

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 padel court to southwest of site, erect single storey extension with extended balcony at 1st floor level to west elevation.

LOCATION: Mont D'Aval, Rue Des Pointes, St. Pierre Du Bois.

APPLICANT: Pragnell Guernsey Limited

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: 06/03/2025

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 07/01/2025 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Coloini + Lane - 23097 2051 Rev 04, 0300 Rev 05, 0301 Rev 08, 0302 Rev 03, 0201 Rev 03, 2040 Rev 01, Padel Courts Deluxe: Floor Plant & Solera & Aura Noise Impact Assessment.

Application Ref: FULL/2024/2059

Property Ref: F01008A000

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.No use of the padel court shall be carried out other than between 0900 hours and 2100 hours.

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.

5.Prior to the commencement of any work in connection therewith, a landscaping scheme detailing the replacement planting of trees and shrubs to take place across the site, including the location of each species proposed, along with the size, number and density of the plants/trees shall be submitted to the Authority and agreed in writing. The planting shall take place within one year of the padel courts installation. 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 required to be planted.

Reason - To ensure the biodiversity on site is not reduced.

Expiry Date: This permission will cease to have effect on 05/03/2028 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

Your attention is drawn to The Animal Welfare (Guernsey) Ordinance, 2012 and the need to comply with its provisions. The building is located in an area where bats/birds may be roosting/nesting and measures may therefore need to be taken (including consideration of the timing of the works) to ensure that any protected species present are not impacted by the works. It is recommended that you contact La Société

Guernesiais for advice or to arrange a site visit. La Société can be contacted on 07781 166924 or email info@societe.org.gg.

For the avoidance of doubt, the applicant is reminded that no external lighting for the padel courts is permitted.

The applicant is advised that the removal of trees, shrubs and hedging for the installation of the padel court and balcony should be undertaken outside of bird breeding season (March-July inclusive). If this is not possible, a breeding bird survey is undertaken on the vegetation to be removed and appropriate mitigation is undertaken to ensure compliance with the Animal Health Ordinance.

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/2024/2059
Property Ref: F01008A000
Valid date: 07/01/2025
Location: Mont D'Aval Rue Des Pointes St. Pierre Du Bois Guernsey
GY7 9BR
Proposal: Install padel court to southwest of site, erect single storey
extension with extended balcony at 1st floor level to west
elevation.
Applicant: Pragnell Guernsey Limited

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.

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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.

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Reason - To ensure the biodiversity on site is not reduced.

INFORMATIVES

Your attention is drawn to The Animal Welfare (Guernsey) Ordinance, 2012 and the need to comply with its provisions. The building is located in an area where bats/birds may be roosting/nesting and measures may therefore need to be taken (including consideration of the timing of the works) to ensure that any protected species present are not impacted by the works. It is recommended that you contact La Société Guernesiaise for advice or to arrange a site visit. La Société can be contacted on 07781 166924 or email info@societe.org.gg.

For the avoidance of doubt, the applicant is reminded that no external lighting for the padel courts is permitted.

The applicant is advised that the removal of trees, shrubs and hedging for the installation of the padel court and balcony should be undertaken outside of bird breeding season (March-July inclusive). If this is not possible, a breeding bird survey is undertaken on the vegetation to be removed and appropriate mitigation is undertaken to ensure compliance with the Animal Health Ordinance.

OFFICER'S REPORT

Site Description:

The property known as 'Mont d'Aval' is a 1970's part single storey part two storey dwelling due to the topography of the land which falls away to the west/southwest. Rue des Pointes runs along the east boundary. The house was remodelled around 2012 moving the vehicular entrance to the north (rather than the east). There are

neighbouring properties across the road to the east and to the southeast, and in all other directions are open agricultural fields. The property is located Outside of the Centres and within an Agriculture Priority Area as defined in the Island Development Plan.

Relevant History:

There is no relevant history pertaining to this application.

Existing Use(s):

Residential use class 1: dwelling house.

