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 single stem and rebalance canopy of protected tree

LOCATION: The Barn, The Aviaries, Maurepas Road, St. Peter Port.

APPLICANT: Mr A Le Tissier

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: 06/01/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 03/08/2021 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Block Plan, Block Layout Plan (date stamped received 3rd June 2021 and 19th July/3rd August 2021), annotated photograph (date stamped received 19th July 2021).

Application Ref: FULL/2021/1220

Property Ref: A102240003

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 stem the subject of this application shall not be removed until a written specification setting out the height or depth at which the stem will be cut (relative to the existing ground level), that no part of the existing root system will be removed or damaged, and pruning works to the remaining canopy to ensure that it is balanced and stable, prepared by a qualified arboriculturist in accordance with the requirements of BS3998:2010 Works to Trees, has been submitted to and agreed in writing by the Authority. The work shall thereafter be undertaken strictly in accordance with the specification so agreed.

Reason - In the interests of sustaining the viability of the protected tree.

Expiry Date: This permission will cease to have effect on 05/01/2025 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

States of Guernsey
Planning Service

PLANNING APPLICATION REPORT

Application No:	FULL/2021/1220
Property Ref:	A102240003
Valid date:	03/08/2021
Location:	The Barn The Aviaries Maurepas Road St. Peter Port Guernsey GY1 2DS
Proposal:	Remove single stem and rebalance canopy of protected tree
Applicant:	Mr A Le Tissier

RECOMMENDATION - Grant: Planning Permission with Conditions:

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Reason - In the interests of sustaining the viability of the protected tree.

OFFICER'S REPORT

Brief Description of the site:

The application site, known as "The Barn", was a former detached outbuilding that

has since been converted to a dwelling. The property features a mature sycamore tree, comprising 5 distinct stems, to the east of the building within the domestic garden.

The retention of the tree was required by condition for converting the outbuilding to the rear (north) of "the Aviaries" into a dwelling. The tree has been the subject of a Tree Protection Order since 6th April 2009 and is highly prominent within "The Oaks" housing estate and is visible along Maurepas Road and Fosse Andre.

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

Relevant History:

PAP/011/2018	Appeal following FULL/2018/0902	Dismissed
FULL/2018/0902	Fell Sycamore tree (Protected Tree).	Refused
FULL/2017/1549	Fell Sycamore Tree (Protected Tree)	Refused
PAPP/2009/0822	Fell sycamore tree	Refused
PAPP/2008/2168	Remove part of a sycamore tree.	Refused
PAPP/2008/0515	Fell a sycamore tree.	Refused

Existing Use(s):

Residential

Consultation(s):

States' Principal Environment Services Officer

"This tree has been the subject of several applications to Planning to remove the tree. The latest application seeks to remove one of five stems. This report determines whether the remaining part of the tree would remain viable (once the stem was removed) and also whether there would be a material and detrimental impact to the public visual amenity currently offered by the tree.

Description: (from 2018 report) Mature tree located near to a property known as The Barn. The tree is made up of a cluster of five stems which may have arisen because of the tree being coppiced several years ago. The two larger stems are closer to the property and are 2.03m and 2.15m away from the wall of the building as measured from the centre of the tree to the wall along the ground.

The overall height of the tree is estimated to be around 16 metres and the girth of the two larger stems was measured as 1.55m when measured 1.5 metres above ground. This puts the age of the stems at just over 60 years although the age of the tree itself could be considerably older. The tree has been crown lifted to just above the ridge of the property on the house side, a height of around six metres. A third stem has an over large pruning cut which has failed to occlude and shows poor wound wood development.

The condition of the tree is fair in terms of its vigour. There is evidence of decline as evidenced by the dieback of some of the tertiary branches and the relatively smaller leaves in the upper canopy. However the vitality of the tree, a measure of its physiological function, appears to be satisfactory.

***2021 update:** The tree has changed little since 2018 and retains its structure. There is visual evidence to suggest that some lower branches have been removed so that the lowest 60-*
70% of the total height of the tree is effectively made up of just bare stem ie a Live Crown ratio of 30-40%.

