

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 sauna trailer to south of Vistas Restaurant for temporary period (1st October 2024 - 31st March 2025)

LOCATION: Vazon Slipway, Vazon Road, Castel.

APPLICANT: Mr P Lawson

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: 16/08/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 01/07/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Site Location Plan, Block Layout Plan, Beach Box Sauna (date stamped received 1st July 2024).

Application Ref: FULL/2024/1158

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 sauna trailer hereby approved shall only be installed in the approved position between 1st October 2024 - 31st March 2025 as set out in the applicant's e-mail dated 8th August 2024, after which the permission shall cease, and the sauna trailer hereby approved shall be removed from the site in its entirety.

Reason- The permission is granted for a temporary period only due to the nature of the proposal and in order to clearly define the permission. Installing a trailer on a permanent basis in this prominent open location, is likely to cause harm to the landscape character, openness, and visual amenity of the surrounding area by virtue of the design of the trailer, and is likely to conflict with Policies GP1 (Landscape Character and Open Land) and GP8 (Design).

5. Prior to installation, the exact details of the proposed sauna shall be submitted to and agreed in writing in terms of its size, colour and appearance. The agreed details shall thereafter be implemented.

Reason - the details submitted of the sauna are ambiguous therefore exact details are required to ensure the design is acceptable under Policy GP8 (Design).

6. For the avoidance of doubt, any external lighting shall be submitted to and agreed in writing by the Authority. Any agreed scheme shall thereafter be implemented and shall only be illuminated when the sauna is operational, and at all other times the lighting must be switched off.

Reason - In order to avoid undue light pollution to the adjacent Site of Special Significance and neighbours.

7. No amplified music shall be operated within the site at any time.

Reason - To avoid potential noise nuisance in the interests of the amenity of the surrounding area and neighbours.

Expiry Date: This permission will cease to have effect on 16/08/2027 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

This permission does not relate to the display of any sign or advertisements. A separate permission will be needed for any such display.

The reference to amplified music in condition no. 7 is not intended to relate to the playing of background music within the sauna which cannot be heard outside the sauna structure.

In light of the Office of Environmental Health and Pollution Regulation's comments, it is recommended that the applicant should contact the Office of Environmental Health and Pollution Regulation so that a formal letter of approval can be issued for the Narvi Black 16 stove.

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/2024/1158
Property Ref: D019140000
Valid date: 01/07/2024
Location: Vazon Slipway Vazon Road Castel Guernsey
Proposal: Install sauna trailer to south of Vistas Restaurant for temporary period (1st October 2024 - 31st March 2025)

Applicant: Mr P Lawson

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. The sauna trailer hereby approved shall only be installed in the approved position between 1st October 2024 - 31st March 2025 as set out in the applicant's e-mail dated 8th August 2024, after which the permission shall cease, and the sauna trailer hereby approved shall be removed from the site in its entirety.

Reason- The permission is granted for a temporary period only due to the nature of the proposal and in order to clearly define the permission. Installing a trailer on a permanent basis in this prominent open location, is likely to cause harm to the landscape character, openness, and visual amenity of the surrounding area by virtue of the design of the trailer, and is likely to conflict with Policies GP1 (Landscape Character and Open Land) and GP8 (Design).

5. Prior to installation, the exact details of the proposed sauna shall be submitted to and agreed in writing in terms of its size, colour and appearance. The agreed details shall thereafter be implemented.

Reason - the details submitted of the sauna are ambiguous therefore exact details are required to ensure the design is acceptable under Policy GP8 (Design).

6. For the avoidance of doubt, any external lighting shall be submitted to and agreed in writing by the Authority. Any agreed scheme shall thereafter be implemented and shall only be illuminated when the sauna is operational, and at all other times the lighting must be switched off.

Reason - In order to avoid undue light pollution to the adjacent Site of Special Significance and neighbours.

7. No amplified music shall be operated within the site at any time.

Reason - To avoid potential noise nuisance in the interests of the amenity of the surrounding area and neighbours.

INFORMATIVES

This permission does not relate to the display of any sign or advertisements. A separate permission will be needed for any such display.

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In light of the Office of Environmental Health and Pollution Regulation's comments, it is recommended that the applicant should contact the Office of Environmental Health and Pollution Regulation so that a formal letter of approval can be issued for the Narvi Black 16 stove.

OFFICER'S REPORT

Site Description:

The application site consists of a small area of land located between Vazon slipway to the south, and Vistas Café and coastal toilets to the north. The site is located to the west of Vazon Road and is prominently located, with varying short and long range views from various public vantage points.

Both the storage container serving Vistas café and the Guernsey Surface School outbuilding are approved on a temporary basis under applications FULL/2022/0393 and FULL/2018/0256 respectively.

The application site is located Outside of the Centres as designated in the Island Development Plan. The site is adjacent to a Site of Special Significance to the north, east, and south of the proposed application site.

Relevant History:

PREA/2024/0798	Site mobile sauna on land.	Pre-application enquiry.
FULL/2022/0393	Install storage container to south of Vistas cafe (for temporary period).	Granted
FULL/2018/0256	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
A41111D000 FULL/2023/1845	Install sauna trailer with signage on verge to west of La Vallette Road opposite bathing pools.	Granted

Existing Use(s):

Open, public land located south of Vistas café – Sui Generis.

Brief Description of Development:

Planning permission is sought to install a sauna trailer to the south of Vista's restaurant. The trailer will be 4.3m (l) x 2.1m (w) x 2.64m (h).

The trailer will be positioned between the temporary Surf School hut and the temporary ancillary outbuilding associated with Vistas.

