

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: Removal of Protected Trees to west of property.

LOCATION: Le Portelet, Rue Du Portelet, Torteval.

APPLICANT: Mr T Bousfield

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: 05/10/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 31/05/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: DRP Architecture: 3215-DR-001A.

Application Ref: FULL/2023/1010

Property Ref: G006180000

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 landscaping scheme shall be fully completed, in accordance with the approved details, 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 - In the interests of visual amenity and bio-diversity.

Expiry Date: This permission will cease to have effect on 04/10/2026 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

Your attention is drawn to the Animal Welfare (Guernsey) Ordinance 2012 and the 2020 Strategy for Nature, and the need to comply with their provisions. The trees may be used by nesting birds or other wildlife. You are therefore requested to undertake the works outside of the main bird breeding season (March-July inclusive). If it is considered essential to remove the trees during the breeding season, it is recommended that you contact La Societe Guernesiaise so that the site can be inspected prior to the works to ensure that any protected species present are not impacted by the works. La Société can be contacted on 07781 166924 or email societe@cwgsy.net.

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/2023/1010
Property Ref: G006180000
Valid date: 31/05/2023
Location: Le Portelet Rue Du Portelet Torteval Guernsey GY8 OPX
Proposal: Removal of Protected Trees to west of property.

Applicant: Mr T Bousfield

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.

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Reason - In the interests of visual amenity and bio-diversity.

INFORMATIVES

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recommended that you contact La Societe Guernesiaise so that the site can be inspected prior to the works to ensure that any protected species present are not impacted by the works. La Société can be contacted on 07781 166924 or email societe@cwgsy.net.

OFFICER'S REPORT

Site Description:

The application site comprises a detached contemporary house located to the north and west of Rue Du Portelet. The property is flanked by mature protected trees to the east and west of the dwelling. The trees, the subject of this application, are understood to be under the ownership of the applicant, although have a public benefit due to their protected status through a Tree Protection Order.

The site is located outside of the Centres as designated in the Island Development Plan.

Relevant History:

PAPP/2009/0140	Demolish existing and erect replacement dwelling	Granted
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Existing Use(s):

Residential

Brief Description of Development:

Planning permission is sought to remove 4 Protected Trees to the west of the dwelling-house.

Concerns were raised in respect of the removal of the trees, without a replacement landscaping scheme in attempt to mitigate the contribution the existing trees makes to the locality and helps to assimilate the dwelling-house into its rural surroundings.

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

GP1 Landscape Character and Open Land
GP13 Householder Development

Representations:

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

- Loss of an important tree species.
- Visual amenity.
- Bird breeding.
- Ownership of the trees.

No additional comments have been received in respect of the revised plans.

Consultations:

Agriculture, Countryside & Land Management Services (ACLMS):

"I concur with the findings of Phil Collenette's report, which recommends the removal of four trees. To confirm the trees are Monterey pine (Pinus radiata). My justifications are:

Species, physiological age & structure condition: Monterey pines, as they enter maturity, are relatively more prone to branch failure compared to other species. These particular pines are entering a post mature stage and due to their close proximity to each other has led to the early death of lower branches which have been pruned off on a regular basis. This has resulted in leggy specimens with a low live crown ratio (proportion of crown compared to height) which increases the risk of whole tree failure.

History of failure: The site has a history of failure of other pines of similar age. I have witnessed partial failure of the root plate of trees previously on this site, as evidenced by rocking of the stems, in stormy conditions, at the point where they enter the ground. A known history of failure on the same site increases the assessed level of risk.

Height/Diameter ratios: In general an increase in root plate failure occurs as the height to diameter ratio reaches 60 or more. However I have noted that when Monterey pines suffer catastrophic root plate failure it often occurs where rooting may be restricted by one or more factors eg high water table, soil volume saline conditions, and where the height / diameter ratio exceeds 25. The Collenette report cites a "recorded height" of 22metres. Although stem diameters are not referred to in the report I would guesstimate that the diameters of many of the trees are not in excess of 900mm. This would give an additional risk factor to the others referred to above."

Summary of Issues:

- Whether the loss of the trees are acceptable.
- Whether the replacement trees are acceptable.

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.

Additional material considerations in relation to protected trees of 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.

As set out in the arboriculturist's report, it is noted that a significant number of Monterey Pines have fallen in recent years as a result of strong winds. Despite these claims, no evidence has been supported to substantiate these points. The trees are located 10m west of the dwelling and stand at approximately 22m high.

It is noted that T0169 *exhibits poor physiological health, has an unsatisfactory structural integrity within the upper crown, and features a longitudinal crack, which requires removal.*

T0168 *exhibits medium physiological health, raises concerns over its structural integrity due to two extensive resin bleeds and is notably leaning to the west as a result of excessive tensile stresses.* It is recommended that both trees are removed by virtue of their unsatisfactory health.

It is however noted that both T0167 and T0166 *exhibit satisfactory physiological health and structural integrity, although show signs of a natural direction of fall to the west and south respectively.*

The arboriculturist has explained that by virtue of the removal of both T0169 and T0168, *additional wind loading would occur to the remaining trees* (T0167 and T0166, closest to the highway), and thus would *increase the likelihood of failures to their crown frameworks and stem/root interfaces.* Consequently, the potential effect on the dwelling and its occupants would be limited, although the remaining trees would

present a greater probability of risk to the users of Rue du Portelet. The arboriculturist recommends that T0169 and T0168 are also removed.

Based on the above, it is considered reasonable and justified that the trees are removed when taking into account; the significant failures of other mature specimens in the surrounding area, the unsatisfactory health, size and proximity of T0167 and T0166 to the dwelling-house, and the potential increased risk to the public from T0169 and T0168 once T0167 and T0166 have been removed.

On this basis, removal of the trees is acceptable, provided that a suitable replacement landscaping scheme is incorporated as part of the development given that the trees help to limit the prominence of the dwelling from public vantage points, and positively contribute to the landscape character of the surrounding area.

As part of the revised scheme, the agent has sought further advice from the arboriculturist and has incorporated 3 native tree species, including 11x Hawthorn, 5x Hornbeam and 5x Scot's Pine. It is shown on the drawings submitted that there will be sited within a similar area to the existing Monterey Pines, but importantly, further away from the dwelling to prevent a similar situation from occurring in the future.

Consequently, the species selected are appropriate and the number of trees is considered to achieve an acceptable and reasonable balance to outweigh the loss of the existing Monterey Pines. The position and number of replacement trees will, in time, have a neutral effect on the landscape character.

It is reasonable to attach an informative to ensure that the trees are removed outside of the main breeding season in the interests of bio-diversity.

The comments made by the representation have been carefully considered and where appropriate are addressed above.

Based on the above, the application is considered compliant with the relevant Island Development Plan policies, accords with the purpose of the Law, and the requirements of the material considerations; it is therefore recommended that planning permission be granted, subject to conditions.

Date: 03/10/23

