

## ONLINE VERSION

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 floating restaurant.

**LOCATION:** QEII Marina, St. Peter Port.

**APPLICANT:** Township Holdings Limited

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:** 14/10/2020

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 22/05/2020 and the drawings referred to below. This grant of permission is subject to the following conditions:-

**Drawing Nos:** CCD Architects: 3604/01F, 02C & 03E.  
Photographs of vessel and gangways

**Application Ref:** FULL/2020/0642

**Property Ref:** A411192A00

#### 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).

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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. No development shall begin on site until details of the gangways and service gantry, including elevations at 1:100 or 1:50 scale and details of the canvas covering, have been submitted to and agreed in writing by the Authority. The development shall be carried out only in accordance with the agreed details.

Reason - The information provided with the application does not include full details of the proposed gangways and service gantry. This condition is imposed to make sure that the gangways and service gantry are of satisfactory design and do not have any adverse impact on the character of the area.

5. No public access to the vessel shall be allowed other than between the hours of 0800 hours and 2300 hours on Mondays to Fridays, 1000 hours and 2400 hours on Saturdays, and 1000 and 2200 hours on Sundays. No customers shall remain on the vessel outside of these hours.

Reason - The vessel is close to residential properties and a limit on the use is needed to prevent a nuisance or annoyance to nearby residents.

6. The vessel, gangways, service gantry, piles and aggregate and rock armour bed shall be removed and the careening hard restored to its former condition within 6 months of the cessation of the retail use of the vessel.

Reason - To ensure a satisfactory external appearance in the interests of visual amenity following the cessation of the retail use of the vessel.

**Expiry Date: This permission will cease to have effect on 14/10/2023 unless development is commenced by that date.**

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### **ADVICE AND OTHER REMARKS:-**

This permission does not relate to the display of any sign or advertisement or the installation of any external lighting. A separate permission will be needed where such signage or external lighting amounts to development.

### **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](http://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)

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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](mailto: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/2020/0642  
**Property Ref:** A411192A00  
**Valid date:** 22/05/2020  
**Location:** QEII Marina St. Peter Port Guernsey  
**Proposal:** Install floating restaurant.  
**Applicant:** Township Holdings Limited

**RECOMMENDATION** - Grant: Planning Permission with Conditions:

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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. No development shall begin on site until details of the gangways and service gantry, including elevations at 1:100 or 1:50 scale and details of the canvas covering, have been submitted to and agreed in writing by the Authority. The development shall be carried out only in accordance with the agreed details.

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Reason - The information provided with the application does not include full details of the proposed gangways and service gantry. This condition is imposed to make sure that the gangways and service gantry are of satisfactory design and do not have any adverse impact on the character of the area.

5. No public access to the vessel shall be allowed other than between the hours of 0800 hours and 2300 hours on Mondays to Fridays, 1000 hours and 2400 hours on Saturdays, and 1000 and 2200 hours on Sundays. No customers shall remain on the vessel outside of these hours.

Reason - The vessel is close to residential properties and a limit on the use is needed to prevent a nuisance or annoyance to nearby residents.

6. The vessel, gangways, service gantry, piles and aggregate and rock armour bed shall be removed and the careening hard restored to its former condition within 6 months of the cessation of the retail use of the vessel.

Reason - To ensure a satisfactory external appearance in the interests of visual amenity following the cessation of the retail use of the vessel.

### INFORMATIVES

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### OFFICER'S REPORT

#### Site Description:

The site comprises an area of the careening hard in the south-west corner of the QEII marina and adjacent to the Petanque Terrains at North Beach.

The site is in the St Peter Port Main Centre Inner Boundary and Harbour Action Area. The careening hard is not within the St Peter Port Conservation Area but it is bounded by Gategny Esplanade to the west and North Beach to the south which are both within the Conservation Area.

#### Relevant History:

Aug 2019 to Mar 2020 - PREA/2019/1418 – Pre-application advice regarding install a floating restaurant.

#### Existing Use(s):

Marina

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### **Brief Description of Development:**

Planning permission is requested to site a boat on the careening hard of the QEII marina to be used as a floating restaurant and including installing a gangplank and gantry to provide access and services. The vessel will be retained in position using piles, similar to those used in the marina. At low tide the vessel would rest on a bed of recycled aggregate which would be surrounded by blue granite rock armour.

The gangplank and gantry are proposed to be constructed of Marine grade stainless steel, the gangway would be covered with a canvas type material.

