

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: Change of use of agricultural land (Use Class 28) to use as part of mixed use marina and boatyard complex, erect 6 safari tents, remove hedge and earthbank to relocate access road.

LOCATION: Beaucette Marina, Route De La Lande, Vale.

APPLICANT: Beaucette Marina 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: 14/01/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 17/09/2021 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Tyrrell Dowinton Associates - 2144 03.01 & 03.02

Application Ref: FULL/2021/1942

Property Ref: C000010000

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 reference on the approved plans to wildflower planting and prior to the commencement of any work in connection therewith a landscaping scheme, to include those details specified below, shall be submitted to and agreed in writing by the Authority:

- i) full details of tree, hedge and shrub planting;
- ii) planting schedules, noting the species, sizes, numbers and densities of plants;
- iii) all existing trees, hedges and other landscape features, indicating clearly those to be removed.

Reason - To make sure that a satisfactory landscaping scheme for the development is agreed, in order to help assimilate the development into its surroundings.

5.The landscaping scheme shall be fully completed, in accordance with the details agreed under the terms of the above condition, in the first planting season following the first use of any part of the development or completion of development whichever is the sooner, or in accordance with a programme previously agreed in writing by the Authority. Any trees or plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by trees or plants of a size and species similar to those originally required to be planted.

Reason - To make sure that the appearance of the completed development is satisfactory and to help assimilate the development into its surroundings.

6.No external lighting shall be installed until details of the light fittings, luminance, fields of luminance and hours of use have been submitted to and agreed in writing by the Authority. Any lighting to be installed shall only be in accordance with the agreed details.

Reason - To make sure the level of lighting is not excessive in order to secure a sustainable form of development and one which does not unduly interfere with neighbouring residential amenity.

7.The safari tents hereby permitted shall not be occupied by any individual or group for a continuous period exceeding 28 days.

Reason - To ensure that the site is used for visitor accommodation purposes only. Any other type of occupation would raise different planning considerations.

8. No vehicles shall be parked on the land to which this application relates.

Reason - In the interests of landscape character and visual amenity.

9.Within 6 months of the cessation of the use hereby permitted, or should they otherwise no longer be required, the safari tents, decking, base structure/foundations, outdoor furniture and services shall be permanently removed and the land laid to grass.

Reason - To ensure that all structures are removed from the site upon cessation of use or when no longer required, in the interests of the rural character of the locality.

10.No system of public address, loudspeaker system or amplified music shall be operated within the site at any time.

Reason - To avoid potential noise nuisance in the interests of residential amenity.

Expiry Date: This permission will cease to have effect on 13/01/2025 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

Your attention is drawn to The Animal Welfare (Guernsey) Ordinance, 2012 and the 2020 Strategy for Nature and the need to comply with their provisions. The hedge may be used by nesting birds or other wildlife. You are requested to remove the hedge outside of the bird breeding season (March-July inclusive). If removal of the hedge during the breeding season is considered essential, it is recommended that you contact La Societe Guernesiaise so that the site can be inspected prior to removal to ensure that any protected species present are not impacted by the works. La Société can be contacted on 07781 166924 or email societe@cwgsy.net.

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/2021/1942
Property Ref: C000010000
Valid date: 17/09/2021
Location: Beaucette Marina Route De La Lande Vale Guernsey GY3 5BQ
Proposal: Change of use of agricultural land (Use Class 28) to use as part of mixed use marina and boatyard complex, erect 6 safari tents, remove hedge and earthbank to relocate access road.

Applicant: Beaucette Marina 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).

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 reference on the approved plans to wildflower planting and prior to the commencement of any work in connection therewith a landscaping scheme, to include those details specified below, shall be submitted to and agreed in writing by the Authority:

- i) full details of tree, hedge and shrub planting;
- ii) planting schedules, noting the species, sizes, numbers and densities of plants;
- iii) all existing trees, hedges and other landscape features, indicating clearly those to be removed.

Reason - To make sure that a satisfactory landscaping scheme for the development is agreed, in order to help assimilate the development into its surroundings.

5. The landscaping scheme shall be fully completed, in accordance with the details agreed under the terms of the above condition, in the first planting season following the first use of any part of the development or completion of development whichever is the sooner, or in accordance with a programme previously agreed in writing by the Authority. Any trees or plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by trees or plants of a size and species similar to those originally required to be planted.

Reason - To make sure that the appearance of the completed development is satisfactory and to help assimilate the development into its surroundings.

6. No external lighting shall be installed until details of the light fittings, luminance, fields of luminance and hours of use have been submitted to and agreed in writing by the Authority. Any lighting to be installed shall only be in accordance with the agreed details.

Reason - To make sure the level of lighting is not excessive in order to secure a sustainable form of development and one which does not unduly interfere with neighbouring residential amenity.

7. The safari tents hereby permitted shall not be occupied by any individual or group for a continuous period exceeding 28 days.

Reason - To ensure that the site is used for visitor accommodation purposes only. Any other type of occupation would raise different planning considerations.

8. No vehicles shall be parked on the land to which this application relates.

Reason - In the interests of landscape character and visual amenity.

