

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 beech tree to south-west (roadside) boundary.

LOCATION: Woodlands, Petit Bot, Forest.

APPLICANT: Mr & Mrs A Rolph

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: 19/12/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 22/11/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Proposal drawing -01; 02

Application Ref: FULL/2023/2337

Property Ref: H007050000

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, including the replacement tree, shall be fully completed, in accordance with the agreed details, in the first planting season following the removal of the existing tree, or in accordance with a programme previously agreed in writing by the Authority. 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.

Expiry Date: This permission will cease to have effect on 18/12/2026 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/2023/2337
Property Ref: H007050000
Valid date: 22/11/2023
Location: Woodlands Petit Bot Forest GY8 0BP
Proposal: Fell beech tree to south-west (roadside) boundary.

Applicant: Mr & Mrs A Rolph

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. The landscaping scheme, including the replacement tree, shall be fully completed, in accordance with the agreed details, in the first planting season following the removal of the existing tree, or in accordance with a programme previously agreed in writing by the Authority. 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.

OFFICER'S REPORT

Brief Description of the site:

The application site consists of a detached dwelling-house located to the north of Route de Petit Bot. The roadside boundary consists of a granite wall with a hedge planted on the inside. A large tree is located adjacent to the pedestrian access towards the south-east of the site. The property lies within a valley which is covered in dense vegetation.

The property is located Outside of the Centres. The land on the opposite side of the road is recognised as a Site of Special Significance (SSS).

As part of application FULL/2009/3177, a condition was applied to the decision which noted that no trees shall be cut down without the consent of the Authority (formerly the Environment Department). It is noted that no trees on site are subject to a Tree Protection Order (TPO).

Planning permission is sought to fell a beech tree located to the front of the site, adjacent to the road and west of the pedestrian access. It is noted that a replacement Field Maple Tree will be planted on the opposite side (east) of the pedestrian access, and that new hedging will replace the area currently occupied by the tree.

The applicant has submitted justification as part of the application which notes that tree roots are causing significant damage to the roadside wall and has provided supporting photographs.

Relevant History:

FULL/2009/3177	Extend and alter dwelling.	Granted
FULL/2009/3171	Alter dwelling	Granted
FULL/2009/2018	Extension and alterations, including balconies. Construct retaining walls and erect greenhouse.	Granted

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
GP2 Sites of Special Significance
GP13 Householder Development

Conclusion/Brief comment:

All material considerations as set out in the Land Planning and Development (Guernsey) Law, 2005 and the Land Planning and Development (General Provisions) Ordinance, 2007 have been taken into account in the assessment of this application.

Under Section 42 of The Land Planning and Development (Guernsey) Law, 2005 the Authority has a duty to *“secure so far as possible that existing trees are protected and, where appropriate, that new trees are planted and protected...”*.

The justification for the loss of the existing tree is not substantiated by an arboricultural report as part of the application, although subject to a replacement tree being planted; it is not considered necessary to require further information to support the application. The photographs submitted clearly show the damage to the wall and the principle to plant a replacement tree is reasonable, particularly as the tree is not subject to a TPO.

Despite the replacement tree being planted on the opposite side of the pedestrian access, the proposal will, overtime, sufficiently offset the visual harm caused by the loss of the tree by virtue of planting a suitable replacement tree. The replacement specimen is native to the British Isles and therefore is appropriate and will be of benefit to the biodiversity of the surrounding area, including the SSS.

In this instance, a reasonable balance is struck between the loss of the existing tree, the aspirations of the householder, and the appropriateness of a replacement tree, in accordance with the provisions of Policy GP1 and GP13 and the Law.

Based on the above, the replacement tree 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 conditions.

Recommendation:

Grant with Conditions



Date: 19/12/23