In support of the application the agent advises that:

- The restaurant opening times would be weekdays 8am to 11pm, Saturdays 10am to 12pm and Sundays 10am to 10pm.
- Their client is concerned that permission may initially be granted for only a 3 year period to address the Department's maintenance concerns.
- It is in the interests of the business for the vessel to be maintained in the very best condition.
- The extent of financial investment should not be underestimated and will be required to be paid back over a significant period of time. A planning approval for only 3 years would prevent the project from proceeding.
- It is requested that an alternative approach is considered such as using conditions to ensure that the vessel continues to be maintained to a certain pre-defined and tangible standard.

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

Policy MC6: Retail in Main Centres

Policy MC10: Harbour Action Areas

Policy GP4: Conservation Areas

Policy GP8: Design

Policy GP9: Sustainable Development

Policy IP7: Private and Communal Car Parking

### **Representations:**

17 representations were received for this application, including an objection from the Guernsey Yacht Club. 1 of the representations was in support of the proposal.

The main points are as follows:

- Concerned about noise and disturbance from the proposed use and the impact on residents in the area.
- Size and appearance of the vessel will detract from the character and amenity of the area.
- Concerned about the deterioration of the vessel and the risk of the vessel becoming an immovable eye-sore. If this were to proceed, the States should

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insist on receiving an irrevocable Bankers Bond to remove the vessel and to make good the area.

- There are already enough restaurants in St Peter Port.
- Proposed use will increase pollution and litter in the area and the marina itself.
- Concerned about loss of drying area for boat owners to maintain their vessels and limited alternative options.
- Questions whether the application is part of a co-ordinated approach as set out for development in Harbour Action Areas.
- Questions the provisions made for the disposal of waste.
- Existing restaurants have restrictions imposed on them to restrict disturbance from noise and cooking smells, questions what provisions will be made to avoid similar impacts on residents.
- The slope of the gangway at low tide is potentially dangerous.
- Other areas within the Harbour would be more suitable without impinging on other harbour users.
- Whilst the floating restaurant does not directly impinge on moorings or berths it could still be a considerable and dangerous obstacle according to prevailing circumstances.
- The vessel should be certified by a marine certifying authority with regard to stability and structure. Should the vessel founder at high water there would be significant risk to passengers. The vessel should be subject to periodic inspections as required by whichever body certified it as fit for purpose.
- The proposal will activate our waterfront and strengthen our offer as a tourism and maritime destination to the benefit of residents, visitors and the overall economy.
- The proposal will result in the loss of one drying out space but this is only occasionally used and there are other drying out options or solutions in other locations that could be implemented by Harbours if there was an issue with a loss of this drying spot.

### **Consultations:**

#### Constables of St Peter Port, 30/06/2020

“The matter was considered by the Douzaine recently wherein no objections were offered to the proposals”.

#### Guernsey Ports, 30/06/2020

“We have been made aware of the concerns of some members of the public and those of the Commodore of the Guernsey Yacht Club (interestingly no poll was taken of their members’ views) that the proposed restaurant boat would mean the loss of valuable drying out facilities for the local boating community. I’m not sure if this would be a material consideration that your team would factor into the overall decision making process but I thought I’d let you have Guernsey Ports’ views. The loss of this particular facility was carefully considered by Guernsey Ports and we were not overly concerned by it. It is not heavily utilised and there are alternative



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facilities available in the Albert, Victoria and QEII marinas, the SPP Careening Hard, and the careening slip at Le Crocq in St Sampson's Harbour.

The engineering solutions to moor the vessel and connect waste and other services have been discussed with the applicant and we are happy in principle with their proposals. The matter of maintenance of the vessel to ensure that it doesn't become an eyesore I think is covered in the applicant's planning application pack and we will also cover that off in any commercial lease agreement".

### Guernsey Ports, 10/06/2020

"Thank you for your letter to the Harbourmaster dated 29<sup>th</sup> May regarding the proposal to install a floating restaurant in the QEII Marina.

We have fully consulted with the applicant on their proposals to ensure we have sufficient information to consider any potential impact on the harbour infrastructure and other users of the harbour estate. We have no objections to the proposals and consider the project to be a valuable addition to a currently underutilised area of the harbour".

### **Summary of Issues:**

The main issues in deciding this application are:

1. Whether the principle of the development is acceptable.
2. Design and impact of the development on the character and appearance of the area.
3. The impact of the development on the amenity of people living in the area.

### **Assessment against:**

#### **1 - Purposes of the law.**

The objectives of the Law, as set out in Section 1(2), have been considered and this forms part of the assessment of policy issues set out in 2 below.

