

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: Install replacement pitch, fencing and lighting, erect outbuilding/goal store and covered spectator area to south elevation and outbuilding/referee office and covered dugouts to north elevation.

LOCATION: All Terrain Pitch, Robin Roussel Pavillion, Foote's Lane, St. Andrew.

APPLICANT: Mr J Couchman

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: 08/06/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 20/02/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: G2A Architecture Ltd: 2830-01 B1, B2, B3, B4, B5 & B6
Email from J Couchman recieved 7/06/2023 inc detail on lighting installation.

Application Ref: FULL/2023/0397

Property Ref: K000050000

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 replacement floodlighting hereby approved shall be installed in accordance with the details submitted by email dated 07/06/2023 and in such a way to ensure that the lighting and direction of beam is directed towards the pitch, within the confines of the application site and away from neighbouring properties.

Reason - To protect the reasonable amenities of neighbouring residents.

5.The replacement floodlights hereby approved shall not be operated between the hours of 21:30hours and 07:00 hours on any day.

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 07/06/2026 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/2023/0397
Property Ref: K000050000
Valid date: 20/02/2023
Location: All Terrain Pitch Robin Roussel Pavillion Foote's Lane St.
Andrew Guernsey GY6 8TB
Proposal: Install replacement pitch, fencing and lighting, erect
outbuilding/goal store and covered spectator area to south
elevation and outbuilding/referee office and covered dugouts
to north elevation.
Applicant: Mr J Couchman

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 replacement floodlighting hereby approved shall be installed in accordance with the details submitted by email dated 07/06/2023 and in such a way to ensure that the lighting and direction of beam is directed towards the pitch, within the confines of the application site and away from neighbouring properties.

Reason - To protect the reasonable amenities of neighbouring residents.

5. The replacement floodlights hereby approved shall not be operated between the hours of 21:30hours and 07:00 hours on any day.

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.

OFFICER'S REPORT

Site Description:

The application site comprises an all-weather sports pitch situated to the west of Footes Lane in St Peter Port. Surrounding the site, the area comprises open fields with the Friquet Garden Centre beyond to the west, recreational fields to the south, Footes Lane stadium to the east and residential properties to the north.

The site is situated Outside of the Centres as designated in the Island Development Plan.

Relevant History:

FULL/2022/0758	Install sheltered seating area to south, dug out seating area with referee office to north, install replacement lights, fencing and landscaping.	Withdrawn 10/06/2022
PREA/2022/0248	Replace pitch, fencing and dug-outs.	Advice sent 14/03/2022
FULL/2016/0246	Installation of defibrillator and signage on north-east elevation of building.	Granted 07/04/2016
FULL/2009/2923	Erect storage shed	Granted 15/03/2010
PAPP/2008/2060	Demolish existing and erect replacement sports pavilion.	Granted 05/12/2008
PAPP/2007/0032	Demolish existing and erect replacement sports pavilion.	Granted 21/02/2007
PAPP/1994/1040	Replacement storage building.	Granted 13/04/1994

PAPP/1993/0638	Operate floodlighting during nighttime for one charity event	Granted 15/03/1993
PAPP/1992/0873	Increase height of fencing to south of hockey pitch	Granted 29/06/1992

Existing Use(s):

Leisure and recreational sports field

Brief Description of Development:

Planning permission is sought to install a replacement pitch, fencing and lighting, to erect an outbuilding (to be used as a goal store) and a covered spectator area to the south of the site and an outbuilding (to be used as a referee office) and covered dugouts to the north part of the site.

Following a visit to the site as part of the consideration of the application, it was evident that the existing pitch had been removed and works to install the replacement had already commenced on site. Retrospective permission is therefore required for this part of the application and the description of development has been amended and double the normal planning fee paid accordingly.

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

OC9: Leisure and Recreation Outside of the Centres;
GP1: Landscape Character and Open Land;
GP8: Design;
GP9: Sustainable Development;
IP7: Private and Communal Parking; and
IP9: Highway Safety

Representations:

Two emails objecting to the scheme from a single address were received (one dated 15/03/2023 and the other dated 03/05/2023). The grounds for objection are summarised as follows:

Increased/excessive noise

- The pitch will be larger than the current pitch;
- The application seeks on the north boundary (the boundary closest to neighbouring properties) 2 team dug out areas (seating 12 players) and an elevated referee office;
- To the south boundary 4 spectator areas seating 8 to 10 spectators each.
- The noise from the existing pitch already impacts the enjoyment of our home as games are played early in the morning, on weekends and late into the evenings with lots of shouting and occasional bad language;

- This is likely to increase;
- At times 64 people could be gathered around the pitch all shouting etc;
- No sound proofing screening is shown on the plans behind the dugouts and referee box
 - We request that this is considered along the northern boundary as this would reduce sound transmission;
- It is not clear whether the or not there will be a loudspeaker attached to the referee box, this would impact on our amenity;
- Guernsey Hocky will be starting a business league in the evenings during the summer months (June to August) playing until 8:30pm;
 - This will significantly impact the peaceful enjoyment of our home and garden during the summer months.
- Work has already started on the site and is taking place on Sundays and Bank Holidays, work starts some day's at 07:30am and continues until at least 5pm. We though that noisy work during weekends and bank holidays is not permitted.

