

**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:** Replace lighting to Courts 3-5; install lighting to Courts 1-2.

**LOCATION:** St Martins Lawn Tennis Club, Le Vallon, St. Martin.

**APPLICANT:** St Martins Lawn Tennis

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:** 26/10/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 15/07/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

**Drawing Nos:** Drawing (15/07/22) & Lighting report (22/06/22).

**Application Ref:** FULL/2022/1335

**Property Ref:** J014890000

**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 lighting hereby approved for all courts shall not be operated between 10pm and 8am on any day of the week.

Reason - The premises are close to residential property and a limit on the use is needed to prevent a nuisance or annoyance to nearby residents.

**Expiry Date: This permission will cease to have effect on 25/10/2025 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](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/2022/1335  
**Property Ref:** J014890000  
**Valid date:** 15/07/2022  
**Location:** St Martins Lawn Tennis Club Le Vallon St. Martin Guernsey  
**Proposal:** Replace lighting to Courts 3-5; install lighting to Courts 1-2.  
  
**Applicant:** St Martins Lawn Tennis

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

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## OFFICER'S REPORT

### Brief Description of the site:

The application site is located to the east of Le Vallon in St Martins and comprises of five tennis courts and a club building. Across the road to the west and to the south are neighbouring residential dwellings and to the north is some scrub land and a business car park. To the east are open fields. The site is located Outside of the Centres as defined in the Island Development Plan.

### Relevant History:

There is no relevant history pertaining to this application.

### Existing Use(s):

Tennis Courts

### 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:

OC9: Leisure and Recreation Outside of the Centres

GP8: Design

GP9: Sustainable Development

### Consultation:

Office of Environmental Health and Pollution Regulation – expressed some concerns about the impact of the lights but raised no specific objection to a 10pm cut off for

the use of the lights and noted that if complaints are received then OEHPR would be able to investigate under statutory nuisance provisions.

### **Conclusion/Brief comment:**

This application is to add some low level lighting to courts 1 & 2 and to replace the existing high levels lights around courts 3, 4 and 5, with new LED lights on the existing poles. The club would like to make sure they are running more efficiently with energy efficient lighting for evening sessions during the winter months.

The new lights will be more direct with efficient luminaire that essentially gives less peripheral overspill. Although they may be slightly brighter, the times in which they will be used is limited. At present the existing high level lights have a cut off at 10pm, although it is rare that they are lit until this time, with many evening sessions finishing between 8-9pm.

Due to the existing restriction in place (10pm cut off) and the infrequency of the late night light usage, despite the new lights being a little brighter, the condition to have all lighting switched off by 10pm is considered appropriate and will be upheld.

The new lighting on courts 1 & 2 is to be 2.5m high and the nearest houses are just across the road to the west. These properties may be affected by light pollution from these new lights. However, there is a road and a car park between the housing and the courts and there is a good deal of mature hedging along the boundary of the tennis club, which is to be retained in order to screen the lighting. Courts 1 & 2 are generally used by the younger members of the club, and their evening sessions are usually finished by 8pm and given the above the proposed lighting is considered acceptable in this case.

The proposals are not considered to impact on the character of the area and with recommended conditions in place there should not be too much of an impact on neighbour amenity. The Office of Environmental Health and Pollution Regulation have legislation which allows the public to complain about noise or light levels, and when consulted they were happy for the cut off to remain at 10pm for all of the lights as a planning condition.

Policy GP9, Sustainable Development, seeks to ensure all new development takes into account the use of energy and resources and any adverse impacts on the environment. There has been sufficient information provided with the application to comply with the requirements of this policy.

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

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.

**Recommendation:**

Grant with Conditions



**Date:** 24/10/2022

