

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: Change of use of section of parking area for the storage of a kayak trailer and vehicle parking and change of use of a section of adjacent land for use in association with commercial outdoor recreational activities between 1st April - 1st October for the years 2023 - 2025.

LOCATION: South Cobo Car Park, Cobo Coast Road, Castel.

APPLICANT: Agriculture, Countryside & Land Management Services

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: 31/08/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 03/04/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Block Layout Plan

Application Ref: FULL/2023/0705

Property Ref: D01440A000

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.This permission is granted for three temporary periods only, from 01 April until 01 October 2023, 01 April until 01 October 2024 and 01 April until 01 October 2025. On expiry of each period all use of the site in association with the stipulated operators

shall cease and within 14 days of cessation of use the land shall be restored to its pre-development state to the satisfaction of the Authority.

Reason - In order to limit the impact of the development and to ensure the timely reinstatement of the land.

3.No advertising material or other signage shall be erected or displayed on the site at any time without the prior written consent of the Authority.

Reason - In the interests of visual amenity.

4.Any equipment associated with the temporary use hereby approved, including the kayaks when not in use, shall be placed or stored neatly in the area shown in orange on the approved plan or on the trailer associated with the commercial operator and shall not be placed or stored on any other area of land at any time.

Reason - To make sure that the site does not fall into an untidy condition and spoils the appearance of the area; To ensure there is no additional impact on public parking provision.

Expiry Date: This permission will cease to have effect on 01/10/2025 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/2023/0705
Property Ref: D01440A000
Valid date: 03/04/2023
Location: South Cobo Car Park Cobo Coast Road Castel Guernsey
Proposal: Change of use of section of parking area for the storage of a kayak trailer and vehicle parking and change of use of a section of adjacent land for use in association with commercial outdoor recreational activities between 1st April - 1st October for the years 2023 - 2025.

Applicant: Agriculture, Countryside & Land Management Services

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. This permission is granted for three temporary periods only, from 01 April until 01 October 2023, 01 April until 01 October 2024 and 01 April until 01 October 2025. On expiry of each period all use of the site in association with the stipulated operators shall cease and within 14 days of cessation of use the land shall be restored to its pre-development state to the satisfaction of the Authority.

Reason - In order to limit the impact of the development and to ensure the timely reinstatement of the land.

3. No advertising material or other signage shall be erected or displayed on the site at any time without the prior written consent of the Authority.

Reason - In the interests of visual amenity.

4. Any equipment associated with the temporary use hereby approved, including the kayaks when not in use, shall be placed or stored neatly in the area shown in orange on the approved plan or on the trailer associated with the commercial operator and shall not be placed or stored on any other area of land at any time.

Reason - To make sure that the site does not fall into an untidy condition and spoils the appearance of the area; To ensure there is no additional impact on public parking provision.

INFORMATIVES

OFFICER'S REPORT

Site Description:

The application site comprises a section of the south Cobo Beach/kiosk car park and a small section of grassland situated immediately to the west of the car park, used for overflow car parking. The car park is situated to the north of Cobo Coast Road, between the beach and the road, and on the opposite side of the road to a number of residential properties.

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

Relevant History:

13/04/16 FULL/2015/1915 Permit for change of use of a car parking space for the temporary storage of a kayak trailer, and change of use of a section of grassland for the general operation of the business (retrospective).

18/07/17 FULL/2017/0841 Permit for change of use of car parking spaces for temporary storage of a kayak trailer and van, and change of use of a c25m2 section of grassland for the general operation of the business.

03/12/19 FULL/2019/0283 permit for change of use of a car parking space for the temporary storage of a kayak trailer, and change of use of a section of adjacent land for use in association with commercial outdoor recreational activities between 1st April - 1st October for the years 2020 – 2021, conditioned as follows:

- This permission is granted for two temporary periods only, from 01 April until 01 October 2020 and 01 April until 01 October 2021. On expiry of each period all use of the site in association with the stipulated operators shall cease and within 14 days of cessation of use the land shall be restored to its pre-development state to the satisfaction of the Authority.
- No advertising material or other signage shall be erected or displayed on the site at any time without the prior written consent of the Authority.
- Any equipment associated with the temporary use hereby approved, including the kayaks when not in use, shall be placed or stored neatly in the area shown in orange on the approved plan or on the trailer associated with

the commercial operator and shall not be placed or stored on any other area of land at any time.

- The storage of vehicles, trailers and equipment shall be limited to daylight hours only and there shall be no overnight storage at the site.

Existing Use(s):

Car parking area;
Area of grassland.

Brief Description of Development:

Planning permission is sought to change the use of two car parking spaces to the north-west of the car park to allow for storage of a trailer, during the day and overnight, and temporary parking of a vehicle associated with commercial outdoor recreational activities between 1st April - 1st October for the years 2023 - 2025. In addition an area is shown on the grassland adjacent to the parking space for the trailer for unloading of the trailer.

