

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 2 trees (Protected Trees).

LOCATION: Maison De La Paix, La Manche Estate, Rue De L'Ecole, Vale.

APPLICANT: La Manche Estate Residents Association

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: 10/08/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 14/03/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Block Layout Plan, Site Location Plan (both date stamped received 14th March 2023).

Application Ref: FULL/2023/0428

Property Ref: C012960017

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 31/12/2023, or the trees being felled, whichever is the later, full details of replacement trees to the rear (north) of the application site (Maison de la Paix), including the position, species, height and diameter of the trees when planted, shall be submitted to and agreed in writing by the Authority.

Reason - The trees make a positive contribution to the surrounding area by screening the rear (north) elevation of La Manche Estate in wider public views. Full details of replacement trees need to be submitted to the Authority within a reasonable timeframe to ensure the position, species, height and diameter of the replacement trees are appropriate in the interests of visual amenity and bio-diversity.

4. The landscaping scheme shall be fully completed, in accordance with the details agreed under the terms of the above condition, in the first planting season following the removal of the existing trees. Any plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by plants of a size and species similar to those originally required to be planted.

Reason - To ensure the replacement trees are planted in a timely manner in the interests of visual amenity.

Expiry Date: This permission will cease to have effect on 09/08/2026 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/2023/0428
Property Ref: C012960017
Valid date: 14/03/2023
Location: Maison De La Paix La Manche Estate Rue De L'Ecole Vale
Guernsey GY3 5LH
Proposal: Fell 2 trees (Protected Trees).

Applicant: La Manche Estate Residents Association

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 31/12/2023, or the trees being felled, whichever is the later, full details of replacement trees to the rear (north) of the application site (Maison de la Paix), including the position, species, height and diameter of the trees when planted, shall be submitted to and agreed in writing by the Authority.

Reason - The trees make a positive contribution to the surrounding area by screening the rear (north) elevation of La Manche Estate in wider public views. Full details of replacement trees need to be submitted to the Authority within a reasonable timeframe to ensure the position, species, height and diameter of the replacement trees are appropriate in the interests of visual amenity and bio-diversity.

4. The landscaping scheme shall be fully completed, in accordance with the details agreed under the terms of the above condition, in the first planting season following the removal of the existing trees. Any plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by plants of a size and species similar to those originally

required to be planted.

Reason - To ensure the replacement trees are planted in a timely manner in the interests of visual amenity.

OFFICER'S REPORT

Brief Description of the site:

The application site comprises a 1960s residential housing estate which is located Outside of the Centres as defined in the Island Development Plan.

To the north of La Manche Estate lie a number of trees, the majority of which are protected through a Tree Protection Order. The focus of this application relates to two evergreen oak trees towards the eastern end of the estate, located to the rear of the dwelling known as Maison de la Paix. Planning permission was granted in 2022 to, amongst other things, extend the domestic curtilage associated with Maison de la Paix and erect a single storey extension to the rear (FULL/2022/1455).

The application has been supported by an arboricultural report.

The proposal seeks permission to remove the trees and, as set out in the arboricultural report, to replace with hedging, such as Common yew.

The application was deferred as concerns were raised over the lack of replacement trees in order to have a negligible or neutral effect on the landscape as the trees help to screen La Manche Estate when viewed from public vantage points.

Further damage to the boundary wall had occurred during the time of consideration of the application, with granite stones falling onto the neighbour's driveway.

The applicant has set out in their e-mail of 6th August 2023 that they would seek alternative screening options following the felling of the existing trees. A 12 month period was also requested in order to provide details of replacement screening proposals.

