

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 substation and create vehicle access to west boundary.

LOCATION: Hougues Magues Lane, St. Sampson.

APPLICANT: Guernsey Electricity Ltd

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: 23/08/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 29/06/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Guernsey Electricity Ltd: P02-01-12-0072 D04 Rev A

Application Ref: FULL/2023/1014

Property Ref: B01091C000

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.Notwithstanding the submitted and hereby approved drawings, details of an agricultural field gates is to be submitted to and approved in writing by the Authority before any work commences.

Reason - To secure the satisfactory appearance of the completed development and to protect the entrance of the agricultural field.

5.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 - In order to limit the potential noise nuisance associated with the development and the adverse impact this would have on the amenities enjoyed by the occupiers of nearby residential properties.

Expiry Date: This permission will cease to have effect on 22/08/2026 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/2023/1014
Property Ref: B01091C000
Valid date: 29/06/2023
Location: Hougues Magues Lane St. Sampson Guernsey GY2 4WA
Proposal: Install substation and create vehicle access to west boundary.

Applicant: Guernsey Electricity Ltd

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).

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Reason - In order to limit the potential noise nuisance associated with the development and the adverse impact this would have on the amenities enjoyed by the occupiers of nearby residential properties.

INFORMATIVES

OFFICER'S REPORT

Brief Description of the site:

The site pertaining to this application is located to the southeast of the junction of Les Petites Capelles Road, Hougues Magues Lane and Le Grand Fort Road. The land lies south of the ribbon development along the south side of Le Grand Fort Road and to the east of one dwelling and a vinery that line the east side of Hougues Magues Lane. To the east of the site is a North Field football pitch and to the south is a car park for North Field and some open land. 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):

Agricultural use class 28: agriculture.

Assessment: *(Tick as appropriate)*

no representation
accords with policy
within curtilage
design acceptable

X
X
X
X

visual amenity acceptable
no material neighbour impact
traffic not affected

X
X
X

Policies considered most relevant:

OC5(B): Agriculture Outside of the Centres – outside the Agriculture Priority Areas
GP1: Landscape Character and Open Land
GP8: Design
GP9: Sustainable Development
IP11: Small Scale Infrastructure Provision

Consultation:

Office of Environmental Health and Pollution Regulation – have reviewed the proposed plans for the retrospective installation of an electrical substation, at the western boundary of the land parcel with Cadstre reference B01091C000, on Hougues Magues Lane, St. Sampson.

OEHPR are concerned for the potential for noise nuisance to arise from the substation and have calculated that it is located approximately 15 metres from the boundary of the nearest residential property. A planning condition is therefore recommended to manage the potential for noise nuisance.

Conclusion/Brief comment:

This application is to install a new electrical substation and create a secondary vehicle access to the land from Hougues Magues Lane along the west boundary. There are no proposals for any hard standing as the applicant want the field to remain agricultural in nature, they do not want to urbanise the area.

Policy OC5(A) states that proposals for development which would result in the loss of land will be supported where the proposed new use accords with the other relevant policies of the Island Development Plan. The whole site is over 7,000sqm the 9.28sqm substation would take up 0.13% of the total area.

The substation would be sited 12m north of the single property which is located on the east side of Hougues Magues Lane, and would be 1m inside (east of) the 0.8m high granite west boundary wall.

The character of the area is semi-rural, with most of the development along either side of the roads, to the north and west of the site and the open nature of the area is to the southeast and south. Open views from the road are through the site to the southeast.

The substation is to be sited along the west boundary, where there is more development and it would not block or disrupt the public view to the southeast through the site and no distinctive features are to be lost, therefore the proposals are considered to comply with Policy GP1.

The design of the substation is very similar to the majority of the new substations which are being installed across the island, which are 3.2m x 2.9m x 2.4m boxes, the substation is not considered to have any detrimental impacts on the character of the area, nor will it have any adverse effects on neighbour amenity subject to the condition recommended by OEHPR.

The proposed access point would be a 3m opening in the granite boundary wall just to the south of the proposed substation, adjacent to the domestic opening serving the dwelling, this is to give the electricity company occasional access and to provide a secondary access to the land for the occasional use by the owners. Although not shown on the drawing an agricultural gate will also be added to the opening to prevent unlawful parking, this has been agreed in writing and will be conditioned.

IP11 states that proposals for small scale infrastructure development will be supported where this would contribute to the maintenance and support of efficient and sustainable infrastructure and accords with the other relevant policies of the Island Development Plan.

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: 22/08/2023