#### **2 - Relevant policies of any Plan, Subject Plan or Local Planning Brief.**

Policy MC6 supports the creation of new restaurants within the Main Centres. The site is also within the St Peter Port Harbour Action Area where a co-ordinated approach to the planning of mixed use development is sought in order to make the most of the area by providing for the safe functioning of the commercial ports to modern standards whilst drawing in economic contributions which in turn will secure improved infrastructure, commercial, leisure and recreation opportunities, enhancing the environment and reducing the negative impacts of traffic. A Local Planning Brief has not been approved for the St Peter Port Harbour Action Area as yet and in such circumstance Policy MC10 states that:

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*“Where there is not an approved Local Planning Brief for the Harbour Action Area, or where a proposed development is of a minor or inconsequential nature, proposals will be supported providing that the development:*

- a. would not prejudice the outcomes of the Local Planning Brief process; or,*
- b. would not inhibit the implementation of an approved Local Planning Brief; and,*
- c. in all cases accords with all other relevant policies of the Island Development Plan”.*

In this case, due to its siting, scale and nature, the proposal is considered to be a development of a minor nature which is unlikely to prejudice the outcome of a Local Planning Brief process. In principle, the development is supported by Policy MC10 provided that it accords with all other relevant policies of the Island Development Plan.

The size and design of the vessel varies from the majority of boats within the QEII marina and its siting on the careening hard and use of a bed of recycled aggregate and rock armour would have a greater visual impact at low tide than if the vessel was situated within the marina itself. However, the vessel and rock armour finished bed could be assimilated within this harbour setting and it is unlikely to adversely affect the character and visual amenity of the area. The quality and appearance of the proposed gangways and piles would not be dissimilar to existing gangways and piles within the QEII marina and wider harbour area. Precise details of the design of the gangways, including its canvas covering, and the service gantry, can be dealt with by condition. Overall, the proposal achieves a good standard of design and would conserve the character and appearance of the Conservation Area, in accordance with Policies GP4 and GP8.

Representations have raised concerns about the potential for noise and disturbance of neighbouring residents, particularly during the evening and at night. There are a number of residential properties to the west of Gategny Esplanade and there is potential for the proposed use to cause a degree of noise and disturbance. However, there are existing commercial and late night activities within the area, the proposed hours of operation would limit noise and disturbance late into the night and considering its central town location, it is unlikely that the proposed use would have a material adverse effect on the amenities of neighbouring residents to warrant the refusal of the application on these grounds.

Representations have been received regarding the loss of the drying area for boat owners to maintain their vessels and limited alternative options, the potential for it to obstruct moorings and berths and provisions made for the disposal of waste. The comments of Guernsey Ports is set out in full above. Guernsey Ports advise that the loss of this particular drying out facility was carefully considered and that they are not overly concerned by it due to the availability of alternative facilities. Guernsey Ports also advise that the engineering solutions to moor the vessel and connect waste and other services have been discussed with the applicant and they are happy in principle with their proposals. Guernsey Ports raise no objections to the proposal

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and consider the project to be a valuable addition to a currently underutilised area of the harbour.

Representations have expressed concerns about the ongoing maintenance of the vessel and the potential for the vessel to be abandoned in future. Guernsey Ports advise that these matters will be addressed in any commercial lease agreement. A planning condition can be applied to remove the vessel, gangways, aggregate bed on cessation of the retail use of the vessel and together with the comments of Guernsey Ports, it is considered that this would be sufficient to safeguard against these potential issues with maintenance and abandonment.

There is no reason to suspect that customers using the proposed restaurant would be any more likely to drop litter into the harbour than existing uses and users in the area.

Existing public car parks and public transport would be more than adequate to serve the development and would be no different to existing restaurants and bars within the St Peter Port town centre. The proposal accords with Policy IP7.

No details of signage or external lighting has been provided. A separate planning application will be required where such signage or external lighting amounts to development.

### **3 - General material considerations set out in the General Provisions Ordinance.**

In addition to the consideration of policy issues, Section 13 of the Land Planning and Development (General Provisions) Ordinance, 2007 identifies other material planning considerations which could be relevant. These include: the appropriateness of the development in relation to its surroundings in terms of design, layout, scale, siting and materials; the likely effect on the character and amenity of the locality; the likely effect on roads and other infrastructure, traffic and essential services; any possible fall-back position by way of extant planning permissions or exempt development; and the likely effect on the reasonable enjoyment of neighbouring properties. These issues where relevant are considered above.

### **4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).**

The proposal would have no impact on protected trees, monuments or buildings.

It is recommended that the application is approved.

**Date:** 12/10/2020

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