The applicant's letter (date stamped received 1st July 2024) states that:

- It is intended to operate the Beach Box Sauna between 5-9pm on a Friday, and 9am – 9pm on a Saturday and Sunday.
- It is anticipated that there would be 4 sessions offered on Friday, and 4/5 sessions throughout both Saturday and Sunday.
- The duration of each session will be 1-hour, with no more than 6 people.
- Future aspirations are also noted.
- The Sauna will not be fixed to the ground and no generator is needed, nor the need for utilities such as water and electricity.
- A draft Terms and Conditions will be provided.
- The applicant has liaised with The Office of Environmental Health and Pollution Regulation and Agriculture, Countryside and Land Management Services (ACLMS).

The application was deferred over the permanency of the sauna. The applicant has agreed to install the sauna on a temporary basis between 1st October 2024 – 31st March 2025, as set out in the applicant's e-mail dated 8th August 2024.

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

GP1 Landscape Character and Open Land
GP2 Sites of Special Significance
GP8 Design
GP9 Sustainable Development
OC9: Leisure and Recreation Outside of the Centres
IP8 Public Car Parking
IP9 Highway Safety, Accessibility and Capacity

Representations:

The Authority has received a letter of representation from one party objecting to the proposal. Grounds for objection principally relate to the following issues:-

- Fire risk.
- Smoke and environmental effects
- Refuse access
- Un-even and ever changing terrain.

Consultations:

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

"I have reviewed the proposed plans for the installation of a sauna trailer at the above site. Whilst I do not wish to raise any objections to the proposal, I note that the plans do not include the specifications of the Narvi Black 16 stove and I would have expected to see the specifications as part of the planning application."

I would like to highlight to the applicant that there is a requirement under the Environmental Pollution (Air Pollution) Ordinance, 2019, to seek the approval of the Director of Environmental Health and Pollution Regulation (OEHPR) for the use of the Narvi Black 16 stove. Although I have been unable to review the specifications of the stove in this application, I can confirm that the applicant has previously been in correspondence with this department and provided the specifications by email on 31st January 2024. As a result, I have been able to assess that the stove would meet the Director's approval. Should planning consent be granted for this application, the applicant should contact OEHPR so that a formal letter of approval can be issued."

Agriculture, Countryside & Land Management Services (ACLMS):

No formal comments received.

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 landscape character, openness 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).**

The proposed development is not located within a Site of Special Significance, there are no Protected Trees at the site, and the development does not comprise Schedule 1 or 2 development as set out with the Land Planning and Development (Environmental Impact Assessment) Ordinance, 2007. An Environmental Impact Assessment is not therefore required in respect of this application.

Policy OC9 supports development to provide new facilities for outdoor formal recreation or informal leisure and recreation, or to extend, alter or redevelop existing facilities, provided that:

- any ancillary built development is proportionate to the nature and scale of the formal outdoor recreation or informal leisure and recreation use; and,
- 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 applicant's vision is to offer a unique and immersive wellness experience to the local community and visitors while fostering partnerships with neighbouring businesses. It is noted that the sauna will be positioned on a 6 month basis, and will be relocated during extreme weather events.

The proposed sauna is intrinsically linked to sea swimming activities, and there is a clear functional relationship and being sited close to Vazon Bay.

The proposed position of the sauna is acceptable as it will be sited within a cluster of similar temporary structures including, Guernsey Surf School and Vista's outbuilding used for catering purposes. The sauna will be south of Vista's café and located west of a bus shelter. Given this cluster of structures, the proposed location of the sauna is considered reasonable and logical, whilst making most effective and efficient use of the land.

No mitigation measures have been proposed to help screen the development in public views, although as noted above, the sauna would be located to the rear of a bus stop, and confined by temporary structures to the north and south of the proposed application site, thereby limiting its visual impact.

Due to the temporary nature of the sauna, the proposal will not have any medium-to-long term visual impacts or on the open landscape character, and due to its siting, the proposed development is considered to respect the surrounding built environment. Whilst there will be some harm caused to the openness of the landscape and visual amenity, the structure is on a temporary basis and therefore any harm is not considered to be permanent which could give rise to reasons for refusal.

The scale of the development is considered appropriate and proportionate to the functional relationship between the proposed use and the sea.

The site is not located within an Agriculture Priority Area.

Overall, the proposal complies with Policy OC9.

Whilst the site is not located within a SSS, the site does adjoin a SSS and therefore it is considered reasonable and necessary to attach planning conditions in relation to light pollution and noise disturbance to respect the sensitive nature of the SSS (e.g. bats) and neighbour amenities. It is recognised that the application states that there will be no music played inside or outside the sauna, although it is recommended that this is reinforced by condition for the avoidance of doubt, should the intentions change. Other appropriate conditions should be attached to the decision including

the hours of operation and the duration of the temporary installation period. The proposal complies with Policy GP2.

The proposed sauna would be limited in size, is of a high quality design, finish and materials, and will have no fixings to the ground, therefore would accord with Policy GP8 (Design). However, given the ambiguity of the information submitted (i.e. 'our sauna will look very similar to the photos), it is considered necessary that the exact details of the sauna are submitted and agreed by the Authority prior to installation.

Due to its siting, no traffic management or road safety issues are raised. The surrounding area is served by adequate public car parking, therefore any increase in pressure on short-term public parking in the area is likely to be negligible when taking into account the capacity of the sauna.

In response to the representation received, the Office of Environmental Health and Pollution Regulation have provided comments and do not wish to raise any objection in relation to 'fire risk, smoke and environmental effects, or refuse access'. It will be the responsibility of the applicant to ensure that the trailer is positioned on a stable surface and is responsible and liable for safe development and secure occupancy of the sauna.

Based on the above, the application is considered compliant with the relevant Island Development Plan policies, and accords with the purpose of the Law and the Material Planning Considerations. It is therefore recommended that planning permission be granted, subject to conditions.

Date: 15/08/24

