

Proposed Conditions for Al Fresco Permits

September 2022

Conditions	Detailed criteria against which the application would be reviewed
<p>Maintaining reasonable access for pedestrians and other traffic</p> <ul style="list-style-type: none">• When situated on a footpath or within an area reserved for pedestrians, the minimum width that would be required to be maintained for pedestrians at all times adjacent the al fresco area shall be as shown on the submitted plan.• When situated on the carriageway used by vehicular traffic, the minimum width that would be required to be maintained for emergency service vehicles and other authorised traffic at all times adjacent the al fresco area is 3.2m.• Pedestrian accesses and vehicular accesses shall not be obstructed.	<p>THS considers whether the area is of low, medium, or high footfall. The minimum footway width that would be required to be maintained at all times is 1.2m for areas with low footfall, 1.5m for areas with medium footfall and 1.8m for areas with high footfall. However, there might be specific reasons, where regular queues, gatherings or crowding occur (such as embarking/disembarking points for boats or buses) that may require footway widths to exceed the minimums stated.</p> <p>THS also takes into consideration the need to maintain access for emergency services. The minimum carriageway width that is required to be provided at all times is 3.2m.</p> <p>THS considers the seating plan and how this would work in practice to maintain access and minimum widths e.g. it often sees applications showing seating neatly up against tables which in practice would not be such when a person is sat in the chair. The layout shall detail dimensions with adequate room for persons when seated while still remaining within the al fresco area footprint at all times.</p> <p>THS also considers any potential overhang across footpaths by parked cars. The applicant shall take into account the width of overhanging vehicles when detailing the remaining footpath width.</p>

<p>Maintaining reasonable emergency exits/means of escape from buildings</p> <ul style="list-style-type: none"> There shall be a clear means of escape route from the building at all times. The means of escape through the al fresco area shall be the same width as the entrance doors and, for the avoidance of doubt, the position of the external tables and chairs shall not impede the means of escape at any time. 	<p>Building Control requires a defined exit/means of escape from the building and an equal width route for onward dispersal.</p> <p>Emergency exits shall not be obstructed. THS considers the seating plan and how this would work in practice to maintain access e.g. it often sees applications showing seating neatly up against tables which in practice would not be such when a person is sat in the chair. The layout shall detail dimensions with adequate room for persons when seated while still remaining within the al fresco area footprint at all times.</p>
<p>Adequacy of toilet facilities</p> <ul style="list-style-type: none"> Adequate toilet facilities shall be provided in a proportionate way in line with the requirements outlined in Regulation G of the Building Control Guernsey Technical Standards 	<p>Building (Guernsey) Regulations, 2012 (gov.gg)</p>
<p>Avoiding hazard to public safety</p> <ul style="list-style-type: none"> Bases of fencing/barriers that may protrude outside the line of the fencing shall be situated within the al fresco area. Any protrusions shall be adequately marked so that they are clearly visible. All temporary fencing/barriers used shall be of plain design without any lettering or signage displayed. Materials used should be appropriate to the setting. All tables, chairs and any associated furniture, equipment or enclosure shall be removed from the al fresco area at the close of business on each day and securely stored within the business premises. 	<p>THS considers trip hazards such as temporary fencing used to delineate the Al Fresco area. When detailing the area that the al fresco will take up the plans shall include any fencing/barriers proposed, including bases of fencing that may protrude outside the line of the fencing.</p> <p>In practice, any fencing used shall be designed to match the extent of the al fresco area measurement so as to avoid footprint creep when staff set the al fresco area out when in use.</p> <p>In the event that al fresco furnishings are specifically granted permission to be stored externally to the business premises, these shall be securely stored in such a way as to ensure they cannot be removed by passing members of the public outside of business operating hours.</p>

