

**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 5 trees and undertake enabling cliff stabilisation work. (Protected Trees).

**LOCATION:** Domaines Des Moulins (Former CI Tyres Site), La Charroterie, St. Peter Port.

**APPLICANT:** Guernsey Housing Association LBG

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:** 29/01/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 06/12/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

**Drawing Nos:** Lovell Ozanne: S37-S10-10673-01, S37-10673/S1-40A & -41.  
Frederick Sherrell Ltd: 5087/FIGURE 2 Rev H.  
Environment Guernsey Preliminary Ecological Assessment dated October 2023  
Phil Collenette Tree Consultancy Reports dated 4th April and 21st August 2023

**Application Ref:** FULL/2023/2419

**Property Ref:** A405870000 + A407770000

**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 development hereby permitted and all the operations which constitute or are incidental to that development must be carried out in compliance with all such requirements of The Building (Guernsey) Regulations, 2012 as are applicable to them, and no operation to which such a requirement applies may be commenced or continued unless (i) plans relating to that operation have been approved by the Authority and (ii) it is commenced or, as the case may be, continued, in accordance with that requirement and any further requirements imposed by the Authority when approving those plans, for the purpose of securing that the building regulations are complied with.

Reason - Any planning permission granted under the Law is subject to this condition as stated in section 17(2) of the Land Planning and Development (Guernsey) Law, 2005.

4. Proposed vegetation clearance shall be undertaken prior to the bird breeding season.

Reason - In the interests of ecology and biodiversity.

5. Bat surveys shall be undertaken prior to tree works (surveys shall conform to the Bat Conservation Trust Guidelines).

Reason - In the interests of ecology and biodiversity.

6. Access for clearance works shall be from La Charroterie side.

Reason - In the interests of ecology and biodiversity.

**Expiry Date: This permission will cease to have effect on 28/01/2027 unless development is commenced by that date.**

#### **ADVICE AND OTHER REMARKS:-**

Your attention is drawn to The Animal Welfare (Guernsey) Ordinance, 2012 and the need to comply with its provisions. Measures will need to be taken (including consideration of the timing of the works) to ensure that any protected species present

are not impacted by the works.

If access for vehicles or materials is required from Montville Drive and through the Area of Biodiversity Importance (ABI), this should only be done with prior written approval of the States' Agriculture, Countryside and Land Management Services acting in its capacity as Manager of the ABI.

**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](http://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](mailto: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/2023/2419  
**Property Ref:** A405870000 + A407770000  
**Valid date:** 06/12/2023  
**Location:** Domaines Des Moulins (Former CI Tyres Site) La Charroterie  
St. Peter Port Guernsey  
**Proposal:** Fell 5 trees and undertake enabling cliff stabilisation work.  
(Protected Trees).  
**Applicant:** Guernsey Housing Association LBG

**RECOMMENDATION** - Grant: Planning Permission with Conditions:

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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 development hereby permitted and all the operations which constitute or are incidental to that development must be carried out in compliance with all such requirements of The Building (Guernsey) Regulations, 2012 as are applicable to them, and no operation to which such a requirement applies may be commenced or continued unless (i) plans relating to that operation have been approved by the Authority and (ii) it is commenced or, as the case may be, continued, in accordance with that requirement and any further requirements imposed by the Authority when approving those plans, for the purpose of securing that the building regulations are complied with.

Reason - Any planning permission granted under the Law is subject to this condition as stated in section 17(2) of the Land Planning and Development (Guernsey) Law, 2005.

4. Proposed vegetation clearance shall be undertaken prior to the bird breeding season.

Reason - In the interests of ecology and biodiversity.

5. Bat surveys shall be undertaken prior to tree works (surveys shall conform to the Bat Conservation Trust Guidelines).

Reason - In the interests of ecology and biodiversity.

6. Access for clearance works shall be from La Charroterie side.

Reason - In the interests of ecology and biodiversity.

## **INFORMATIVES**

Your attention is drawn to The Animal Welfare (Guernsey) Ordinance, 2012 and the need to comply with its provisions. Measures will need to be taken (including consideration of the timing of the works) to ensure that any protected species present are not impacted by the works.

If access for vehicles or materials is required from Montville Drive and through the Area of Biodiversity Importance (ABI), this should only be done with prior written approval of the States' Agriculture, Countryside and Land Management Services acting in its capacity as Manager of the ABI.

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## **OFFICER'S REPORT**

### **Brief Description:**

Fell 5 trees and undertake enabling cliff stabilisation work. (Protected Trees). The application includes a preliminary ecological assessment dated October 2023 and consultant's tree reports dated 4<sup>th</sup> April and 21<sup>st</sup> August 2023.

