

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: Change of use of southeast of site to extend existing training pitch, including removal of earthbank and repositioning of landscaping to the perimeter earthbanks and erection of fencing.

LOCATION: Northfield, Grand Fort Road, St. Sampson.

APPLICANT: Mr A Le Cheminant

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: 14/02/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 28/04/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Application Block Layout Plan (dated 03/02/2023); Cadastre Online Map: existing Aerial Image and Site Location Plan NAC10102022-1; Proposed Landscaping Plan (1:2000) NAC10102022-4 & Planting Schedule NAC10102022-5 (dated 04/11/2022).

Application Ref: FULL/2022/0737

Property Ref: B01087G000+B00973D000

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.The landscaping scheme hereby approved shall be fully completed in the first planting season following commencement of the approved works, or in accordance with a programme previously agreed in writing by the Authority. Any trees or plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by trees or plants of a size and species similar to those originally required to be planted.

Reason - To make sure that the landscaping scheme provides biodiversity enhancements for the site in line with the aims of the Strategy for Nature, 2020 and in the interests of neighbour amenity.

5.The extended pitch hereby approved shall not be used after 2100 hours or before 0900 hours. Between 1 November and 1 April, the extended pitch shall not be used after 1800 hours.

Reason - To limit activity resulting in noise and disturbance caused to people living in the vicinity of the site.

6.No additional lighting of any type shall be erected or used on any part of the extended pitch hereby approved at any time.

Reason - To protect the rural character of the area and to safeguard the amenity of people living in the vicinity of the site.

7. Before work commences details of the perimeter netting shall be submitted to and agreed in writing by the Authority. The netting shall be installed in accordance with the approved details prior to the extended pitch being brought into use and shall remain in place until use of the land for a football pitch ceases.

Reason - To protect the rural character of the area and to safeguard the amenity of people living in the vicinity of the site.

Expiry Date: This permission will cease to have effect on 13/02/2026 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/2022/0737
Property Ref: B01087G000+B00973D000
Valid date: 28/04/2022
Location: Northfield Grand Fort Road St. Sampson Guernsey GY2 4GZ
Proposal: Change of use of southeast of site to extend existing training pitch, including removal of earthbank and repositioning of landscaping to the perimeter earthbanks and erection of fencing.

Applicant: Mr A Le Cheminant

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.

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6. No additional lighting of any type shall be erected or used on any part of the extended pitch hereby approved at any time.

Reason - To protect the rural character of the area and to safeguard the amenity of people living in the vicinity of the site.

7. Before work commences details of the perimeter netting shall be submitted to and agreed in writing by the Authority. The netting shall be installed in accordance with the approved details prior to the extended pitch being brought into use and shall remain in place until use of the land for a football pitch ceases.

Reason - To protect the rural character of the area and to safeguard the amenity of people living in the vicinity of the site.

OFFICER'S REPORT

Site Description:

The site known as 'Northfield' is a series of playing fields used by the Northerners Athletic Club, which are behind the residential fringe development south of Le Grand Fort Road, access to the site is also from the road. To the east, south and west are a mix of open fields and detached residential properties. The property is located Outside of the Centres as defined in the Island Development Plan.

Relevant History:

PAPP/2004/1056 – Remove Earthbank – Refused August 2004

The history file showed that this application was not for the earthbank subject of this application, but a perimeter earthbank at the time.

FULL/2012/2996 – Change land levels and construct new earthbanks (retrospective) – Approved February 2013.

This application was to re-instate the earthbank now subject of this application, the historic earthbank had been removed without permission in 2004/5 along with some levelling of the land.

The Club had carried out unauthorised works to the training ground at the end of 2004, beginning of 2005, and shortly afterwards the land was sold which meant no enforcement was carried out. Finally in 2012 an application was submitted to legalise the works. However, a condition was added to the decision about the landscaping scheme being implemented within a certain time. The earthbank subject of this application and all the trees, to be replanted as part of this application were all planted/reinstated in 2016.

Existing Use(s):

Agricultural Use Class 28: Agriculture
Sports ground

Brief Description of Development:

This application was submitted to remove an earthbank and to level the land to the south-east of the main pitch, to create a football training pitch. The landscaping currently on that area of land is proposed to be relocated to the perimeter of the site.

It was discovered during the initial assessment that the area subject of the application was still classed as agricultural land and for this application to progress, a change of use would also need to be considered.

The application was deferred to allow the applicants to prepare additional information to add a change of use to the application. Following receipt of that information the application was re-advertised.

Following receipt of comments from the public, a plan was provided showing the location of the proposed additional fencing, which would extend along the east and south sides of the proposed pitch extension.

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

OC5(B): Agriculture Outside of the Centres – outside of the Agriculture Priority Areas

OC9: Leisure and Recreation Outside of the Centres

GP1: Landscape Character and Open Land

GP8: Design

GP15: Creation and Extension of Curtilage.