<p>Visual impact of an al fresco facility in the location proposed</p> <ul style="list-style-type: none"> Any planning permission that is required for any element of the al fresco dining facility/equipment shall have been granted. 	<p>Is the location within a conservation area or adjacent to protected buildings/monuments and would the al fresco facility have any adverse visual or physical impact on these?</p> <p>This is unlikely to be a significant issue in practice given the temporary and ephemeral nature of al fresco facilities but could be if more permanent facilities are envisaged. This would however be dealt with under Planning Law as such facilities would then require planning permission.</p>
<p>Extent and means of marking of the al fresco area</p> <ul style="list-style-type: none"> The tables, associated chairs and perimeter screens/barriers or planters shall only be placed in the positions indicated on the submitted plan as part of the application; no part of which shall extend beyond the boundaries of the al fresco area indicated on the submitted plan. The al fresco area shall only be delineated by the means of marking shown on your submitted plan 	<p>Is this discrete but effective? Removable screens/barriers, planters or metal studs at intervals are preferable to painted lines. Traffic and Highways will stipulate if metal studs shall be utilised to delineate the al fresco area as not all areas will be sanctioned to utilise metal studs e.g. Market Street where new paving has been laid. Removable barriers/fencing/planters designed to specific measurements is the preferred option and where the al fresco will be close to passing vehicular traffic, barriers/fencing/planters shall be provided on safety grounds. Planters are currently being used along the Town Quay.</p>
<p>Design and appearance of tables, seating and other items of furniture</p> <p>No specific additional conditions.</p>	<p>Is this of an appropriate character and quality for the setting? E.g. metal bistro style furniture is preferable to wooden benches.</p>
<p>Screening, awnings or other means of enclosure</p> <ul style="list-style-type: none"> Bases of screening that may protrude outside the line of the screening shall be situated within the al fresco area. 	<p>Is this of an appropriate quantity, character and design for the setting?</p> <p>Screenings used and requested by THS are generally of the thin lightweight type except for locations</p>

<ul style="list-style-type: none"> Any protrusions shall be adequately marked so that they are visible to pedestrians and motorists, where applicable. All temporary screening used shall be of plain design without any lettering or signage displayed. Materials used should be appropriate to the setting. Any enclosure shall be removed from the al fresco area at the close of business on each day and securely stored within the business premises. Any planning permission that is required for any element of the al fresco dining facility/equipment shall have been granted. 	<p>where the al fresco will be close to passing vehicular traffic, where more substantial barriers or planters shall be provided on safety grounds.</p> <p>Proposed screening will generally be required to delineate the left and right extremities of the al fresco area.</p>
<p>Avoiding poor quality, cluttered or obtrusive elements</p> <p>No specific additional conditions</p>	<p>As above</p> <p>THS is concerned primarily that the furniture does not obstruct pedestrians or vehicles, not only when it is in position but when it is being stored after operating hours.</p> <p>In the event that al fresco furnishings have been granted permission to be stored externally to the business premises, these furnishings shall be securely stored in such a way as to ensure they cannot be removed by passing members of the public outside of business operating hours.</p>
<p>Controls on signage or other advertising material</p> <ul style="list-style-type: none"> No advertising or similar signage of any sort shall be provided at any time on or around any of the al fresco equipment (e.g. on parasols, screens, umbrellas, awnings or other canopies, benches, bins, etc.). It shall 	<p>Advertising is generally controlled under the Planning Law so if required a separate planning application shall be made.</p>

<p>be noted that the provision of advertising or similar signage would require prior planning consent under the Land Planning and Development (Guernsey) Law, 2005.</p>	
<p>Ensuring that approved items are removed outside of the permitted al fresco period</p> <ul style="list-style-type: none"> • All tables, chairs and any associated furniture, equipment or enclosure shall be removed from the al fresco area at the close of business on each day and securely stored within the business premises. 	<p>It should be noted that if, at any time, the al fresco facilities become a permanent or semi-permanent feature, not removed daily, the proposal would be likely to amount to a material change of use in planning terms for which planning permission would be required under the Land Planning and Development (Guernsey) Law, 2005, notwithstanding the existence of any al fresco licence.</p>