

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: Temporary change of use of agricultural land (Use Class 28) to erect marquee for temporary period (April to September 2023) and installation of hardstanding. (retrospective)

LOCATION: The Farmhouse Hotel, Route Des Bas Courtils, St. Saviour.

APPLICANT: Nut Tree 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: 12/07/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 17/03/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: PF+A Ltd: 7527-02 B2A, Proposed site layout, Typical Dimensions, Regency Events A4 Drawing, Losberger Brochure Details.

Application Ref: FULL/2023/0467

Property Ref: E000080000

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 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.

3.This permission is for the erection of the marquee for the period of 1st April 2023 to 30 September 2023 only and does not permit the erection or retention of the marquee other than between those dates.

Reason - For the avoidance of doubt.

4.A maximum of 10 weekend events shall be permitted in the marquee between 1st April 2023 and 30th September 2023. There shall be no use of the marquee Monday to Thursday, except on Bank Holidays.

Reason - To minimise the effect of the development on the privacy and amenities of nearby residents.

5.The marquee shall not be used for any events before 12.00 noon or after 20:00 hours on any day. This does not apply to preparatory work.

Reason - The marquee is close to residential properties and a limit on the use is needed to prevent a nuisance or annoyance to nearby residents.

6.No amplified music shall be played within the marquee at any time.

Reason - The marquee is close to residential properties and a limit on the use is needed to prevent a nuisance or annoyance to nearby residents.

7.Amplified speeches within the marquee shall not exceed 1 hour per event and the PA level shall be agreed in writing with the Authority in consultation with the Office of Environmental Health and Pollution Regulation prior to the first event.

Reason - The marquee is close to residential properties 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 11/07/2026 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

It is recommended that the hotel provides local residents that are liable to be affected by the events with a programme for the season.

The granting of a temporary permission in this instance, does not infer that similar forms of development will be acceptable in future. The design, materials and form of construction of the marquee represents a temporary form of development that does not achieve a good standard of design that would be appropriate for a permanent or rolling, annual permission. To ensure that any development conserves the character and appearance of the area, it is recommended that, moving forward, alternative options are reviewed with the aim of achieving a higher quality of design whilst enhancing the function space available at the hotel. It would be open to you to submit a pre-application enquiry regarding any such alternative proposals, which may include an extension to the hotel itself, to enable the Planning Service to advise on the suitability of such alternative schemes when considering the relevant policies in the Island Development Plan.

If it is intended to seek a further temporary permission for the erection of a marquee on agricultural land at The Farmhouse, it is recommended that you submit a planning application by the end of December to ensure that the application is decided prior to the proposed erection of the marquee in April, in any given year.

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/2023/0467
Property Ref: E000080000
Valid date: 17/03/2023
Location: The Farmhouse Hotel Route Des Bas Courtils St. Saviour
Guernsey GY7 9YF
Proposal: Temporary change of use of agricultural land (Use Class 28) to
erect marquee for temporary period (April to September
2023) and installation of hardstanding. (retrospective)
Applicant: Nut Tree 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 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.

3. This permission is for the erection of the marquee for the period of 1st April 2023 to 30 September 2023 only and does not permit the erection or retention of the marquee other than between those dates.

Reason - For the avoidance of doubt.

4. A maximum of 10 weekend events shall be permitted in the marquee between 1st April 2023 and 30th September 2023. There shall be no use of the marquee Monday

to Thursday, except on Bank Holidays.

Reason - To minimise the effect of the development on the privacy and amenities of nearby residents.

5. The marquee shall not be used for any events before 12.00 noon or after 20:00 hours on any day. This does not apply to preparatory work.

Reason - The marquee is close to residential properties and a limit on the use is needed to prevent a nuisance or annoyance to nearby residents.

6. No amplified music shall be played within the marquee at any time.

Reason - The marquee is close to residential properties and a limit on the use is needed to prevent a nuisance or annoyance to nearby residents.

7. Amplified speeches within the marquee shall not exceed 1 hour per event and the PA level shall be agreed in writing with the Authority in consultation with the Office of Environmental Health and Pollution Regulation prior to the first event.

Reason - The marquee is close to residential properties and a limit on the use is needed to prevent a nuisance or annoyance to nearby residents.

INFORMATIVES

It is recommended that the hotel provides local residents that are liable to be affected by the events with a programme for the season.

The granting of a temporary permission in this instance, does not infer that similar forms of development will be acceptable in future. The design, materials and form of construction of the marquee represents a temporary form of development that does not achieve a good standard of design that would be appropriate for a permanent or rolling, annual permission. To ensure that any development conserves the character and appearance of the area, it is recommended that, moving forward, alternative options are reviewed with the aim of achieving a higher quality of design whilst enhancing the function space available at the hotel. It would be open to you to submit a pre-application enquiry regarding any such alternative proposals, which may include an extension to the hotel itself, to enable the Planning Service to advice on the suitability of such alternative schemes when considering the relevant policies in the Island Development Plan.