Representations:

There have been four letters of representation and the issues are;

“The applicant has not provided any details with regard to biodiversity net gain, presumably the new nine a side pitch would be artificial. Therefore an area of grassland would be lost in addition to an earth bank, it is stated that existing trees will be moved to the perimeter of the site. Is this feasible? I would suggest the applicant contacts Environment Guernsey for ideas on how to offset the losses.”

“With reference to the above application, it would appear that the earth bank in question corresponds to the alignment of the ancient field boundary on the 1787 Duke of Richmond Map. As such, the National Trust of Guernsey make objection to its removal. Historic earth banks form part of the tapestry of the islands landscape, and we consider that it is necessary to seek to protect them wherever possible.”

“We have no objection to the training pitch extension per se and are happy for it to go ahead, but we are concerned that there is no requirement to build a new or higher earthbank or erect low-level fencing on the southern perimeter to prevent balls going into our property.”

The third letter of representation is commenting on a different earthbank being removed, on the other side of the site; however, the concerns were regarding increased noise nuisance, increased volume of traffic and that removing the earthbank would be removing the only noise buffer they have.

Consultations:

The Office for Environmental Health and Pollution Regulation agree that conditions relating to the hours of use and precluding the use of lighting should be attached to the decision.

Summary of Issues:

- Design of the development.
- Impact of the development on the character and appearance of the area.
- Impact of the development on neighbouring properties.

Assessment against:

1 - Purposes of the law.

The objectives of the Law, as set out in Section 1(2), have been considered and this forms part of the assessment of policy issues as set out in 2 below.

2 - Relevant policies of any Plan, Subject Plan or Local Planning Brief.

Policy OC5(B) states that proposals which would result in the loss of existing agricultural land will be supported where the proposed new use accords with other relevant policies of the Plan.

Policy OC9 states that proposals to extend, alter or redevelop existing formal outdoor recreation on land adjoining the existing site will be supported providing that the site does not fall within an Agriculture Priority Area, which this site does not.

Policy GP15 states that an extension of curtilage will be supported where it would not have an unacceptable detrimental impact on the landscape character; it is not in an Area of Biodiversity Importance (ABI); it is demonstrated that the land cannot positively contribute to the commercial agricultural use of an Agriculture Priority Area (APA); it is demonstrated that it would not involve an unacceptable loss of established boundary features that contribute positively to the character of an area, and it would not adversely affect the reasonable amenities of neighbouring residents.

The proposals would retain the open nature of the land and, whilst the grassed area would be more maintained, and therefore of lower biodiversity value, the trees (c800mm high at present) are all proposed to be relocated to the periphery of the site and additional biodiversity enhancements are proposed across the site. The proposal would not therefore have an unacceptable detrimental impact on the landscape character. There is no proposal to use artificial grass to turf the pitch, and this would require separate planning permission.

The site is not within or close to an ABI or an APA, and therefore these criteria are not relevant.

The proposal would remove an earthbank between the recreational and agricultural land. The earthbank is not historic, in fact it was re-built in 2015, having previously been removed in 2005. Removal of the earthbank is not therefore considered to alter the historic fabric of the area. The earthbank to be removed is not particularly well built, it is low in height and is rather wide and it stops half way along the field. The bank is not visible within the wider area and its removal would not have a significant impact on the character of the area. The wider site boundaries would be enhanced by the relocation of the tree planting.

The existing earthbank is not of a scale which would provide any form of noise buffer, and its removal in isolation would not result in any increased impact on neighbour amenity. The proposal would however extend the recreational use towards the residential properties to the south and south-east of the site. Given the relationship of those properties to the existing and proposed pitches, and the enhancement to the boundary buffer which is already in place through the relocation of the trees, it is considered that the current proposal would not result in significant additional impact on the nearby properties, subject to a condition limiting the hours of use of the pitch and preventing the installation of lighting.

To ensure the neighbour to the south does not constantly have footballs rolling into their garden, the existing netting already in place around the north and east of the training pitch, will be extended around the south end of the pitch, as per the submitted drawing. Given the secluded nature of the site and the fact that the netting and poles would be located inside the perimeter landscaping, it is not considered likely to have any adverse visual impacts. Details of the height and appearance of the netting, and installation prior to the extended pitch being brought into use, should however be required by condition.

In respect of Policy GP1, the proposal will not result in the loss of open land or undermine the landscape character.

The proposed works would enhance an existing facility, as opposed to creating a new pitch, and would not therefore be likely to result in additional vehicle movements.

The proposals are considered to conform to the above policies of the Island Development Plan and grant of permission is recommended, subject to conditions.

3 - General material considerations set out in the General Provisions Ordinance.

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. Where relevant the issues are considered in section 2 above.

4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).

The proposal would have no impact on Protected Buildings, Trees or Monuments or on SSS's.

Date: 10/02/2023