A letter has been submitted in support of the application, raising the following points:

- The activities typically include kayaking, paddle boarding and coasteering;
- The operators will have annual agreements with the States of Guernsey to operate from States owned or managed land;
- The agreements will be subject to conditions which the operators will be expected to comply with and will include relevant legislation relating to health and safety, environmental protection and animal welfare;
- Operators will require a trailer which can hold and store kayaks (c2.5 x 1.8 x 4.2m (Hx W x L)) on site for the duration of the season, usually 1st April – 1st October, space to offload the trailer, a small area for parking a vehicle and an area for temporarily holding wet suits and equipment;
- No trailers or vehicles will be stored or left parked overnight between 1st October and 31 March;
- Typically up to 3no two hour sessions may be provided by an operator with, depending on the activity, up to 30 people taking part in each session. Peak times are generally July and August;
- All kit will be held on portable rails or stowed in vehicles. It will not be hung on trees or railings;
- The space would be operated on a first come first served basis.

Following deferral it has been confirmed that there would be no demarcation of an areas. Confirmation has also been provided that the spaces will not be used outside of the stipulated months.

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

OC9 Leisure and Recreation Outside of the Centres
GP1 Landscape Character and Open Land
GP8 Design
IP9 Highway Safety, Accessibility and Capacity

Representations:

No representation has been received.

Consultations:

Marketing & Tourism commented in respect of the previous application for the proposed works as follows:

The availability of a range of immersive activities is an increasingly important factor for potential visitors when selecting a holiday destination. The recently published PWC Tourism Product and Customer Experience Strategic Review acknowledged the collective importance of small offerings in the absence of major “destination” attractions. The maritime activities that will be supported by the proposed developments allow visitors to experience one of the island’s main attractions; its coast. The developments will allow that experience to be managed more efficiently and effectively, thereby enhancing the overall value of the experience.

The provision of temporary facilities will also help to minimise the disruption to other beach users resulting from the shore-based logistics of the activities.

Even with these provisions in place, Marketing and Tourism considers that the potential remains for conflict arising with other beach users, particularly during the marshalling of equipment during preparatory and closing phases of the activity. The spaces under consideration are restricted, and the equipment will need to be removed from racking and prepared for sea on each occasion an activity occurs, during which the spatial requirements are significantly increased.

Marketing & Tourism considers that the approval of these applications should be to some extent conditional on activity providers proceeding with due consideration for other users of the relevant public spaces when transferring their equipment to and from storage, and with due concern for the safety and amenity of other beach users at all times.

Traffic & Highway Services were not consulted on this application due to the low impact on traffic management and highway safety.

That Service however commented on the 2015 application at this site as follows:

TSU would raise no concerns in relation to the storage of the kayak trailer in the space indicated on the supplied plans from a traffic management perspective. The context of this response, is on the basis that TSU understands that a site specific concession agreement of terms and conditions of operation will be in place with operators such as Outdoor Guernsey operating in a regulated manner at this location.

In respect of other vehicles associated with the operation of the business. In line with the comments made within the application, we would raise no objections to vehicles associated with the business being parked in the car park, on a 'first come, first served' basis. Vehicles should be parked in a manner that does not obstruct or impede other vehicle movements within the area.

Taking into account the above, there are no traffic management grounds to oppose the application.

Summary of Issues:

Whether the proposed use of the site is acceptable in principle and whether the proposal would impact negatively on the surrounding area;
The impacts of the proposal on highway safety.

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).**

Whether the proposed use of the site is acceptable in principle and whether it would impact negatively on the surrounding area

Temporary planning permission was granted on 13/04/16 (Ref: FULL/2015/1915), 18/07/17 (Ref FULL/2017/0841) and 03/12/19 (Ref FULL/2019/0283) to change the use of two car parking spaces at this site for the temporary storage of a kayak trailer and van and to change the use of a section of grassland for the general operation of commercial outdoor recreation businesses.

These permissions have now expired and planning permission is sought, partially in retrospect, to continue to use the site for that purpose for a further three years. As for the 2019 permission, the use would not be tied to a specific operator.

The application site is situated Outside of the Centres as designated in the Island Development Plan. Policy OC9 (Leisure and Recreation Outside of the Centres)

supports development to provide new facilities for outdoor formal recreation or informal leisure and recreation providing that:

- i. any ancillary built development is proportionate to the nature and scale of the formal outdoor recreation or informal leisure and recreation use; and,
- ii. the visual impacts of ancillary built development can be mitigated to respect the character of the locality; and,
- iii. the site does not fall within an Agriculture Priority Area, or where it does fall within an Agriculture Priority Area the land cannot positively contribute to commercial agricultural use or cannot practically be used as such without adverse environmental impacts.