### **Relevant History:**

FULL/2022/1732 - Erect three and three and a half storey building containing 25 flats, associated vehicular access and parking (revised scheme) - Granted 19/10/2022

FULL/2023/1986 - Erect six storey and ten storey building containing 57 flats and associated works including creation of vehicle and pedestrian access to La Charroterie, excavation and cliff stabilisation work, pedestrian access to Montville Drive and pedestrian bridge - Pending

FULL/2022/2357 – Felling of trees (protected trees) (retrospective) at adjoining site Chateau De Montagne, La Charroterie – Granted 16/10/2023

**Existing Use(s):**

Nil-use (site cleared awaiting redevelopment)

**Assessment:** *(Tick as appropriate)*

|                     |                                     |                              |                                     |
|---------------------|-------------------------------------|------------------------------|-------------------------------------|
| no representation   | <input checked="" type="checkbox"/> | visual amenity acceptable    | <input checked="" type="checkbox"/> |
| accords with policy | <input checked="" type="checkbox"/> | no material neighbour impact | <input checked="" type="checkbox"/> |
| within curtilage    | <input type="checkbox"/>            | traffic not affected         | <input checked="" type="checkbox"/> |
| design acceptable   | <input checked="" type="checkbox"/> |                              |                                     |

**Policies considered most relevant:**

MC1 – Important Open Land in Main Centres and Main Centre Outer Areas

GP1 – Landscape Character and Open Land

GP3 – Areas of Biodiversity Importance

GP4 – Conservation Areas

GP5 – Protected Buildings

**Consultation response from States' Agriculture, Countryside and Land Management Services –**

We are writing in response to a consultation letter dated 11 December 2023 relating to the application to fell 5 trees and undertake enabling cliff stabilisation work at Domaine des Moulins, formally the CI Tyres site.

The majority of the development site is disturbed land which has recently been developed and is of no ecological or conservation value. However, the site is bounded by steep, vegetated cliffs and is directly adjacent to an area of semi-natural woodland designated as an Area of Biodiversity Value (ABI).

As acknowledged within the application, the clearance of vegetation and felling of trees required for the regrading and stabilisation of the cliff has the potential to impact biodiversity. We welcome the consideration of these potential impacts in the design phase of this development and believe the application has been able to reduce potential ecological impacts wherever possible in the design.

We note the following measures will be undertaken during construction to reduce those potential impacts:

- All tree removal to be undertaken prior to bird breeding season,
- Bat surveys prior to site works starting,
- Protection of important trees or habitats within 3-Sm buffer of cliff face

We would further recommend:

- vegetation clearance is undertaken prior to bird breeding season,

- bat surveys are undertaken prior to tree works (surveys should conform to the Bat Conservation Trust Guidelines),
- access for clearance works should be from La Charroterie side.
- If access for vehicles or materials is required from Montville Drive and through the ABI, this should only be done with prior written approval of ACLMS (acting in its capacity as manager of the ABI).

We would be happy to discuss these matters further with yourself or the applicant as necessary.

### **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 considered 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 considerations that have also been considered in the assessment of this application.

The site is subject of a current valid planning permission to erect a three and three and a half storey building containing 25 flats, associated vehicular access and parking, approved in October 2022. A further planning application is under consideration for a revised scheme comprising a six storey and ten storey building containing 57 flats and associated works including creation of vehicle and pedestrian access to La Charroterie, excavation and cliff stabilisation work, pedestrian access to Montville Drive and pedestrian bridge.

The current proposal is to fell 5 trees and undertake enabling cliff stabilisation work. The trees are subject of a Tree Protection Order (TPO) (PT78) and the site is partially within an Area of Biodiversity Importance (ABI). The description in the TPO entry is: "Area of semi-natural broad-leaved woodland including various species: Beech, Ash, Lime and Sycamore". The site is also within a Conservation Area and close to Protected Buildings.

The area subject of the TPO is an important woodland area and forms part of an ABI which extends up toward, and including, Montville Drive. The benefits of the wooded area include screening existing development, softening the impact of an urban area, moderating particulate air pollution, attenuating traffic noise as well as offering a semi-natural habitat to a range of flora and fauna.

States' Agriculture, Countryside and Land Management Services have been consulted on the application and raise no objection. They recommend that:-

- vegetation clearance is undertaken prior to bird breeding season,
- bat surveys are undertaken prior to tree works (surveys should conform to the Bat Conservation Trust Guidelines),

- access for clearance works should be from La Charroterie side.
- If access for vehicles or materials is required from Montville Drive and through the ABI, this should only be done with prior written approval of ACLMS (acting in its capacity as manager of the ABI).

Subject to conditions and informatives, as appropriate, relating to these matters, the application as submitted accords with the purposes of the Law and material planning considerations and is recommended for approval.

**Recommendation:**

Grant with Conditions



**Date:** 29/01/2024

