

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: Remove existing and install 2 replacement substations to west of site.

LOCATION: Beau Sejour Leisure Centre, Amherst Road, St. Peter Port.

APPLICANT: Guernsey Electricity

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: 27/10/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 26/07/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Guernsey Electricity - P02-01-01-65/D04B & D04/2A

Application Ref: FULL/2022/1418

Property Ref: A110950000

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 planting scheme shown on the approved Site Plan shall be planted in the first planting season following the installation of the new substations and GRP housing units. 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 planted.

Reason - To ensure that the planting scheme is carried out in a suitable timeframe following the installation of the new substations and GRP housing units in the interests of visual amenity.

5.Within 2 months of the existing equipment being decommissioned or the installation of the new substations, whichever is the sooner, the equipment shall be removed in its entirety, levelled, and laid to grass.

Reason - In the interests of visual amenity.

6.Noise associated with plant and machinery incorporated within the development shall be controlled such that the Rating Level, measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 5 dB(A) below the existing LA90 background noise level, including low frequency tones. Rating Level and existing background noise levels shall be determined as per the guidance provided in BS 4142:2014.

Reason - To protect the amenities of neighbouring residents.

Expiry Date: This permission will cease to have effect on 26/10/2025 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 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/2022/1418
Property Ref: A110950000
Valid date: 26/07/2022
Location: Beau Sejour Leisure Centre Amherst Road St. Peter Port
Guernsey
Proposal: Remove existing and install 2 replacement substations to west
of site.
Applicant: Guernsey Electricity

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 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 planting scheme shown on the approved Site Plan shall be planted in the first

planting season following the installation of the new substations and GRP housing units. 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 planted.

Reason - To ensure that the planting scheme is carried out in a suitable timeframe following the installation of the new substations and GRP housing units in the interests of visual amenity.

5. Within 2 months of the existing equipment being decommissioned or the installation of the new substations, whichever is the sooner, the equipment shall be removed in its entirety, levelled, and laid to grass.

Reason - In the interests of visual amenity.

6. Noise associated with plant and machinery incorporated within the development shall be controlled such that the Rating Level, measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 5 dB(A) below the existing LA90 background noise level, including low frequency tones. Rating Level and existing background noise levels shall be determined as per the guidance provided in BS 4142:2014.

Reason - To protect the amenities of neighbouring residents.

OFFICER'S REPORT

Brief Description of the site:

The application site comprises a strip of land near the entrance to Beau Sejour Leisure Centre. The site is located in a Conservation Area and is regarded as an Important Area of Open Land in the Main Centres.

Planning permission is sought to replace existing switch gear and erect a secondary substation. The proposed substations and GRP units will be positioned further away from the public footpath and adjacent to the west boundary of the tennis courts.

Due to the bulk and mass of the proposed units, it was advised to incorporate a landscaping scheme to assimilate the development into its surroundings and to respect the Conservation Area. The agent has incorporated a hedge planting scheme to the front (west) and sides (north and south) of the units, in attempt to overcome the concerns raised.

Relevant History:

FULL/2016/2076	Erect MSAN cabinet and electric power box along side of existing telecoms cabinet.	Granted
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Existing Use(s):

Undeveloped land to the west of tennis courts and north of sports field.

Assessment: *(Tick as appropriate)*

no representation	☒	visual amenity acceptable	☒
accords with policy	☒	no material neighbour impact	☒
within curtilage	☒	traffic not affected	☒
design acceptable	☒		

Policies considered most relevant:

- MC1 Important Open Land in Main Centres and Main Centre Outer Areas.
- GP1 Landscape Character and Open Land
- GP4 Conservation Areas
- GP8 Design
- GP9 Sustainable Development
- IP11 Small-scale Infrastructure Provision

Consultation:Office of Environmental Health and Pollution Regulation

"I have reviewed the proposed plans for the removal of the existing substations and the installation of two replacement substations to west of site at Beau Sejour which were received by post on 25th August 2022. I would recommend that the following condition is attached to the consent:

Noise associated with plant and machinery incorporated within the development shall be controlled such that the Rating Level, measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 5 dB(A) below the existing LA90 background noise level, including low frequency tones. Rating Level and existing background noise levels shall be determined as per the guidance provided in BS 4142:2014.

Please do not hesitate to contact me at the above address should you require any additional information regarding this matter."

Conclusion/Brief comment:

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.

The proposed siting of the units coupled with the scale, mass, form and materials of the infrastructure equipment is considered acceptable under the relevant policies.

The proposal will have a neutral effect on the landscape character and the openness of the land due to its recessed position. The incorporation of a landscaping scheme will help to limit its visual effect on the appearance of the Conservation Area and visual amenity.

The existing equipment will be removed, levelled, and laid to grass.

Environmental Health raise no concerns also have recommended that an appropriate noise condition be applied in the interest of neighbour amenity.

Sufficient information has been submitted that has taken into account the criteria of Policy GP9 (Sustainable Development).

Based on the above, the application is considered compliant with the relevant Island Development Plan policies; it is therefore recommended that planning permission be granted, subject to conditions.

Recommendation:

Grant with Conditions



Date: 27/10/22