Increased/excessive light

- The current floodlights impact on the enjoyment of our dwelling as they are often on until 09:30pm and shine directly into the master bedroom windows, en-suite bathroom and what will become our sons bedroom and the living space at the rear of our house;
- The application is to replace the existing floodlights but it is not clear whether new floodlights will be installed in addition to those already there;
 - Further floodlights would exacerbate the problem;
- The new LED bulbs should not increase the intensity of light already in situ;

Other issues

- The application states that there is lots of vegetation between the development and neighbouring properties. This is the case for a large portion of the north boundary but there is a gap in the northwest corner which reduced privacy in the winter months.
 - We suggest that further planting is completed along this section of the site.

Consultations:

Environmental Health were consulted on the application and by letter dated 02nd June 2023 stated the following:

"I have reviewed the proposed plans for the replacement of the existing flood lights at the above site with LED alternatives. Whilst there is no history of complaints in relation to this site I am concerned about the close proximity of residential properties and the impact the lights may have. As such I would recommend that the following condition is attached to the consent:

All pitch lighting should be directed towards the pitch and away from neighbouring residential properties.”

Summary of Issues:

- Whether the principle of the development is acceptable;
- Any impact on the landscape character, openness and visual character of the area;
- Any impact on the amenities of neighbouring residential properties;
- Any impact on highway safety.

Assessment against:

1 - Purposes of the law.

The objectives set out in Section 1(2) of The Land Planning and Development (Guernsey) Law, 2005, ‘the Law’, have been considered and this report forms part of the assessment, with policy issues set out in Section 2 below.

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

Whether the principle of the proposal is acceptable

Following a review of the aerial imagery for the application site it is evident that the site has been used as a sports pitch since at least 1979. The 1986 image shows that a pavilion building is in situ in a similar position to the existing building on site today. The 1990 image shows that the floodlights had been installed and by 1996 the grass pitch had been replaced with an all-weather pitch.

The site therefore has a well established use as a sports and recreation field.

Paragraph 18.1.2 of the IDP which forms the preceding text to Policy OC9 includes sport pitches in the definition of Outdoor Formal Recreation.

Policy OC9 supports proposals to provide new facilities for outdoor formal recreation or informal leisure and recreation, or to extend, alter or redevelop existing facilities, providing that:

- i. Any ancillary built development is proportionate to the nature and scale of the formal outdoor recreation or informal leisure and recreation use; and
- ii. The visual impacts of ancillary built development can be mitigated to respect the character of the locality; and
- iii. The site does not fall within an Agriculture Priority Area, or where it does fall within an Agriculture Priority Area the land cannot positively contribute to commercial agricultural use or cannot practically be used as such without adverse environmental impacts.

The proposed development is limited in terms of its overall scale and appearance, and has been designed and positioned appropriately so as not to harm the visual character, landscape character or openness of the surrounding area. The development is of the type that you would expect to see at sport pitches such as this and will be of an appropriate scale to support the existing operations at the site.

The site does not fall within an APA and therefore criterion iii is not relevant in this instance. Considering the above the principle of the development is supported by planning policy.

Any impact on the landscape character, openness and visual character of the area;

Policy GP1 sets out that development will be supported where it respects the relevant landscape character type within which it is set, where development does not result in the unacceptable loss of any specific distinctive features that contribute to the wider landscape character and local distinctiveness of the area and takes advantage where practicable of opportunities to improve visual and physical access to open and undeveloped land.

Policy GP8 of the Island Development Plan states a number of criteria that new development will be expected to adhere to in order to achieve a high standard of design which respects and where appropriate enhances the character of the environment.

The replacement of the existing playing surface will be on a like for like basis and will simply renew the all-weather pitch and would not cause any additional harm above that already present. The fencing, team dugouts, referee office, spectator benches and goal store are limited in terms of their overall scale and appearance. The fencing will replace existing fencing at the site and will be of the same style, height and appearance. The goal store and spectator benches have been positioned adjacent to and will be seen well in context with existing built form comprising the Robin Roussel Pavillion to the south and existing storage buildings to the west of the site. The dugouts and referees' office will be positioned on the northern boundary and will be screened to the north by trees that exist along this boundary. The floodlights will replace existing floodlights already present and in the same positions and no additional floodlight structures are proposed.

