the trees being removed.

Date: 16/04/15

Other matters:

A number of other matters remain outstanding from the original planning permission.

Landscape plan

A landscape scheme, as required by condition 8 has now been received by the Department, but was not as comprehensive as it should have been (in that it did not include tree protection details, etc) and whilst acceptable in terms of the numbers and species of trees proposed, the proposed shrub planting (a single row of assorted shrubs at over 2.5m apart, along and about 4m from the north and 2.5m from the west boundaries) is not acceptable.

The Department previously advised that as a minimum there should be at least 4 rows of shrubs along the north boundary, with rows and shrubs within the rows at 1m apart, i.e. rows at about 1m, 2m 3m and 4m from the existing small privet hedge; and at least 2 rows of shrubs along the west boundary, i.e. about 1m and 2m from the existing fence, to be continued south to the extent of the approved domestic curtilage. It was estimated that this would require about 220 shrubs in total.

The landscape plan needs to be revised, and a letter, under the original planning application (ref FULL/2012/0401) should be sent to the applicant requesting this, so the condition can be discharged, in due course. This was the subject of ongoing enforcement ENF/2014/00279.

Earthbank

The earthbank which was required by condition 7 has not yet been implemented. This now requires to be done. A letter has recently been sent to the applicant (ENF/2015/00053) requesting it be done within 2 months.

Fencing

Fencing has been erected along the western boundary of the site. This was the subject of enforcement ENF/2014/00279 and is now the subject of a retrospective planning application FULL/2015/0164, which will be reported separately.

Access

The vehicular access into the property from Forest Road does not appear to be in accordance with the approved plans. The approved plans showed a gate width of 2.8m set back from the road by 5.5m. On site, the gate width is approx. 5.0m and the setback approx. 8.0m.

The access should be revised, in accordance with the approved plans. A letter has recently been sent to the applicant (ENF/2015/00053) seeking correction or a retrospective application within 1 month.

Agricultural access

The driveway layout within the property is also not in accordance with the approved plans, resulting in the access to the agricultural land being much more indirect than was approved.

When the application was under consideration, the access arrangements were specifically revised to ensure the proposed access to the 'new' field was more clearly defined. It was shown as a strip of land, approx. 5m wide, along the east side of the site, linked to the existing access onto Forest Road. The access to the proposed new dwelling was shown as a branch off this access. This arrangement was considered to allow clear and unimpeded access to both the field and the proposed dwelling.

As built, the access simply leads towards the house and garage and access to the field would involve crossing over the driveway kerb and along a section of unsurfaced land to reach the gate.

The access should be revised, in accordance with the approved plans. This could be linked to the above item.

Materials on field

There are a number of items, including building materials, rubble, machinery and vehicles on the field. Many of these may be left over from the building of the house, but there was a condition requiring all ancillary materials, works and structures to be removed from the site within 28 days of substantial completion or occupation of the dwelling. The dwelling is virtually complete and is occupied.

The applicant should be asked to clear the field as soon as possible.