

THE LAND PLANNING AND DEVELOPMENT (GUERNSEY) LAW, 2005

AND SECTION 19 OF THE LAND PLANNING AND DEVELOPMENT (GENERAL PROVISIONS) ORDINANCE, 2007

NOTIFICATION OF REFUSAL OF PLANNING PERMISSION

PROPOSALS: Variation to previously approved plan for change of use of agricultural land to campsite - variation of Condition 12 to allow for amplified music/speeches.

LOCATION: Camp Des Reves, Rue Des Paysans Au Val, St. Pierre Du Bois.

APPLICANT: Mr D Barnes

I refer to the application referred to below received as valid on 09/09/2021 regarding the above proposals as described more fully in the application and drawings referred to below.

Date of refusal of permission: 02/11/2021

Drawing Nos: PF+A Ltd: 6325-04/B1 and letter reference 6325-02 dated 07 September 2021

Application Ref: FULL/2021/2031

Property Ref: F005310000

The Development & Planning Authority has decided to refuse your application under the provisions of section 16 of the Land Planning and Development (Guernsey) Law, 2005 for the following reasons:-

1. The proposed variation of condition 12 of planning permission FULL/2017/0947 to allow amplified music, public address and loud speaker systems to operate on the site would, if permitted, be severely detrimental to the rural character of the area and the amenities enjoyed by the occupiers of surrounding residential properties by virtue of the likely noise nuisance that would be caused. The proposal is therefore contrary to Policy GP8 d. and GP9 b. of the Island Development Plan.

OTHER REMARKS:-**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, against a decision to refuse an application for planning permission or outline planning permission to the Planning Tribunal on the merits. 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.

Copy of representations made

In reaching this decision the Development & Planning 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 to the Authority under section 11 will be included with this decision in accordance with section 19 of the Ordinance.

A J ROWLES

Director of Planning
Planning Service



PLANNING APPLICATION REPORT

Application No: FULL/2021/2031
Property Ref: F005310000
Valid date: 09/09/2021
Location: Camp Des Reves Rue Des Paysans Au Val St. Pierre Du Bois
Guernsey
Proposal: Variation to previously approved plan for change of use of
agricultural land to campsite - variation of Condition 12 to allow
for amplified music/speeches.
Applicant: Mr D Barnes

RECOMMENDATION - Refusal with Reasons:

REASONS FOR REFUSAL

1. The proposed variation of condition 12 of planning permission FULL/2017/0947 to allow amplified music, public address and loud speaker systems to operate on the site would, if permitted, be severely detrimental to the rural character of the area and the amenities enjoyed by the occupiers of surrounding residential properties by virtue of the likely noise nuisance that would be caused. The proposal is therefore contrary to Policy GP8 d. and GP9 b. of the Island Development Plan.

OFFICER'S REPORT

Site Description:

The application site is located to the south side of Rue des Paysans Au Val, a short distance south-west of La Houquette School. The site is located at the crest of the escarpment, with views over the open land and scattered development towards the coast to the west.

The site is an established "glamping" site, comprising 5 safari tents and a facilities building on the upper level and with permission for informal camping or the installation of 5 shepherds huts on the lower level.

The site is located Outside of the Centres and within the Agriculture Priority Area as designated in the Island Development Plan.

Relevant History:

FULL/2020/2495 Application to erect sperry tent (marquee) for functions on lower field
– Withdrawn.

07/06/2021 FULL/2021/0163 Permit to vary Condition 7 of planning permission FULL/2017/0947 and Condition 4 of planning permission FULL/2020/2492 to extend operation of glamping site to year round, excluding the period 5th January - 5th February.

28/04/21 FULL/2020/2492 Permit to install 5no shepherds huts.

23/02/21 FULL/2021/0030 Permit to erect extension to east elevation of facility block.

31/07/2020 FULL/2020/0077 – Permit for variation to Condition 7 of planning permit FULL/2017/0947 to allow retention of ‘glamping’ safari tents until 31 October 2022.

02/05/19 FULL/2019/0216 – Permit for variations to plans previously approved: change of use of agricultural land to campsite - reconfigure access to lower field and widen vehicular access.

21/02/18 FULL/2017/0947 – Permit for change of use of agricultural land to camp site, install 6 glamping units, swimming pool and services block with associated landscaping and car parking.

Existing Use(s):

Campsite.

Brief Description of Development:

The application submission relates to the removal of condition 12 of the original permission for the camp site (FULL/2017/0947) to allow for the use of amplified music on the site for weddings/celebratory events. The description of development was subsequently amended to relate to the variation of condition 12.