Considering the above, the development would not cause any significant harm on the landscape character, openness or visual character of the surrounding area. The scheme complies with Policy GP1 in this respect.

Any impact on the amenities of neighbouring residential properties;

Policy GP8 requires *inter alia* that proposals for new development will be expected to consider the health and well-being of the occupiers and neighbours of the development by means of providing adequate daylight, sunlight and private/communal open space.

The team dugouts, referee office, spectator benches and goal store are limited in terms of their overall scale and appearance and existing boundary treatments would screen the development from neighbouring properties. Any harm resulting from the development relating to privacy, overshadowing or light loss would therefore not be so substantial to warrant the refusal of permission.

An objection has been received from the occupier of an adjacent dwelling relating to additional noise (above that already at the site) and potential disturbance from light pollution from the floodlights.

With regard to noise, the site has a well-established use as a recreational ground and the current use is uncontrolled in planning terms (i.e. there is no control over the amount of spectators that can visit the site, hours of use etc). The Office of Environmental Health and Pollution Regulation (OEHPR) has confirmed that there have been no official complaints from a noise perspective relating to this site. The development proposed will provide designated areas for spectators, teams and referees, however given the current uncontrolled use of the site, it is considered that there will be no increase in noise from this proposal. Furthermore, the grant of planning permission would not allow the applicant to cause a statutory nuisance and they will still be required to operate the site within the Environmental Health regulations relating to noise and disturbance. Should any breach of these regulations occur, then this would be dealt with under separate Environmental Health legislation.

The pitch is currently floodlit and again OEHPR has confirmed that no complaints have been recorded against this site from a light pollution perspective. The floodlights the subject of this application are replacements and will be positioned in the same position as those already present on the site. No additional floodlights are proposed in new positions on the site.

The original permission for the floodlights included a condition to ensure that they are not used between the hours of 21:00hrs to 07:00hrs. By email dated 07/06/2023 the applicant has requested that to allow normal operations of the site, that the floodlights are allowed to be used until 21:30hrs. In the same email the applicant has clarified that the new floodlights will be an improvement on those existing and to prevent hirers of the site from leaving the floodlights on throughout the night (which has happened on occasions) a timing device will be installed on the floodlighting to automatically turn them off at a given time. Furthermore, the existing floodlights required the whole of the pitch to be floodlit irrespective of whether only half of the pitch was being used/hired. The new floodlights have been designed to ensure that only the section of the pitch that is in use will be lit, thus saving energy and reducing light pollution and potential harm to neighbours. The LED lamps and direction of the lamps will also result in less glare and significantly less light pollution.

Based on the above and the improvements that the replacement floodlighting will introduce, it is considered reasonable to allow the floodlights to be used up until 21:30hrs. Furthermore, the suggested condition from OEHPR to ensure that the beams

from the floodlights are directed to the pitch and away from neighbouring properties is acceptable in planning terms and would ensure that the floodlighting is appropriately positioned to avoid any significant harm being caused to neighbouring residential properties.

In the absence of any objection from OEHPR, it is considered that any harm to residential amenity as a result of the proposed development would not be so substantial to warrant the refusal of planning permission. It is recommended that a condition is included on any permission to ensure that the floodlights are not used between the hours of 21:30hrs and 07:00hrs on any day and that the recommended condition from OEHPR is also included.

For the above reasons and subject to the recommended conditions the proposal complies with the relevant policies of the IDP in this respect.

The comments from the representor regarding the need for additional planting along the northern boundary of the site are noted but considering the above and that the scheme is acceptable in its current form, there is no justifiable need to request additional planting in this instance.

Any impact on highway safety.

Policies IP7 and IP9 relate to private car parking and highway safety, accessibility and capacity respectively. The scheme proposes adequate off-road parking to serve the development and turning would be as per the existing arrangement and would remain unaltered. The parking area and access arrangements allow for vehicles to safely access and leave the site forward facing. There are unobstructed views for a vehicle leaving the site from the access point to the north and south along Foote's Lane.

As noted above the site has a well established recreational use and any harm to neighbouring properties resulting from the proposal would not be so substantial to warrant the refusal of planning permission.

Considering the above, the scheme would not harm highway safety and complies with the relevant planning policies.

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

In addition to the consideration of policy issues, Section 13 of the Land Planning and Development (General Provisions) Ordinance, 2007 identifies other material planning considerations which could be relevant. These include; the appropriateness of the development in relation to its surroundings in terms of design, layout, scale, siting and materials; the likely effect on the character and amenity of the locality; any possible fall-back position by way of extant planning permissions or exempt development; the likely effect on the reasonable enjoyment of neighbouring properties. These issues where relevant are considered above.

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

The proposal would have no adverse impact on protected trees, buildings or sites.

Date: 07/06/2023