Brief Description of Development:

This application is to install a padel court to the lower southwest part of the site and erect single storey extension with extended balcony at 1st floor level to west elevation.

The proposals also include an outdoor swimming pool and patio area with a raised fire pit, however, these items are considered exempt and will not be assessed as part of this application.

Initially the padel court had external lighting as part of the proposal, however after consult responses were returned from Environmental Health and ACMS, the application was deferred and all external lighting was omitted from the padel court.

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

GP8: Design

GP9: Sustainable Development

GP13: Householder Development

Representations:

Two letters of representation have been received and the issues raised are:

- The concerns are with references the proposed padel court and the impact it will have on the surrounding area.
- The first concern is that Padel is a very noisy game and this is a very quiet area, therefore it will be considerably noticeable to the surrounding vicinity, particularly as it is very likely to be used in the evenings and night, hence the lighting.
- The second concern is the proposed lighting. The planning statement says the structure is 4m high whilst the padel design details show the lighting being 6m high. It is assumed that to serve any useful purpose the light will be of a high intensity. This is a dark area of the island with owls and bats etc which may well be affected by the light pollution caused by the lighting.

- In respect of this application, we would like to express our concerns over the proposal to install external lighting around the planned padel court. We would highlight the environmental impact of light pollution on many types of wildlife such as birds, bats and insects. Such pollution can be particularly problematic when introduced into a landscape such as this one, where existing sources of artificial light are relatively sparse. We would ask that consideration be given to the increased light pollution which may arise from this development within the rural landscape. Associated light pollution would extend over a large area of mostly agricultural land and adjoining wooded valley escarpments frequented by bats and other sensitive wildlife such as foraging owls.
- It is likely that the proposed works would result in a net ecological loss overall and therefore would not meet the requirements of the local Strategy for Nature.
- We would also highlight that in our experience of similar developments, initial controls over the use of any installed external lighting do not provide adequate safeguards for the long term as landowners typically ignore the restrictions or apply for such limitations to be revoked at a later date.

Consultations:

The Office of Environmental Health and Pollution Regulation.

30/01/2025

"I have reviewed the proposed plans to install a padel court with external lighting to the southwest of the site at Mont d' Aval. There are issues of concern that I must raise and there is currently insufficient information for me to be able to fully comment on this application.

The proposed location of the padel court is approximately 22m from the closest residential property, with other residential properties close by. I am therefore concerned that the external lighting and noise from the padel court may impact on nearby residential properties.

Should the following information be submitted, I would be happy to look at this and provide further comments:

1. Lighting:

Whilst details of the lights that will be installed have been submitted, it is not clear if these will impact the nearest neighbouring residential properties. The padel court plans show the lights will be 6m in height and the Design and Access statement dated 11.2024, Ref. 23097-800-02, states:

"the Padel court does not exceed 4m in height and is located within the South West of the garden at the lowest point of the property. This area of the garden is not overlooked by any neighbouring properties and also benefits

from a mature boundary hedge which is to be maintained as part of the proposal."

Whilst I recognise the court is at the lowest point on the property it is not confirmed how low this is in relation to nearby properties, or at what levels nearby properties sit at. I would request that an assessment report is provided which includes:

- any light spill, direct glare and lux levels affecting neighbouring residential properties,*
- the differences in heights and levels between the proposed lighting and the neighbouring properties,*
- any attenuation measures required to prevent the lighting from causing disturbance or nuisance,*
- the proposed times that the lighting will be used and how this will be controlled.*

2. Noise

This office has previously received complaints about the noise caused by the playing of padel tennis in Guernsey. Whilst it is acknowledged that this court is domestic and the noise source is intermittent and difficult to assess, we would welcome details of any attenuation measures that the applicant is considering to mitigate noise nuisance complaints. It would also be useful to know who it is expected will be using the court and how often this is anticipated. The applicant may find it beneficial to seek advice from an acoustic consultant and I attach a list of consultants prepared to operate on the island. Please note that inclusion on the list does not infer any recommendation by the department."