9. Within 6 months of the cessation of the use hereby permitted, or should they otherwise no longer be required, the safari tents, decking, base structure/foundations, outdoor furniture and services shall be permanently removed and the land laid to grass.

Reason - To ensure that all structures are removed from the site upon cessation of use or when no longer required, in the interests of the rural character of the locality.

10. No system of public address, loudspeaker system or amplified music shall be operated within the site at any time.

Reason - To avoid potential noise nuisance in the interests of residential amenity.

INFORMATIVES

Your attention is drawn to The Animal Welfare (Guernsey) Ordinance, 2012 and the 2020 Strategy for Nature and the need to comply with their provisions. The hedge may be used by nesting birds or other wildlife. You are requested to remove the hedge outside of the bird breeding season (March-July inclusive). If removal of the hedge during the breeding season is considered essential, it is recommended that you contact La Societe Guernesiaise so that the site can be inspected prior to removal to ensure that any protected species present are not impacted by the works. La Société can be contacted on 07781 166924 or email societe@cwgsy.net.

OFFICER'S REPORT

Brief Description:

The application relates to the change of use of agricultural land (Use Class 28) to a campsite and the erection of 6 safari tents. In connection with these proposals the scheme also proposes to remove a hedge and earthbank to relocate the access road with associated replacement gravel roadway and landscaping.

The site located Outside of the Centres and the subject of no other designation under the Island Development Plan.

Relevant History:

FULL/2015/3033 - Create camp site consisting of 8 plots for motor homes, install field gate, create new access track, alter ground levels, form earth banks and lay boulders – granted

FULL/2017/2272 - Remove earthbanks, erect four shepherd huts for use as visitor accommodation, erect fencing and carry out landscaping – granted

FULL/2017/2299 - Change of Use of agricultural land to boatyard use, re-surface existing boatyard and rescind condition restricting use of part of boatyard to over-wintering only (part retrospective) – granted

FULL/2018/2125 - Reposition houseboat within boatyard and change of use to workshop – granted

FULL/2018/2300 - Erect enclosed structure to create waste bin storage and recycling area and relocate oil tank – granted

FULL/2020/0797 - Erect 3 storage containers for temporary period – granted

FULL/2020/0822 - Erect four bay marina and boatyard storage/workshop building - granted

FULL/2021/0029 - Change of use of agricultural land (Use Class 28) to use as part of mixed use marina and boatyard complex and erect 7 glamping pods - granted

FULL/2021/1946 – erect earthbank – under consideration

Existing Use(s):

29 Sui generis

28 Agriculture

Policies:

Island Development Plan policies:

GP15: Creation and Extension of Curtilage

OC8(B): Visitor Accommodation Outside of the Centres – Campsites

GP1: Landscape Character and Open Land

GP8: Design

Consultation:

La Societe Guernesiaise – commented on the application as originally submitted and highlighted that all types of hedges support nesting birds and other wildlife and recommend an informative note on any planning permission regarding the removal of the hedge in order to reduce the risk of disturbing or destroying animals which are protected under the Animal Welfare Ordinance, 2012.

Following the deferral of the application advised that the area supported important species-rich Semi-improved Grassland in the 1999 habitat survey. In 2010, this had been diminished by intensive management and was mapped as Improved Grassland. In the latest survey of 2018, it was classified as Amenity Grassland, representing a further loss of botanical value.

La Societe are confident that a more sympathetic management regime would lead to a steady recovery of the site and oppose the proposed sowing of a new wildflower meadow and would recommend that the existing habitat be managed appropriately

in order to restore the native grassland. An ecological assessment of the grassland area is recommended prior to any works to determine the current condition of the habitat and further soft landscaping in terms of native trees and shrubs be included with the aim of screening the site and providing habitats for additional biodiversity. La Societe could advise on suitable species.

Comments relating to breeding birds and other wildlife were reiterated and informative notes recommended.

Assessment: *(Tick as appropriate)*

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

Conclusion/Brief comment:

The principal aim of the Island Development Plan (IDP) is to help maintain and create a socially inclusive, healthy and economically strong Island, while balancing these objectives with the protection and enhancement of Guernsey's built and natural environment and the need to use land wisely.

IDP paragraph 17.7.4 clarifies that, *"the States is seeking to support and develop the Island's camping and 'glamping' offer, as part of the aim to enhance visitor accommodation in the Island."* It goes on to state that, *"Any proposal for a new campsite, or for works to existing campsites, that includes movable structures for accommodation...will generally be supported where the use of the site and ancillary development would not have a significant adverse effect on the visual quality and landscape character of the locality and where the site does not fall within an Agriculture Priority Area."*

Paragraph 17.7.5 states that, *"Campsites will be provided to support the visitor economy and not to provide long-term residential accommodation and, as such, the length of residency will generally be controlled through planning conditions."*

Policy OC8(B) provides support for the creation of, or works to an existing, campsite subject to compliance with a number of criteria.

Planning permission is sought for safari tents where previously glamping pods have been granted permission on the site. Shepherds huts were granted planning permission to be sited in the area of the motorhome pitches to the west of the marina building. The proposed tents are larger than the previously approved glamping pods and could accommodate more people but given their construction would not lend themselves to long-term residential accommodation. The application

does not set out that the tents would be removed outside of the tourism season therefore must be considered as permanent structures.

