

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 storage container to south of Vistas cafe (for temporary period).

LOCATION: Vistas Brasserie, Vazon Road, Castel.

APPLICANT: Vazon Bay Cafe 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: 26/10/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 15/03/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Tyrrell Dowinton Associates: 2208/ 02.01A & 02.02A.

Application Ref: FULL/2022/0393

Property Ref: D019140000

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.The permission for this development shall cease, the storage container shall be removed in its entirety (including foundations), and the hard surface below shall be restored to its former condition within 2 years of the storage container being installed.

Reason - The storage container hereby approved has been granted temporary permission to enable the applicant/agent sufficient time to devise a comprehensive scheme to extend the premises in a holistic manner to limit the effect of the development on the landscape character and appearance of the area.

5.In connection with condition 4, the Authority shall be notified in writing within 1 month of the date of installation of the shipping container, of the exact date on which the container was placed on the land.

Reason - To ensure compliance with condition 4 and to limit the impact on the character and appearance of the landscape.

Expiry Date: This permission will cease to have effect on 25/10/2025 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

It is recommended that the applicant/agent contact the Office of Environmental Health and Pollution Regulation to detail what food will be stored in the container.

For the avoidance of doubt, this decision permits the proposed storage container to be used only for purposes incidental to the use of the café known as Vistas Brasserie.

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/2022/0393
Property Ref: D019140000
Valid date: 15/03/2022
Location: Vistas Brasserie Vazon Road Castel Guernsey
Proposal: Install storage container to south of Vistas cafe (for temporary period).

Applicant: Vazon Bay Cafe 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.

4. The permission for this development shall cease, the storage container shall be removed in its entirety (including foundations), and the hard surface below shall be

restored to its former condition within 2 years of the storage container being installed.

Reason - The storage container hereby approved has been granted temporary permission to enable the applicant/agent sufficient time to devise a comprehensive scheme to extend the premises in a holistic manner to limit the effect of the development on the landscape character and appearance of the area.

5. In connection with condition 4, the Authority shall be notified in writing within 1 month of the date of installation of the shipping container, of the exact date on which the container was placed on the land.

Reason - To ensure compliance with condition 4 and to limit the impact on the character and appearance of the landscape.

INFORMATIVES

It is recommended that the applicant/agent contact the Office of Environmental Health and Pollution Regulation to detail what food will be stored in the container.

For the avoidance of doubt, this decision permits the proposed storage container to be used only for purposes incidental to the use of the café known as Vistas Brasserie.

OFFICER'S REPORT

Site Description:

The application site comprises a café (known as Vistas) located to the west of Vazon Road and served by a public car park to the north. The café adjoins public toilets to the rear of the building. The building forms a cohesive and comprehensive design that is set in an open, coastal location.

The café is located north of a bus stop and the Guernsey Surf School building which is erected on a temporary basis.

The site is located Outside of the Centres as designated in the Island Development Plan.

Relevant History:

FULL/2022/0464	Erect outbuilding/bar to east of roof terrace (for temporary time period)	Pending
FULL/2011/0188	Extend at front and sides of cafe, change fenestration,	Granted

	create terrace at first floor level, raised decking at rear and path adjacent to sea wall.	
FULL/2011/3440	Erect three temporary structures for cafe facilities.	Granted
FULL/2018/0256 D019140000- south of café/toilets	Erect beach office and surf board store for a 5 year period operating from 1st May 2018 to 31st October 2018 and then with 6-month operating periods from 1st May to 31st October each successive year until 31st October 2023.	Granted

Existing Use(s):

Retail – café.

Brief Description of Development:

Planning permission is sought to install a storage container to the south of Vistas' café for a temporary period. The structure measures 6.1m (l) x 2.44m (w) x 2.59m (h) and would be used to serve the existing kitchen facility of the café. It is noted that the storage container would be in place for 2 years and would be removed thereafter. The temporary permission would give the applicant's time to explore options to develop the site to enhance the facilities on offer.

Concerns were raised in relation to the detached position of the container in relation to the café and 'visual cluttering' effect on the coastal landscape. It was also noted on the drawings submitted that the outbuilding would be sited on a concrete base which indicated a permanent structure. The Planning Service suggested to relocate the storage facility to the rear of the premises, away from the facade of the building and to omit the concrete foundations.

In response, the agent has reduced the size of the structure to 3m (l) x 2.44m (w) x 2.59m (h) and moved the structure closer to the café, although the general position of the structure remains to the side of the building. In addition, the concrete base has been omitted and replaced by four concrete pads, in attempt to overcome the concerns.

The agent has also noted that the *"storage container is only to be installed on a temporary basis while the owner explores options on how to enhance Vistas Brasserie to provide high quality facilities for both locals and visitors to the island."*

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

OC4 Retail Outside of the Centres
GP1 Landscape Character and Open Land
GP8 Design
GP9 Sustainable Development

Representations:

None.

Consultations:

The Office of Environmental Health and Pollution Regulation's comments:

"I have reviewed the proposed plans for a temporary storage container to be placed at the above-mentioned address which were received by post on 22nd March 2022 and I do not wish to raise any objection to proposals.

As the application states the container will be used to store foodstuffs, I recommend that the applicant contacts this department to discuss what foodstuffs will be stored in the container.

Please do not hesitate to contact me at the above address should you require any additional information regarding this matter."

Summary of Issues:

- Whether the design, scale, mass, siting, form and materials of the proposed development is acceptable.
- The impact of the development on the character and appearance of the area.
- The impact of the development on the landscape character and openness of the area.
- The impact of the development on neighbour amenity.

Assessment against:

- 1 - Purposes of the law.**
- 2 - Relevant policies of any Plan, Subject Plan or Local Planning Brief.**
- 3 - General material considerations set out in the General Provisions Ordinance.**
- 4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).**

The application site is located within the Coastal Landscapes as set out in Annex V Landscape Character of the Island Development Plan. The area in question falls under the Western Bays. It is noted in paragraph V.9 of Western Bays, *"Development on the Mares and along the coast road impacts on the character of the coastal landscape."*

Although the development will be visible in public views along Vazon Road, be physical detached from the building and lies outside of the footprint of the building, given that the structure has been considerably reduced in size, is positioned closer to the café, adopts materials to match the external appearance of the café, and is

requested for a temporary period of two years whilst a more permanent solution be sought to improve the facilities on offer, it is reasonable in this particular case to grant temporary permission for a two year period.

For the purposes of Policy GP8 and OC4, the proposal is considered to adopt a satisfactory standard of design, will support the recreational enjoyment of the coastal location, and will not have an unacceptable adverse effect on the visual character and amenity of the locality when taking into account the amendments secured, and the temporary grant of planning permission.

It is noted that within the two year period, the Planning Service would be able to assist the applicant/agent in working towards developing a more permanent solution for the café through a pre-application enquiry.

Based on the above, the application is considered compliant with the relevant Island Development Plan policies; it is therefore recommended that planning permission be granted, subject to conditions.

Date: 25/10/2022