26/02/2025

"I write further to my letter dated 30th January 2025, in which I raised concerns about the potential lighting and noise impact on nearby residents, in relation to the above application that proposes to install a padel court to the south-west of the site at Mont d'Aval.

I have since been provided with additional information from the Planning Officer, including confirmation that the external lighting that was proposed has now been removed from the application and I therefore have no further comment to make about this aspect.

I have read the letter from Aura (Sound & Air) Limited, dated 17th February 2025, ref. PG017.1 V1, which details the applicant's proposed usage of the Padel court and recommends best practice measures to effectively manage noise.

As per the best practice measures recommended in Aura's letter, I would recommend that the following condition is attached to any permission granted for the application:

- *The padel court shall not be used at any time other than between 09:00 and 21:00 hours on each day.*

Whilst it would not be relevant to recommend any of the other best practice measures are conditioned on a planning consent, I strongly recommend that the applicant implements all of the other best practice measures offered by Aura, so that noise transference from the padel court is kept to a minimum."

Agriculture, Countryside and Land Management Services (ACLMS).

05/02/2025

"We note that all proposals are within an area of existing domestic curtilage and that the property is not within an Area of Biodiversity Importance (ABI) or Site of Special Significance (SSS). However, the site is within 500m of the Cliffs SSS which is designated for its provision of a natural corridor and safe nesting, roosting, and feeding sites. The area in which the property is situated is also one of the darker areas of the island, due to the lack of street lighting and extensive areas of fields. As a result of these conditions, the Bailiwick Bat Survey has shown this locality to support foraging bats.

We note that the proposal for a padel court includes the installation of LED lighting. There is insufficient information within the planning application to determine the potential impact of this lighting to bats and other taxa which are sensitive to artificial light at night (ALAN). We'd advise that no external lighting is permitted within the development of the padel court but, if this is unachievable, it should be ensured that any lighting is conducive to the bat friendly light guidance, published by the Bat Conservation Trust. This includes LED lighting having a luminosity of 2700 or lower to reduce blue light, using horizontally mounted luminaires with negligible or zero Upward Light Ratio, and the use of accessories such as baffles, hoods or louvres. The Authority may wish to ensure the lighting is compliant with this guidance through a suitably worded condition or advisory notice.

We note the plans to remove trees, shrubs, and hedging for the installation of the padel court and balcony. We recommend that this removal takes place outside of bird breeding season (March – July inclusive) or, if this is not possible, that a breeding bird survey is undertaken on the vegetation to be removed and appropriate mitigation is undertaken to ensure compliance with the Animal Health Ordinance. The applicant may also wish to consider planting trees elsewhere within the property to offset this tree/shrub removal."

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.

The west facing ground floor extension and balcony above are considered to achieve a good standard of design, using materials which complement the existing materials. The extension will provide adequate levels of sunshine and daylight, and give the occupiers more flexible and adaptable accommodation.

The scale and massing of the new extension and balcony are not considered to have a detrimental effect on the character and amenity of the surrounding area, nor will they have any impact on either of the immediate neighbours.

Initially the proposed padel court had two concerns, the extent of the lighting and the possible noise levels. Since the deferral all the external light has been omitted from the application, which alleviates the first concern.

The applicants have provided an attenuation report regarding the noise levels from the padel court, which outlines mitigation advice and suggestions. The agent has confirmed that the applicants are happy to accept the mitigation suggestions and will adopt them.

Although many of the suggestions are not applicable to become conditions, one shall be added regarding operational hours of play as per Environmental Health's second consult response.

The property is a second home and therefore will only be occupied for limited times of the year. Due to this, the restricted hours of play and other suggestions for noise mitigation are all considered to alleviate the noise concerns and therefore the addition of a padel court is considered to be acceptable in this instance.

The applicants have also agreed to plant new trees and shrubs to offset those which will need to be removed to install the padel court. The established perimeter hedging will remain in situ to act as screening and a noise buffer.

Confirmation has been received that the development proposed has been designed to take into account matters of energy efficiency and current Building Regulations in accordance with Policy GP9.

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: 27/02/2025