Relevant History:

FULL/2022/1455 C012960017 & C0129630A0	Change of use of agricultural land to domestic garden (295sqm), erect single storey extension to north (rear) elevation, remove garage door and install window, remove hedges and erect fence and gate to east boundary, and relocate vehicle access.	Granted
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FULL/2023/1103 C012960010	Pruning works to protected trees (Protected Trees).	Pending
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Existing Use(s):

Residential

Assessment: *(Tick as appropriate)*

no representation



accords with policy



within curtilage



design acceptable



visual amenity acceptable



no material neighbour impact



traffic not affected



Policies considered most relevant:

GP1 Landscape Character and Open Land

GP13 Householder Development

Consultation:

Agriculture, Countryside and Land Management Services (ACLMS)

"I have reviewed the attached arboricultural report, as drafted by Phil Collenette, and confirm that I support its conclusions. Therefore I recommend that the two evergreen oaks, referred to as T1169 & T1170 in the Collenette report and as indicated within the red circle on the attached site/block plans, should be removed. Replacement with suitable native species is recommended. The Collenette report recommends yew for which no objection is raised but as an alternative native, holly is suggested if an evergreen is required."

Conclusion/Brief comment:

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.

Additional material considerations in relation to protected trees set out within the Land Planning and Development (General Provisions) Ordinance, 2007 and the statutory protection afforded to protected trees by the Land Planning and Development (Guernsey) Law, 2005, are other considerations that have also been taken into account in the assessment of this application.

An Environmental Impact Assessment is not required when taking into account the context of the site and the limited number of trees to be removed, as any impact

would not be of such significance as to require such Assessment being undertaken. The application has been 'screened' accordingly for the purposes of the Law.

As set out within the conclusion of the arboricultural report, both trees should be removed;

"T1169 on the basis of its less than satisfactory physiological health and structural integrity and both the present and continued bulging of the wall to the immediate north."

"T1170 on the basis of the extensive structural damage to the wall to the immediate north and continued bulging of the immediate walled area."

Based on the findings of the arboriculture report and the physical evidence of the wall on site, and additional damage to the wall during the course of this application, it is reasonable to conclude that both trees should be removed. Although these trees, together with the remaining trees to the north of La Manche Estate, make a positive contribution to the visual amenity of the wider area as they help to break up the mass and bulk of the housing estate when 'read' in multiple vantage points.

Whilst it is acknowledged that the arboriculture report recommends that a hedge planting scheme should be incorporated as part of the design, it is recommended that a tree planting scheme should also be proposed to have a neutral effect on the landscape character of the area and visual amenity, once matured. These trees should respond to the site by adopting an appropriate shallow root system to take into account the proximity to the boundary wall, not to create undue shadowing on the amenities of the occupiers of the house, whilst providing screening to the rear of La Manche Estate when viewed in public vantage points.

Given that the application site has been granted planning permission to extend the domestic curtilage of the property, it may be appropriate to position suitable replacement trees adjacent to the north boundary of the original domestic curtilage, and within the approved area of domestic curtilage, in such a position that would help to limit the mass and bulk of the housing estate once matured. It is therefore necessary and reasonable to attach a condition to the decision in respect of a tree planting scheme given the risk to life and property. Notwithstanding the applicant's suggested time period to provide further information, a reasonable timeframe to provide details of a replacement tree planting scheme would be by the end of the year, or prior to the felling of the trees, whichever is sooner, with the trees to be planted within the next planting season following felling.

For the avoidance of doubt, a replacement hedge planting scheme in isolation would not be appropriate as the hedge could be maintained at a low height that would not provide any screening benefit, unlike a tree.

Overall, the aspirations of the homeowner have been acknowledged and are considered reasonable in this instance, subject to an appropriate tree planting

scheme. On this basis, a reasonable balance is struck between recognising the special characteristics of the protected trees and the aspirations of the householder in accordance with the provisions of Policy GP1 and GP13 and the Law.

Based on the above, the proposal is compliant with the relevant Island Development Plan policies, the Law, and material planning considerations; it is therefore recommended that planning permission be granted, subject to appropriate conditions.

Recommendation:

Grant with Conditions



Date: 08/08/23