If it is intended to seek a further temporary permission for the erection of a marquee on agricultural land at The Farmhouse, it is recommended that you submit a planning application by the end of December to ensure that the application is decided prior to

the proposed erection of the marquee in April, in any given year.

OFFICER'S REPORT

Brief Description of the site:

The application property comprises a large hotel, much extended and altered, set in extensive grounds.

The application relates the erection of a marquee (comprising main marquee, catering tent and dome entrance tent) on agricultural land from April to September. The submission estimates 12 events per season and events starting at 6pm, amplified music turned off at 11pm and the bar closing at 11.30pm. Amplified speeches etc are also expected during the time of events with mitigation proposed in terms of the position of the stage, direction of speakers, internal lining of the marquee and acoustic linings and planting/landscaping on the north boundary. Reference is also made to one lunchtime booking but does not specify more details of this.

The application was deferred to seek clarification regarding hardstanding placed on the land, noted at the time of the Officer site visit, and given that construction has begun on the marquee therefore making the application retrospective in nature. The drawings were revised to show the area of hardstanding which is within the area of the catering tent to manage the weight of catering equipment and associated footfall in this area. The hardstanding has been placed directly onto the ground without any form of subbase and can readily be removed although it would have minimal effect on the use of the land for agricultural purposes.

Discussions were also held during the course of the application regarding the wording/intention of the conditions recommended by the Office of Environmental Health and Pollution Regulation (e.g. meaning of public/private events) and how this would impact on the use of the marquee.

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

Relevant History:

FULL/2022/2128 - Erect single storey extension to south (front) elevation, erect single storey extension with balcony at first floor level to west (side) elevation and alterations to fenestration – under consideration

Pre-application advice was sought in this case setting out scope in policy terms for the temporary change of use of agricultural land within the APA for the erection of a marquee. This advice was subject to the marquee/catering tent not having a

significant impact on the ability of the land to revert to agricultural use when the marquee is not in place e.g. fixed services, whether the proposals are ancillary and proportionate to the existing visitor accommodation and the effect of the development on landscape character.

Existing Use(s):

Visitor Accommodation

Assessment: *(Tick as appropriate)*

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

Policies considered most relevant:

Island Development Plan policies:

OC5(A): Agriculture Outside of the Centres – within the Agriculture Priority Areas
OC8(A): Visitor Accommodation Outside of the Centres - New, Extension, Alteration or Redevelopment of Existing Uses
GP1: Landscape Character and Open Land
GP8: Design
GP15: Creation and Extension of Curtilage

Consultation:

Office of Environmental Health and Pollution Regulation - The agent acting for the applicant contacted this office in February to consult us on the plans for events to take place in a marquee and any advice we may have. A response was sent outlining the conditions that we would likely recommend to Planning Services, to be attached to any granted planning consent. It is disappointing to see that the advice given around event numbers, timings and amplified music has not been considered within the proposals.

I have strong concerns about the impact that noise from amplified sources will have on residents living nearby. The proposal to have a dance floor with amplified music until 11pm is not at all suitable for this location and I would strongly recommend that the proposal for any amplified music is not permitted.

It is noted that some mitigation measures have been offered to lessen any impact on local residents, however these will not reduce the impact significantly enough to protect residents from being caused nuisance from amplified sources of noise.

Should the application be granted, we would recommend that the following conditions are attached to any granted consent:

1. A maximum of ten weekend events shall be permitted in the marquee between the permitted dates. There shall be no use of the marquee Monday to Thursday, except on Bank Holidays, unless otherwise agreed in writing by the authority.
2. The marquee will not be used for any events before 12:00 hours or after 20:00 hours on any day, unless otherwise agreed in writing by the authority. This does not apply to preparatory work.
3. Amplified music shall not be permitted within the marquee.
4. Amplified speeches within the marquee shall not exceed a one-hour duration per event.
5. The Public Address system level shall be agreed in writing with the Environment Department in consultation with the Office of Environmental Health and Pollution Regulation prior to the first event, unless otherwise agreed in writing by the authority.

These recommended conditions are consistent with comments we have provided on other similar applications for sites who operate a marquee during the summer period and I would be grateful if these issues are considered during the determination of this application.

