

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 water refill station.

LOCATION: Bordeaux Kiosk & Conveniences, Castle Road, Vale.

APPLICANT: Guernsey Water

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: 14/07/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 13/04/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Annotated site location plan, annotated photograph (both date stamped received 8th July 2022), and specification of water refill station (date stamped received 13th April 2022).

Application Ref: FULL/2022/0932

Property Ref: C00446C001

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.Within two months of the date when use of the water station ceases the water refill unit shall be removed, and the ground below shall be restored to its former condition.

Reason - To ensure removal of the unit should the use cease, in the interests of visual amenity.

Expiry Date: This permission will cease to have effect on 13/07/2025 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

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/2022/0932
Property Ref: C00446C001
Valid date: 13/04/2022
Location: Bordeaux Kiosk & Conveniences Castle Road Vale Guernsey
Proposal: Install water refill station.

Applicant: Guernsey Water

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).

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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. Within two months of the date when use of the water station ceases the water refill unit shall be removed, and the ground below shall be restored to its former condition.

Reason - To ensure removal of the unit should the use cease, in the interests of visual amenity.

OFFICER'S REPORT

Brief Description of the site:

The application site comprises a public open space located adjacent to Bordeaux Kiosk. The site is situated Outside of the Centres as defined in the Island Development Plan.

Planning permission is sought to install a ground mounted, freestanding water refilling station.

The proposed unit will be constructed of stainless steel, measuring 1626mm high x 254mm in diameter and will be of a cylinder form. The unit will be finished in white and blue together with Guernsey Water's logo and lettering.

Concerns were raised with regards to the original position of the refill station as it was located in a prominent, more open location to the east of the car park. The agent has subsequently repositioned the unit between the public footpath and kiosk, in an attempt to overcome the concerns raised. A new hedgerow has been planted to the west of the unit's proposed location.

Relevant History:

None germane to this application.

Existing Use(s):

Open area of land adjacent to public footpath

Assessment: *(Tick as appropriate)*

no representation
accords with policy
within curtilage
design acceptable

✓
✓
✓
✓

visual amenity acceptable
no material neighbour impact
traffic not affected

✓
✓
✓

Policies considered most relevant:

GP1 Landscape Character and Open Land
GP8 Design
IP11 Small-scale Infrastructure Provision
GP18 Public Realm and Public Art

Conclusion/Brief comment:

Policy IP11 provides support for the provision of modern, small-scale infrastructure.

Whilst there are no objections to the principle of the development in that it will provide benefit to the public, some concerns are raised with regards to Policy GP8 and GP18 in terms of the potential proliferation of street furniture in the public realm which is made more evident by its bright appearance.

The revised position of the refill unit will help to consolidate the street furniture nearer the kiosk and relate better to a public footpath, which will be beneficial to users using the coastal footpath.

The applicant has also provided justification for the proposed development in terms of its location and the high volume of pedestrians passing through this area, coupled with its modern method of dealing with littering and the reduction of single use plastics.

Despite its revised location, the proposal is likely to have an adverse effect on the rural character and appearance of the area, although this impact is likely to be limited and has been carefully balanced against the public benefit the proposal would provide by enabling access to drinking water (Policy IP11).

Consequently, in light of the justification set out in the applicant's supporting statement, limited size and profile of the proposal, together with the support in favour of small-scale infrastructure development (Policy IP11), the impact of the proposed development is not considered to be significant enough to refuse permission, despite its bright appearance and the proliferation of existing street furniture.

Given the potential impact of the proposal on the public realm it is considered necessary and reasonable in this particular instance to condition the decision to ensure removal of the unit once its use ceases.

Due to the nature and type of development, it is not considered necessary for the applicant to demonstrate that the proposal has been designed to take into account the criteria of Policy GP9 (Sustainable Development).

All relevant 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.

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.

Recommendation:

Grant with Conditions



Date: 14/07/22