It is noted that the tree continues to offer public visual amenity in an otherwise densely developed area. However the tree's location, adjacent to a private clos away from any main road effectively lowers the amenity value. It is also noted that the tree has caused a number of issues including shading of the property, sticky surfaces (from honeydew), interference with satellite signals and damage to the pavement and driveway immediately outside the dwelling house.

Assessment of impacts from removing stem (as per application)

<u>Physiological impact</u>

It is believed that this tree is a single entity, ie that it is a single tree made up of a number of stems which share the same root system, rather than five separate trees. When part of the canopy (growth above ground) is removed trees generally respond by reducing the volume of their fibrous root system and root hairs. Any woody root system – including that part which makes up the structural support for the tree – will, in general, not be affected. In this case the stems are physiologically separate to each other but linked to a root system which is shared. Provided that the vascular system (the system which transports water, nutrients and energy around the tree) remains intact and functional the tree should be able to adapt to the removal of one of the stems. Although it should be note that the stem in question is one of five it represents one of the larger stems and supports a proportionately greater volume of canopy than the remaining four stems.

Provided that the tree is not compromised by other factors (such as root damage, pest or disease etc) then the remainder of the tree is likely to adapt.

Structural impact

When a significant proportion of the canopy of a tree is removed it can sometimes increase the risk of damage to the remaining branches because the protection and support afforded by the removed branches is removed. In this case the canopies supported by the five stems are effectively intertwined with each other so the removal of one stem could create an unbalanced and possibly unstable crown. This can be corrected to a degree by pruning the remaining branches that make up the remaining canopy. Careful assessment and pruning, post stem removal, should ensure that these risks are minimised whilst at the same time conserving sufficient canopy to sustain the viability of the tree.

Amenity impact

The removal of one fifth of the stems and the commensurate part of the canopy (which will be greater than one fifth of the volume of the canopy because of the relative stem sizes) will result in a smaller canopy. Therefore it follows that this will have a negative impact on the public visual amenity value of the tree. However this is limited by the fact the tree is situated away from main roads and near to a quiet clos where there are other trees. The tree should also respond to pruning by producing more branching and foliage in an attempt to replace the lost part of its crown. In time, assuming the tree does not go into a decline, the canopy will regain its original size so there will be a need for a regular pruning regime if the canopy is to be contained to a given size.

Conclusions & Recommendations

Given the above assessments which assume there will be no deliberate removal of any part of the roots it is concluded that the risk, of allowing the removal of the stem as referred to in the application, is acceptable. Therefore it is recommended to approve the application".

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:

Policy GP1 Landscape Character and Open Land
Policy GP13 Householder Development

Conclusion/Brief comment:

The application site is subject to extensive planning history. The most recent planning application to remove the protected tree was refused and a subsequent appeal dismissed.

As part of the most recent refusal, it was acknowledged that the wholesale removal of the tree would go beyond the support in favour of householder development (Policy GP13) which recognises the reasonable aspirations of property owners whilst balancing against other policies and material planning considerations, especially as the applicant had purchased the property when the mature tree was present.

It is now proposed that a single stem be removed, that being the stem located closest to the east elevation of the applicant's dwelling, and the remaining canopy rebalanced. It is considered that this current proposal will help to mitigate some of the applicant's concerns whilst ensuring that the tree's vitality and amenity benefit is not unduly compromised.

The concerns most likely to be alleviated are the distance between the branches to the house, overshadowing internally and externally and satellite TV reception. Removal of this stem may also lead to the tree reducing the volume of its fibrous root system and root hairs, which may reduce the potential of further damage being caused to the patio area.

To ensure that the existing root system and canopy are not damaged, which could affect the viability of the 4 stems to be retained, it is recommended that a condition be attached to ensure that exact details of how the works are to be carried out are submitted and agreed in writing by the Authority. The agreed works can then carried out by a qualified arboriculturist in accordance with the requirements of BS3998:2010 Works to Trees.

In conclusion, the tree makes and positive contribution to the character and appearance of the locality due to its good shape and form. The aspirations of the homeowner have been acknowledged and are considered reasonable in this instance which should help alleviate some of the applicant's concerns. On this basis, a reasonable balance is struck between recognising the special characteristics of the protected tree and the aspirations of the householder in accordance with the provisions of Policy GP1 and GP13 and the Law.

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 removal of a single stem as proposed is 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: 04/01/22