

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 single storey outbuilding with sign to east elevation and install store adjacent to east boundary wall (1st May to 31st October each year)

LOCATION: Site adjacent to, Vista's Beach Cafe, Vazon Road, Castel.

APPLICANT: Guernsey Surf School

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: 24/09/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 08/08/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: PF+A Ltd: 6253-01/B/1A & 2B

Application Ref: FULL/2024/1292

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. This permission grants the temporary location of Surf School buildings and storage units for a temporary period only from 1st May to 31st October each year. All buildings, storage units and equipment must be removed from the site within 7 days following 31st October each year and at the applicant's expense and thereafter with the land restored to its pre-development state to the satisfaction of the Authority.

Reason - In order to ensure that the use remains temporarily located only and ensure the timely removal of the temporary structures each year.

5. The hereby approved beach office shall be positioned to maintain public access by allowing for a 1.8m wide pathway on the seaward side of the proposed building, and that area shall be kept clear of obstructions at all times.

Reason - In the interest of public amenity and access to the coastal path.

6. The building shall not be painted or stained externally without the prior written permission of the Authority.

Reason - In the interest of visual amenity.

7. Other than the approved (Guernsey Surf School) GSS advertisement on the east elevation no further outside advertisements should be displayed on the building or in the vicinity of the site without the prior written consent of the Authority.

Reason - In the interests of visual amenity.

8. Other than the approved Surf School use, no further retail or trade operation or display of goods for sale is permitted without the express prior permission of the Authority.

Reason- To define the scope of the planning permission.

Expiry Date: This permission will cease to have effect on 24/09/2027 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

For the avoidance of doubt, the GSS advertisement to which this permission relates is non-illuminated. Any form of illumination, whether by external or internal means, will require a separate grant of planning permission.

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/2024/1292
Property Ref: D019140000
Valid date: 08/08/2024
Location: Site adjacent to Vista's Beach Cafe Vazon Road Castel
Guernsey
Proposal: Erect single storey outbuilding with sign to east elevation and
install store adjacent to east boundary wall (1st May to 31st
October each year)
Applicant: Guernsey Surf School

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. This permission grants the temporary location of Surf School buildings and storage units for a temporary period only from 1st May to 31st October each year. All buildings, storage units and equipment must be removed from the site within 7 days following 31st October each year and at the applicant's expense and thereafter with the land restored to its pre-development state to the satisfaction of the Authority.

Reason - In order to ensure that the use remains temporarily located only and ensure the timely removal of the temporary structures each year.

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Reason - In the interest of public amenity and access to the coastal path.

6. The building shall not be painted or stained externally without the prior written permission of the Authority.

Reason - In the interest of visual amenity.

7. Other than the approved (Guernsey Surf School) GSS advertisement on the east elevation no further outside advertisements should be displayed on the building or in the vicinity of the site without the prior written consent of the Authority.

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8. Other than the approved Surf School use, no further retail or trade operation or display of goods for sale is permitted without the express prior permission of the Authority.

Reason- To define the scope of the planning permission.

INFORMATIVES

For the avoidance of doubt, the GSS advertisement to which this permission relates is non-illuminated. Any form of illumination, whether by external or internal means, will require a separate grant of planning permission.

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 short and long range views from various public vantage points.

Both the storage container serving Vistas café and a sauna trailer to the north of the Guernsey Surf School outbuilding are approved on a temporary basis under applications FULL/2022/0393 and FULL/2024/1158 respectively.

The Guernsey Surf School outbuilding was originally approved in 2013 (FULL/2013/0453, FULL/2013/4055), with a further 5 year seasonal permission granted in 2018 (FULL/2018/0256) which expired in 2023.

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 which surrounds the site, an area of Archaeological interest lies to the west.

Relevant History:

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
FULL/2013/4055	Erect temporary beach office and surf board store for a 3 year period from 1st May 2014 till 31st October 2017 with 6-month operating periods from 1st May till 31st October each year).	Granted
FULL/2024/1158	Install sauna trailer to the south of Vistas Restaurant for temporary period (1st October 2024 - 31st March 2025).	Granted

Existing Use(s):

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

Brief Description of Development:

The application comprises two component elements which are proposed to be located for a temporary 6 month period between 1st May and 31st October, over a 5 year period between 2024 (part retrospective) and 2028.

The development comprises:

12 x Wooden surf board stores 0.6m x 0.8m x 2.3m, a total length of approximately 28m to be located on the seaward side of the wave wall.

A standalone timber surf school office building which measures approximately 7.2m x 3m – this is located on the shingle area to the north of the slipway access road.

The application seeks to renew the permission FULL/2018/0256 for a further 5 years. The proposed scheme is identical to that previously approved.

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:

None.

Consultations:

Agriculture, Countryside and Land Management Services' (ACLMS) comments:

Thank you for your letter dated 13th August 2024 which asks for comments in relation to the above application. It is noted that this is a retrospective application which covers the period from 1st May to 31st October 2024 and subsequently for the same period for the years 2025- 28.

The Guernsey Surf School has been operating under licence since 2008, under various ownerships and during that time it has proved a trouble free operation offering a popular activity to a wide customer base.

The only query raised by this application to renew, is under section H where a “yes” has been entered in answer to the question on whether or not the proposal “...involve(s) alteration to or creation of a new vehicle access/pedestrian access/car parking...”. It is unclear from the application as to what this means so it would be helpful to gain some clarity on this aspect. Other than this there are no further comments on the application.

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 application is identical to that approved in 2018. There has been no change in planning policy since 2018 and therefore there are no planning reasons to result in a different outcome.

ACLMS have queried the submitted application form, although based on the drawings submitted which does not show any new access road or parking area, and its identical nature to that approved in 2018, there are no reason to defer the application and is understood that this aspect has been an oversight by the applicant when completing the application form.

No representations have been received as part of this application.

Based on the temporary nature of the outbuilding and board stores i.e. installed on a seasonal basis, the proposal provides an important leisure and recreational use near the coast and is supported under Policy OC9.

The scale and nature of the development has remained proportionate to the nature and scale of the formal outdoor recreation use and has clearly demonstrated a demand given that it has been operating over a 10 year period. Moreover, the visual impact of the ancillary built development is sufficiently mitigated given that the development is operating on a seasonal basis i.e. is removed from site between November and April each year, and therefore does not result in any permanent harm

on the landscape character or visual amenity by virtue of the temporary nature of the structures.

Whilst permitting the development on a further 5 year seasonal basis (1st May and 31st October) raises no planning concerns, nor has it raised issues with ACLMS, it is however recognised that there is a legitimate expectation that the development should be able to continue to operate on a seasonal basis, without having to reapply for a further temporary period. This decision has been reached given that the development has been operating at the same scale and nature over a 10 year period and has been granted two separate planning permissions. Therefore, it is unlikely to be considered as a 'temporary building/structure' from an enforcement perspective given the succession of temporary permissions and consequently would be perceived as permanent development, operating on a seasonal basis. This conclusion does not however, override the five year permission given by the States Property Unit to site the beach office as shown in this application.

In addition, the proposal will not have effect the Site of Special Significance, and will not have any permanent harm on the landscape character or visual amenity by virtue of the installation of the structures on a seasonal basis. It is however necessary to attached appropriate planning conditions.

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. It is not deemed appropriate for a further temporary permission to be granted as the proposals accord with the requirements of the IDP.

Date: 24/09/24