The pre-facing text to that policy states that the importance of the coast as an environmental, economic and recreational resource is identified in the Strategic Land Use Plan alongside the need to balance competing demands for use to ensure its attractive character is protected. In this respect it is acknowledged that, on an island, the coast provides important leisure and recreation areas and that leisure and recreation uses associated with them can require buildings and other facilities in order to operate successfully. However, development on the coast must be sensitively carried out so as not to detract from the high visual quality, openness of the area and environmental quality. Therefore, the Island Development Plan supports proposals for development in coastal areas where this supports the enjoyment of an existing recreation or leisure facility, where this would not have an unacceptable impact on the wider coastal environment.

This approach is supported by Marketing and Tourism, who previously observed that the availability of a range of immersive activities is an increasingly important factor for potential visitors when selecting a holiday destination noting the collective importance of small offerings in the absence of major “destination” attractions. That Service continued to note that the maritime activities that will be supported by the current application would allow visitors to experience one of the Island’s main attractions and would allow that experience to be managed more efficiently and effectively, thereby enhancing the overall value of the experience.

The proposal must also accord with all other relevant policies of the Plan. In this case Policies GP1 (Landscape Character and Open Land), GP8 (Design) and IP9 (Highway Safety, Accessibility and Capacity) would also be relevant.

Policy GP1 seeks to prevent unnecessary loss of open and undeveloped land which would have an unacceptable impact on the open landscape character of the area. Policy GP8 seeks, inter alia, to ensure that development respects the character of the area.

The proposal is to allow use of two spaces within the formal car park area, and an adjacent area of grassland, for the use of commercial operations associated with outdoor recreation activities, e.g. kayaking, paddleboarding or coasteering. The spaces would be used to store a trailer and other associated vehicles connected with

the outdoor recreation activities and the adjacent area would be used for unloading, storage of ancillary equipment and as a gathering point for clients. The trailer would be approximately 2.5m (high) x 1.8m (wide) x 4.3m (long). There would be no physical works to the site and no demarcation of the proposed spaces/area.

The parking of vehicles within an existing car parking area would have limited visual impact. Whilst there would inevitably be miscellaneous equipment associated with the proposed uses, constraining the storage of that equipment within a designated area would further limit visual impacts.

Given the scale and nature of the proposals and that there are no buildings or permanent structures proposed it is considered that any impact on the openness, landscape quality or general visual appearance of the surrounding area would not be so substantial to warrant the refusal of planning permission.

However to limit any impact, should planning permission be granted it is recommended that conditions are added to the decision to ensure that the equipment is stored within the designated areas and vehicles only.

Subject to the application of such conditions, it is considered that the proposal accords with Policies OC9, GP1 and GP8 of the IDP.

Whilst it is noted that storage in this location was previously conditioned to be daytime hours only, with all vehicles removed overnight, this is no longer proposed to be the case. The extension of the storage overnight in this particular location would not however significantly alter the assessment made above. Whilst such storage may result in further complications for the management of businesses using the area, such management falls outside of the remit of planning law.

The impacts of the proposal on highway safety and public car parking

The proposal would potentially result in the loss of two car parking spaces within the formal car park area for the summer season, to accommodate the business vehicle and associated trailer. The parking spaces would however represent a small proportion of the overall car parking provision and would not have a significant impact on public parking provision. Furthermore, the space would not be exclusively reserved for the outdoor recreation uses, and would not be demarked, and could therefore be used by members of the public when not in commercial use.

The use of the proposed area of land to store equipment, undertake briefings, etc, would not encroach on to the formal parking area. Approval of the proposed storage area would however ensure that the use of the site is controlled and is contained within a limited area, allowing the public to use the remainder of the car park without disruption and ensuring that access to any facilities will not be hindered by the operation of the business.

Given the limited scale and nature of the proposed development and in the absence of any objection from THS it is considered that the proposal would not cause significant harm to highway safety or public parking provision in this area.

Impacts on biodiversity

The site is not an identified Area of Biological Importance and is not protected by Island Development Plan designation. The grassed area is commonly used as an unofficial car park and the allocation of a small area at the periphery of that area would not have any significant impact on biodiversity.

Conclusion

Whilst there would appear to be a number of potential issues relating to the management of the proposed area, for example relating to the organisation of the users, the size of the groups and how the potential groups and clients interact with other users of the area, those issues would fall outside of the remit of the Planning Service and would be dealt with as part of the terms and conditions of a licencing system controlled by Agriculture, Countryside and Land Management.

For the reasons set out within this report the proposal complies with the relevant provisions of the IDP and other material planning considerations and it is recommended that planning permission be granted seasonally for a temporary 3 year period, until 1st October 2025, to allow the approved use of the site to be monitored. A further grant of planning permission will therefore be required for use of the site in subsequent years.

Date: 30/08/2023

