

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: Pruning works to protected trees (Protected Trees).

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

APPLICANT: Mr T Baudains (Chairman)

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: 11/08/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 16/06/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Block Layout Plan and Site Location Plan (both date stamped received 16th June 2023)

Application Ref: FULL/2023/1103

Property Ref: C012960010

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.All pruning works must comply with BS3998:2010 Works to Trees.

Reason - In the interests of good arboricultural practice and in line with the recommendations of Report 2 of the Arboriculturalist's report.

Expiry Date: This permission will cease to have effect on 10/08/2026 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

All tree pruning works to T1171 and T1173 should be undertaken outside of the months of March-May and September- October inclusively to accord with the recommendations of Report 2 outlined in the Arboriculturalist's report.

In addition to the informative above, your attention is also 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 and roosting bats or other wildlife. You are therefore requested to undertake the works outside of the main bird breeding season (March-July inclusive). If the pruning works are considered essential during the breeding season, it is recommended that you contact La Societe Guernesiaise so that the site can be inspected prior to pruning 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/2023/1103
Property Ref: C012960010
Valid date: 16/06/2023
Location: La Manche Estate Rue De L'Ecole Vale Guernsey GY3 5LH
Proposal: Pruning works to protected trees (Protected Trees).

Applicant: Mr T Baudains (Chairman)

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. All pruning works must comply with BS3998:2010 Works to Trees.

Reason - In the interests of good arboricultural practice and in line with the recommendations of Report 2 of the Arboriculturalist's report.

INFORMATIVES

All tree pruning works to T1171 and T1173 should be undertaken outside of the months of March-May and September- October inclusively to accord with the recommendations of Report 2 outlined in the Arboriculturalist's report.

In addition to the informative above, your attention is also 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 and roosting bats or other wildlife. You are therefore requested to undertake the works outside of the main bird breeding season (March-July inclusive). If the pruning works are

considered essential during the breeding season, it is recommended that you contact La Societe Guernesiaise so that the site can be inspected prior to pruning 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

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 lies a number of trees the majority of which are protected through a Tree Protection Order. The focus of this application relates to pruning the row of (15) trees towards the western end of the north boundary.

The application has been accompanied by an Arboriculturalist's report which sets out the recommendations for the maintenance of the trees outlined in 'Report 2'.

Planning permission is also sought to fell 2 protected trees towards the east of the north boundary under application FULL/2023/0428.

Relevant History:

FULL/2023/0428	Fell 2 trees (Protected Trees)	Approved
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Existing Use(s):

Residential housing estate.

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)

"In general I am in accord with the recommendations outlined in the Collenette Report 2. I checked with Phil today about the recommended timings of works for T1171 & 1173. The timings take into account the extent of the works and give the trees the best chance of growing back, since the works are necessary but extensive. My original query with Phil related to the bird breeding season, typically March-July. So I would suggest that additional to the advisories already given that the requirements of the Animal Welfare Ordinance must be followed to ensure that nesting birds and roosting bats are not disturbed."

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 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.

An Environmental Impact Assessment is not required when taking into account the context of the site and the pruning works to the trees as there would be a negligible impact as a result of the development and therefore would not require an Assessment being undertaken. The application has been 'screened' accordingly for the purposes of the Law.

As set out in Report 2 which focuses on the maintenance of the majority of the trees, it is recommended that:

"...the majority of these trees' southern crowns be pruned back from the adjacent dwellings to both mitigate any risk that they present to these properties and additionally to increase light penetration."

All pruning works should comply with BS3998:2010 Works to Trees, in the interests of good arboricultural practice and in line the recommendations of Report 2 outlined in the Arboriculturalist's report. In addition, all tree pruning works to T1171 and T1173 should be undertaken outside of the bird breeding season. Informatives to this effect should be attached to the decision.

Overall, the aspirations of the adjacent homeowners have been acknowledged and are considered reasonable in this instance. On this basis, a reasonable balance is struck between recognising the special characteristics of the protected trees and the

aspirations of the householder to reduce the southern crowns of the trees 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: 11/08/23