In this case the site does not fall within an Agriculture Priority Area, the scale of permanent development, six safari tents, is proportionate to the scale of the camping operation.

The permission for shepherd huts elsewhere on the site was limited to their use for 11 months of the year and their removal for 1 month during the winter on a rotational basis for maintenance. In the case of the glamping pods, the applicant indicated that a similar restriction in relation would enable them to operate an extended season and maximise the financial viability of the development. The application does not specify whether the safari tents would be utilised for a limited “season” or all year round however, given the physical connections to services and the time and manpower required to erect and disassemble such safari tent structures it is not considered appropriate to require them to be removed for one month each year. The use of the site all year round would be possible subject to a condition restricting the length of occupancy of any of tent by any individual or group as this would represent an adequate control of the site as visitor accommodation only.

On that basis the application is considered to comply with the aims and objectives of Policy OC8(B).

The design of the safari tents is considered to be acceptable in the context of Policy GP8.

Impact on neighbouring amenity

The scheme proposes the siting of the safari tents towards the north of the site with a new hedge installed to the west, south and east in order to screen the site from the proposed access road which is to be repositioned from the north of the site. In this respect the scheme represents an improvement over the recently approved glamping pod development. It is noted that the safari tent scheme would be for year round use (not 11 months) and that they are larger and can accommodate families or larger groups. Nonetheless, the year-round use would not significantly alter the impact of the development on the amenities of neighbouring residential properties over and above the permitted 11 months for glamping pods. Visitors in the winter months will be less likely to use the external space and particularly not later into the evenings.

As acknowledged with the glamping pod application, the use of the safari tents will also generate additional activity on the site and residential amenity could be affected by external activity. In line with the planning permission for glamping pods on the site it is reasonable to impose a condition precluding amplified music in outdoor areas of the site. Proposed lighting is to be low level and low energy, which should minimise any light pollution or impact on neighbouring amenity, and precise details

of the lights themselves, their brightness, fields of luminance, and hours of use, can be controlled by way of condition.

Given the proposed changes to the site access arrangements the proposed safari tents will be situated further from the residential properties to the west and south. The position and orientation of existing dwellings relative to the site, proposed boundary enclosure and existing mature landscaping along with the number of safari tents involved, the characteristics and scale of the existing marina/boatyard use and so the likely traffic movements along the new access road will meet the aims of Policies GP8 and GP9 of the Plan. Subject to the imposition of conditions relating to lighting and amplified music, it is considered that any additional impact on neighbouring amenity would not be so significant as to justify a refusal of planning permission.

Impact on landscape character and visual amenity

In connection with the recent application for glamping pods on the site it was accepted that in order to carry out the approved development that an extension of curtilage onto agricultural land would be required. Such proposals are supported by Policy GP15 subject to a number of criteria being satisfied, including that a proposal would not have an unacceptable detrimental impact on the landscape character. Policies GP1 and GP8 also require landscape character and opportunities for landscaping to be taken into account when considering proposals for new development. The introduction of safari tents in place of glamping pods, given their substantial and permanent nature,

The application site is bounded by the marina and boatyard complex to the north and east, by a public footpath with fields beyond to the south along with the proposed boatyard access, and by residential properties on Route de St Magloire to the west.

The safari tents do not require substantial foundations, and water, electric and sewage connections would be trenched to connect to existing services, all of which could be removed should the visitor accommodation use cease in future. This can be controlled by planning condition.

The introduction of the proposed safari tents on a permanent basis and screen landscaping will change the open character of this part of the site. The impact of the proposal would however, be limited as the tents would be viewed in the context of the marina, boatyard and neighbouring residential properties. The impact of the development would be reduced through the introduction of landscaping which is indicated in the application submission and can be controlled by condition. The permanent development (safari tents) have be situated so as not to have a significant adverse effect on the visual quality or landscape character of the area, the associated development (BBQ area and picnic benches) is proportionate to and ancillary and incidental to the campsite operation, and all structures can be removed from the site upon the cessation of the use or when no longer required. A condition

can also be imposed preventing vehicles being parking on the campsite which would require visitors to leave their vehicles in a designated car park during their stay in order to protect the land and the character of the area. A campsite, or glamping site in this instance, by its nature generally requires a rural location and it is considered that the proposal would have an acceptable visual impact when considering policies OC8(B), GP1, GP8 and GP15.

Landscaping and Biodiversity

Concerns have been raised through the consultation process regarding the landscaping proposed to be undertaken in connection with the safari tent development and the aim of La Societe is to see the site recover as native grassland along with native tree and shrub planting which will have an added biodiversity benefit. In this case, a landscaping scheme for the site is considered appropriate as the plans do not provide sufficient detail regarding proposed planting and to ensure its implementation and retention. Through the condition, the applicant can explore and seek to address the comments and concerns raised by La Societe.

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.

In view of the above it is recommended planning permission is granted for the proposed development.

Recommendation:



Grant with Conditions

Date: 13 January 2022