Condition 12 states:

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

Although the application sets out that Camp des Reves wish to erect a Sperry tent on a limited number of occasions with amplified music the application does not relate to the Sperry tent itself. The application has been generated following requests to hold weddings and celebratory events at the site and the acknowledged safety of outdoor events in relation to Covid 19.

The tent will be erected for a maximum of 21 days between 1st May and 30th September each year which includes the days the tent is in place either side of an event. The tent will not be placed for more than 4 days within a 7 day period and the applicant will provide written confirmation to the Planning Service prior to each events (or at the beginning of the season for all events) detailing where the tent will be erected, the date of events and the dates the tent will be erected and dismantled. On this basis the tent itself does not require the submission of a formal planning application.

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

Island Development Plan policies:

OC8(B)	Visitor Accommodation Outside of the Centres – Campsites
GP8	Design
GP9	Sustainable Development

Representations:

Fifteen letters of representation (including one duplicate letter/email and three from a single household) have been submitted objecting to the application and raising the following points:

- Information contained in the application submission is inaccurate
- An Environmental Impact Assessment should be undertaken due to the potential impact on nearby residents and school children at the nearby school
- The current terms and conditions of the site contradict these proposals, the applicant is undermining the original ethos for the site
 - Keep noise to a minimum between 10pm and 7am
 - Not to cause nuisance or annoyance to occupants of any nearby property
 - Planted areas to protect nesting birds, insects and wildflowers
- As predicted, the creeping intensification continues
 - The applicant did not comply with the condition relating to the removal of tents from the site over winter
 - if this application is granted it will be followed by an application for a year round wedding venue
- Concerns exist regarding the future clientele for the site who would require amplified music (stag/hen parties) and the associated anti-social behaviour that can occur after significant alcohol consumption
- The Sperry tent/events tent should be refused planning permission
- The Sperry tent would clearly not meet any noise compliance regulations
 - The Planning Service could not realistically put in requirements for noise compliance
 - Noise compliance requirements would be unattainable
 - It is not reasonable to push a problem onto other Departments
- It would be illogical to allow amplified music to blare across the valley when on a new structure, Building Control insist on soundproofing, triple glazed windows etc. to prevent noise transmission outside the building
- The area is very peaceful, with little noise
 - Properties in Rue de Val, Rue de Val de Haut, Rue de Houguette, Rue Rocheuse, Les Adams, Rue de Marais, Rue de Pomares and along the coast road at La Rocque Poisson would be affected by amplified music
 - surrounding trees will not prevent unacceptable noise nuisance
 - there is not a dense pine forest in this area only a few saplings growing
 - the prevailing breeze is up the valley
- Neighbours are already affected by the noise from the site, it has steadily increased since permission was granted – every time the site is occupied, and if it

is a still night, the sound of residents on this holiday housing estate can be heard (chatting, laughing shouting etc.)

- Amplified music at 11pm would be a disturbance
 - In the correspondence from Environmental Health to the applicant, they suggest that amplified music is limited to 11pm but would the applicant police this as he lives in another parish and will not be available to monitor the noise level or cut off time?
- Comfort was taken from the fact there would be no late music or amplified music on the site
- It is assumed the proposal would relate to every Friday and Saturday throughout the summer and this would be intolerable for residents
 - it is reasonable to expect peace and quiet living in a rural area and not to live next to a permanent party/disco site
 - the summer is when residents will also be making use of their gardens and will be most affected by the proposals
 - evening amplified music to 11pm would take no account of the elderly, families with children in the area or essential workers who work shifts
 - one off-events occur in the area and the music does carry a fair distance, knowing it is a one-off event is more acceptable/manageable
- Functions held on the field adjacent to the now built campsite i.e. occasional wedding and the 2 day Smash Motorcycle Festival generated considerable traffic and noise which travelled throughout the neighbourhood
- The joyful sound of children playing at La Houquette School during the daytime can be heard in the neighbourhood
- Noise from the West Show carries to the area of this application site demonstrating how much noise travels and in this case the distance is further and with higher ground as a barrier
- noise is also experienced from the Rocquaine Regatta which is further away and with high ground as a barrier
- Concerns exist about the request for fireworks associated with such events and the impact this will have on wildlife, domestic animals and residents – a condition should be imposed preventing fireworks on the site
- the lane in which the campsite is situated and those surrounding it are very narrow and it would be undesirable to have an increase in traffic associated with a wedding event
 - the previous application did not include comments from Traffic and Highway Services regarding the effect of traffic movements associated with weddings and parties along with a lack of on-site parking
 - during the day there will be increased personal and commercial traffic including cesspit lorries. The lanes could not cope with 50 – 100 + people arriving at an industrial, summer long proposal
 - the applicant directs customers to park at La Houquette School and has used the car park as a large bus collection point - has this been permitted/agreed by the school?
- other sites have been rejected for similar proposals and granting permission here will set a precedent for other such proposals
- the area is rich in animal and bird life and the proposal would be unacceptable, out of kilter with the current times