The OEHPR also commented on the specific wording of conditions recommended in this case:

The wording of this condition has recently been reviewed by our office and should cover all events taking place. Any similar conditions recommended in future will be clear on what types of events we refer to. The previous mention of 'public events' in our recommended conditions (and subsequently placed on consents for applications by other premises) was intended to refer to all events attended by the public (including weddings, birthdays, corporate, etc.); however, the wording has been reviewed as we understand the confusion between public and private events, which is terminology we predominantly use when dealing with PA Permits. Although there's no legal definition for public or private events, when we deal with PA Permits a public event is any event being held that any member of the public can attend, either by way of buying a ticket or for free, and a private event would be an 'invite only' event. As I have said though, the mention of public events in recommended conditions on previous 'marquee' planning applications was intended for all events.

... the Agent mention[s] the condition recommended is unique to their application and I agree that it is, as their application was assessed on its unique location and proximity to residential properties, plus the condition wording has been reviewed.

... If amplified music is intended to be a component for events taking place past 8pm, we will remain to be concerned about the impact that these events will have on residents living nearby. As confirmed in my email to you on 15th May, acoustic distance calculations were carried out when assessing the application. Although I used assumed dB levels to calculate the impact that amplified music would have on residents, these were reasonable and likely for the types of events to be held (as advised by the applicant). I calculated that the level of noise would be intrusive to those living nearby and we therefore do not feel it would be reasonable to allow amplified music. We feel that this premises has other options available to play amplified music into the evening. However, if the applicant can demonstrate that the playing of amplified music inside the marquee will not impact neighbouring properties, via a report produced by a competent acoustic consultant, we would be happy to reconsider our position.

Conclusion/Brief comment:

Policy OC5(A) makes provision for proposals for development which is not related to a farmstead or existing agricultural holding where they accord with all the relevant policies of the Island Development Plan which offers a gateway for the proposed development.

Policy GP15 relates to the change of use of land (in this case temporarily) subject to matters relating to landscape character, impact on the Agriculture Priority Area and landscaping being satisfactorily addressed. Although the submission comments on the size of this land and its contribution to the APA it should be noted that the land is adjacent to larger fields and wider areas of open agricultural land and the field currently provides vehicular access to the field to the west also in the applicants ownership. The field could, therefore positively contribute to the commercial agricultural use of this wider Agriculture Priority Area without unacceptable adverse environmental impacts. Notwithstanding this fact, the erection of a marquee would not have a significant impact on the ability of the land to revert to agricultural use when the marquee is not in place thereby ensuring that Policy GP15 is satisfactory address in relation to the APA.

Matters relating to residential amenity and landscape character are addressed elsewhere in this report.

Policy OC8(A) supports extensions and alterations to existing visitor accommodation establishments where the development is of a scale that is appropriate to the character of the location and any additional facilities are ancillary and proportionate to the existing visitor accommodation.

The marquee is to be located on a grassed area to the north of the hotel with access directly from Rue Des Longsbeaux as well as through the hotel grounds from the south. The marquee is shown to be approximately 25m x 12m (accommodating 168 diners) whilst the associated catering tent is 6m x 9m to be situated to the east of the main marquee. The land on which the marquee is to be situated is largely level with a small area of hardsurfacing which has been installed in the area of the proposed catering tent. New planting (pyramid hornbeam, birch or alder) is proposed to the north site boundary and to part of the west site boundary for screening purposes. This planting does not require planning permission but may be deemed necessary to help assimilate the development to its surroundings, this being the case the matter can be managed by condition. In this case however, the planting season would commence following the requirement of the permission to remove the marquee from the site therefore it would be unreasonable and unnecessary to impose a condition in this case. It may however, be appropriate to consider a landscaping scheme as part of a future application for a marquee which, provided such an application is submitted well in advance of the anticipated date of erection (April) would enable planting to be carried out in the planting season prior to the erection of the marquee.

The proposal would be situated in a rural environment, evident within its surroundings. The existing bank to the east, main hotel building to the south, with associated planting to the south boundary, and additional planting to the north and west will help mitigate the visual effects of this temporary structure. The location and size means it is not considered that it would be so detrimental to visual amenity to warrant refusal of planning permission and the scheme accords with Policies GP1, GP8 and GP15 in this respect.

Consultation has again been carried out with the Office of Environmental Health and Pollution Regulation and conditions have been suggested and will be attached. Should a breach of planning condition occur the matter would need to be investigated by Planning Enforcement but noise nuisance matters may also be dealt with under Environmental Health Legislation. Subject to planning conditions, the effects on residential amenity are therefore kept within acceptable limits in line with the aims of Policies GP15 and GP8.

An informative note may be placed on any permission regarding the marquee becoming a significant part of the hotels business operation and for the hotel to explore a more permanent solution offering greater certainty to the hotel operation and the associated environmental and visual benefits. An informative note can also be placed on the permission regarding notification of local residents of the events programme for the season.

The submission refers to the use of the application site for overflow storage for items awaiting disposal. It should be noted that such storage is not permitted as part of the authorised agricultural use of the land.

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: 11 July 2023

