

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: Variation to condition 12 of FULL/2009/3125 - Fell tree.

LOCATION: Mont Altier Apartments, Cordier Hill, St. Peter Port.

APPLICANT: Mont Altier Owners 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: 11/07/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 18/04/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Block Layout Plan (date stamped received 18th April 2024), Plan A, Photograph of Holly Tree (Appendix 2) (all date stamped 21st March 2024).

Application Ref: FULL/2024/0551

Property Ref: A303870000

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 replacement tree shall be no less than 6ft high at the time of planting and shall be planted 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. Should the tree be removed, die, be severely damaged or become seriously diseased, within 5 years of planting it shall be replaced in the following planting season by a tree of a size and species similar to that originally required to be planted.

Reason - In the interests of visual amenity and conserving the character and appearance of the Conservation Area. Planting a tree less than 6ft high would not be appropriate given the maturity and height of the existing tree and would take longer to mature.

Expiry Date: This permission will cease to have effect on 11/07/2027 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/2024/0551
Property Ref: A303870000
Valid date: 18/04/2024
Location: Mont Altier Apartments Cordier Hill St. Peter Port Guernsey
GY1 1JJ
Proposal: Variation to condition 12 of FULL/2009/3125 - Fell tree.
Applicant: Mont Altier Owners 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.

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OFFICER'S REPORT

Brief Description of the site:

The application site consists of a three storey, painted rendered façade, with a red tiled roof, spilt into flats. The building is served by a car park to the front (east) of the site. A large tree, Foxglove tree (Paulownia Tormentosa), lies on an elevated positioned within a communal garden area to the front of the site.

The application site is subject to a planning condition as part of application reference FULL/2009/3125 which granted permission to convert the dwelling into 6 flats. The planning condition required the tree to be retained unless written consent was given by the former Environment Department (now Development and Planning Authority).

Over the years, applications have been approved to remove as well as lop/top existing trees on site.

The applicant has submitted justification as set out in their covering letter dated 21st September 2023, accompanied by photographs. It is noted over recent years that the roots of the tree have caused a significant crack to appear in the car park wall and concerns are raised over the stability of the tree, and the potential to cause serious damage and/or injury.

It is also noted that the tree has been appropriately managed over the years as a result of a series of planning applications, although the tree is now dying which has added to the concerns over its stability. Photographs of the tree and damage to the wall have been submitted as part of the application. It is the intention of the residents of Mont Altier Owners Association that the tree be replaced with an Ilex Golden King (Holly) Tree.

Relevant History:

PREA/2023/1701	Fell tree.	Granted
PREA/2015/1327	Reduce the height and the girth of the tree	Granted
PAPP/2008/0989	Fell one poplar tree and one Cupressus tree.	Withdrawn
PAPP/2006/3860	Fell a holly tree	Granted
PRCN/2002/2926	Lop a Poplar tree (reconsideration)	Granted
PAPP/2001/3063	Lop a Poplar tree	Refused
PAPP/1999/1992	Pollard a tree	Refused

Existing Use(s):

Flats – Mont Altier Apartments

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
GP4 Conservation Areas
GP8 Design

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...”*.

Furthermore, it is a requirement under the Land Planning and Development (Guernsey) Law, 2005, when considering applications affecting Conservation Areas that special attention shall be paid to the desirability of preserving and enhancing the character and appearance of that Area.

The justification for the loss of the existing tree is not substantiated by an arboricultural report, however, subject to a replacement tree being planted, it is considered that the submitted information is sufficient to support the application and it is not necessary to require further information in this case. In addition, the existing tree is not subject to the additional protections associated with a Tree Protection Order.

The photographs submitted, together with a site visit, clearly indicate that the health of the tree is in decline, and may be dead, given the timing of the site visit (June) and the absence of foliage which is indicative of poor vigour/disease. Consequently, the only reasonable outcome is to plant a suitable replacement tree.

Whilst the crack in the adjacent wall is visible there is not overwhelming evidence to indicate excessive bulging or immediate collapse. In addition, no structural survey

has been included as part of the application. However, as set out above, the poor condition of the tree is sufficient in this case to allow the tree to be felled without the need of additional justification.

The replacement tree is native and, in time, will provide biodiversity benefits and achieve a similar amenity value to the former tree. It is however necessary and reasonable to attach a condition to ensure that the replacement tree is at least 6ft high to ensure that it is reasonably established and does not take overly long to mature. For example, planting a small Holly tree, or from seed, would not be appropriate given the length of time to mature.

The proposal will have a neutral effect on the appearance of the Conservation Area (Policy GP4).

In this instance, a reasonable balance is struck between the loss of the existing tree, the aspirations of the property owners (residents of Mont Altier Owners Association), 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: 09/07/24