- there are over 12 owl boxes in the area and the proposal will impact on the owls' ability to listen and find food to feed their young, the habitat will be put under threat
- the proposed development conflicts with the original proposal to develop the site for yoga and bird watching
- Failure to take these comments on board would not show a duty of care to residents and leaving the States open to possible litigation for damages.

Consultations:

The Office of Environmental Health and Pollution Regulation – express concerns regarding the potential for noise nuisance. Whilst it is appreciated that the nearest neighbouring properties are some distance away there are significant concerns regarding the impact of amplified music in this area. Given the nature of the area and the proximity of residential properties it is not considered that the use of amplified music in marquees or other temporary structures would be suitable. The background noise level in this area will be low and noise from outdoor amplified music can travel significant distances. The application refers to advice provided by OEHPR, this is accurate in relation to private events and the legislative remit in relation to PA permits. It is for this reason that additional controls through the planning regime are critical to ensure that nuisance does not occur. It is recommended that condition 12 is varied and additional conditions attached:

- No amplified music shall be played within the site at any time
- Amplified speeches on the site shall not exceed 1 hour per event

The guidelines for exemption are noted and it is assumed that these will be relevant to the tent structure itself. When submitted the OEHPR would welcome sight of the event details to be kept informed of dates etc.

Summary of Issues:

The key issue in this case relates to the potential impact of the variation of condition to allow for amplified music, public address systems or loudspeaker systems on the site, on the amenities of surrounding residential occupiers.

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.

Although as a campsite Policy OC8(B) would apply, the application does not relate to built development on the site that could impact on agricultural land or the landscape

character of the area and that can be demonstrated to be proportionate and ancillary/incidental to the campsite operation. The scheme must therefore be assessed against other relevant policies in the Island Development Plan, namely Policies GP8 and GP9.

The application relates to the variation of the condition relating to amplified music and personal address systems at Camp de Reve in order to allow for weddings and other celebratory events to take place. The application submission, and comments received through the public consultation process, make reference to the erection of a Sperry tent however provided the criteria set out above in relation to such a proposal are satisfied the erection of the tent itself does not require the specific grant of planning permission. The concerns relating to traffic generation associated with wedding/celebratory events are also noted however are not relevant to this planning application that relates only to amplified music, etc. being permitted on the site.

The Office of Environmental Health and Pollution Regulation recommends that the condition is varied to allow the limited use of a public address system for making speeches but that no amplified music should be permitted on the site due to the significant potential for nuisance to occur.

To preclude amplified music at the site and to limit the length of amplified speeches would be consistent with planning permissions granted for marquees at hotels such as at Les Cotils and Bella Luce where no amplified music is permitted and amplified speeches are limited to 1 hour in length due to the potential impact on residential amenity.

This, however, would not meet the express aims of the application which sets out in the letter dated 7 September 2021 its purpose *“to enable amplified music at such events”*.

Although the application sets out that there is a significant distance between the application site and surrounding residential properties, and that surrounding landscaping will provide a buffer to the noise generated from this proposal, the rural location of the site means that background noise levels are particularly low. This and the topography of the surrounding landscape is such that noise associated with amplified music on the site is likely to travel significant distances and result in noise nuisance to surrounding residents. Although conditions could be used to limit the times amplified music could be permitted on this site this would not satisfactorily address the concerns regarding harm to residential amenity.

As a result, the application does not meet the aims of Policy GP8 d. or GP9 b. of the Island Development Plan and it is recommended that planning permission is refused for the proposal to vary condition 12 of planning permission FULL/2017/0947.

The comments received through the public consultation process have all been noted. This is not an application that would generate a requirement for an Environmental Impact Assessment Screening Opinion and nor is it possible for the Authority to restrict the use of fireworks on a site by way of planning condition as this is not a matter relevant to planning and therefore such a condition would be ultra vires.

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: 27 October 2021

