

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 tree to front of property (FULL/2012/1775 - Condition 14).

LOCATION: 3 Infinity Terrace, Stanley Road, St. Peter Port.

APPLICANT: Horatio Finance (Guernsey) Ltd

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: 11/10/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 08/08/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Block Layout Plan, photograph of the tree (both date stamped 08/08/2022)

Application Ref: FULL/2022/1615

Property Ref: A30937A003

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. Prior to the removal of the existing tree, full details of a replacement tree must be submitted to and agreed in writing by the Authority. Once agreed, the tree shall be planted in the first planting season following the removal of the existing tree. Should the replacement tree be removed, die, become severely damaged or diseased, within 5 years of planting, it shall be replaced in the following planting season by a tree of a size and species similar to that originally required to be planted.

Reason - The tree makes an important contribution to the overall design of the original development by assimilating the development into the street scene and Conservation Area.

Expiry Date: This permission will cease to have effect on 10/10/2025 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



PLANNING APPLICATION REPORT

Application No: FULL/2022/1615
Property Ref: A30937A003
Valid date: 08/08/2022
Location: 3 Infinity Terrace Stanley Road St. Peter Port Guernsey GY1 1QP
Proposal: Fell tree to front of property (FULL/2012/1775 - Condition 14).
Applicant: Horatio Finance (Guernsey) Ltd

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. Prior to the removal of the existing tree, full details of a replacement tree must be submitted to and agreed in writing by the Authority. Once agreed, the tree shall be planted in the first planting season following the removal of the existing tree. Should the replacement tree be removed, die, become severely damaged or diseased, within 5 years of planting, it shall be replaced in the following planting season by a tree of a size and species similar to that originally required to be planted.

Reason - The tree makes an important contribution to the overall design of the original development by assimilating the development into the street scene and Conservation Area.

OFFICER'S REPORT

Site Description:

The application site comprises a mid-terrace property located to the south of Stanley Road. The property was built as part of a housing development scheme known as 'Infinity Crescent' in 2012 (FULL/2012/1775). As part of that permission, a landscaping scheme was submitted that included a new tree to the front of No.3 (Infinity Terrace), the subject of this application.

Relevant History:

FULL/2012/1775	Erect 16 dwellings, lay new Service access road, create underground parking area and demolish existing warehouse building.	Granted
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Existing Use(s):

Residential

Brief Description of Development:

Permission is sought to remove an (Oak) tree to the front of the property. An e-mail has been included as part of the application which notes that the agent would happily replant the tree with either a Silver Birch tree or a Crab Apple tree (e-mail dated 5th August 2022, and date stamped received 8th August 2022).

The e-mail also provides justification for the loss of the tree. It is noted in the e-mail that the tree is located in the wrong position as it encroaches over the pavement, encompasses the whole of the front garden and questions are raised over its stability due to being located above an underground car park. Lopping and topping of the tree is also discussed in the e-mail, although questions are raised by the agent in terms of its survival post tree works, coupled with the size of the trunk being too large for the size of the garden.

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

GP1 Landscape Character and Open Land
GP8 Design
GP13 Householder Development

Representations:

The Authority has received a letter of representation from one party objecting to the proposal. Grounds for objection principally relate to the following issues:-

- The lack of justification for the proposed development.
- Precedent for other trees to be felled.
- Replace the tree with a species that is more suitable to the location.

Consultations:

None generated.

Summary of Issues:

Whether the loss of the tree is acceptable and the impact of the development on the character and appearance of the surrounding area and Conservation Area.

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).**

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.

The tree is protected through a planning condition associated with the development FULL/2012/1775. For the avoidance of doubt, it is not protected by a Tree Protection Order.

The tree makes a positive contribution to the Infinity Crescent development as a whole as the landscaping helps to assimilate the built environment into its surroundings which in turn, helps to limit the bulk and mass of the façade of Infinity Crescent. The tree gives variation to the landscaping planted as part of the development by incorporating high level screening and interest due to the tree's scale and form.

Whilst it would be disputed whether the tree could be lopped and topped through an appropriate management programme to overcome the reasons for submitting the application, at the time of consideration of the landscaping scheme for this development it was noted that the type of tree proposed may cause problems in an amenity space of this size, and it was suggested that the developer consider alternative options. It is therefore agreed that the tree is not appropriate for its

setting and removal and replacement with a more appropriate species would be acceptable. To maintain the contribution to the character of the area, it is however considered necessary and reasonable that an alternative tree is planted, ensuring a neutral effect to the street scene and in order to limit the bulk and mass of the Infinity Crescent development from Stanley Road, and to conserve the Conservation Area for the purposes of Policy GP4. It is therefore advised that a condition be attached to the decision to require full details of a replacement specimen, either in the form of a Silver Birch or Crab Apple as noted in the agent's e-mail, or an alternative species.

If approved without an appropriate replacement tree, the development could set an undesirable precedent for the loss of other trees associated with Infinity Crescent development, to the detriment of the street scene and Conservation Area.

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.

Date: 05/10/22