

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: Erect outbuilding/bar to east of roof terrace (for temporary time period).

LOCATION: Vistas Brasserie, Vazon Coast 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: 02/11/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 23/02/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Tyrrell Dowinton Associates - 2208 01.02, 02.02 & 02.03

Application Ref: FULL/2022/0464

Property Ref: D01914A000

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 rooftop portable bar hereby approved shall only be installed between 1st April and 30th September annually and shall be removed in its entirety outside of the timeframe above (during the winter months), as confirmed in the agent's letter of 18th February 2022 and email of 5th October 2022.

Reason - The rooftop portable bar hereby approved has been granted temporary time period to enable the applicant use of the structure during the summer months and to be removed during the winter months in the interests of visual amenity.

5.The terrace bar shall not be open to customers except between the hours of 12:00 and 21:00 between 1st April and 30th September annually.

Reason - In the interests of protecting neighbour amenity.

Expiry Date: This permission will cease to have effect on 01/11/2025 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

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

Please note that a PA permit is required to be issued under the Noise Abatement Ordinance, 1962 (as amended) where any amplified music is played in an outdoor area where the public have access, for clarity this would include the terrace. The Office of Environmental Health and Pollution Regulation issue PA permits and will have regard to numerous factors including the locations of residential receptors. Further details

are available from www.gov.gg/papermits.

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/2022/0464
Property Ref: D01914A000
Valid date: 23/02/2022
Location: Vistas Brasserie Vazon Coast Road Castel Guernsey GY5 7BF
Proposal: Erect outbuilding/bar to east of roof terrace (for temporary time 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 rooftop portable bar hereby approved shall only be installed between 1st April and 30th September annually and shall be removed in its entirety outside of the

timeframe above (during the winter months), as confirmed in the agent's letter of 18th February 2022 and email of 5th October 2022.

Reason - The rooftop portable bar hereby approved has been granted temporary time period to enable the applicant use of the structure during the summer months and to be removed during the winter months in the interests of visual amenity.

5. The terrace bar shall not be open to customers except between the hours of 12:00 and 21:00 between 1st April and 30th September annually.

Reason - In the interests of protecting neighbour amenity.

INFORMATIVES

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

Please note that a PA permit is required to be issued under the Noise Abatement Ordinance, 1962 (as amended) where any amplified music is played in an outdoor area where the public have access, for clarity this would include the terrace. The Office of Environmental Health and Pollution Regulation issue PA permits and will have regard to numerous factors including the locations of residential receptors. Further details are available from www.gov.gg/papermits.

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/2022/0393	Install storage container to south of Vistas cafe (for temporary period).	Granted
FULL/2011/0188	Extend at front and sides of cafe, change fenestration, create terrace at first floor level, raised decking at rear and path adjacent to sea wall.	Granted

Existing Use(s):

Retail – café.

Brief Description of Development:

Planning permission is sought to install a temporary rooftop bar in the north east corner of the existing roof terrace. The permission is sought for a temporary time period and is to be installed during the summer and removed during the winter months each year. The structure is prefabricated and is sought to “help alleviate the pressure on the small bar within the main café... and reduce the current risks associated with carrying drinks by both customers and staff up the spiral staircase”. The structure will be cladded in dark stained vertical timber to match the cladding of the existing building.

Although the Authority sought to revise the location of and design of the structure proposed, the agent provided additional justification for its proposed position, noting that the current position would not obstruct views of the beach, and the Authority has been requested to determine the application as submitted.

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

Initial comments:

"I have reviewed the proposed plans for a temporary rooftop bar to be placed at the above mentioned address which were received by post on 31st March 2022 and there is insufficient information to provide comment. I would welcome the following:

- *Any proposed plans for amplified/live music.*
- *Proposed opening hours.*

Once this further information is received I would be happy to review the application again.

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

Revised comments:

"I have reviewed the proposed plans for the erection of a bar which my colleague has been in correspondence with you in relation to. I have concerns about the potential for noise nuisance to occur and as such would recommend that the following conditions are attached to the consent:

- *The terrace bar shall not be open to customers except between the hours of 12:00 and 21:00 between 1st April and 30th September annually.*

Please make the applicant aware that a PA permit is required to be issued under the Noise Abatement Ordinance, 1962 (as amended) where any amplified music is played in an outdoor area where the public have access, for clarity this would include the terrace. This Office issue PA permits and will have regard to numerous factors including the locations of residential receptors. Further details are available from www.gov.qg/papermits.

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 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).**

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.

Although the application was deferred to seek amendments to the location and design the additional information submitted by the agent as well as the temporary nature of the structure, its size and materiality, means that the impact of the structure on the visual amenity of the area would not be so great to justify refusal.

For the purposes of Policy OC4, the proposal 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, and is to be approved on a temporary time period.

With regards to the potential effect on neighbour amenity, it is necessary to impose Environmental Health's recommendation as a condition in order to safeguard the amenities of neighbouring residents.

Sufficient information has been submitted that has taken into account the criteria of Policy GP9 (Sustainable Development).

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: 01/11/22

