

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 from General Retail (Use Class 10) to Club Premises (Public Amenity Assembly/Leisure Use Class 20) and internal alterations (Protected Building)

LOCATION: 45/47 Le Pollet, St. Peter Port.

APPLICANT: Royal Channel Island Yacht Club

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: 23/09/2021

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 16/08/2021 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Aslett Architects: 679 No. 2

Application Ref: FULL/2021/1620

Property Ref: A113130000

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.

Expiry Date: This permission will cease to have effect on 22/09/2024 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.

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/2021/1620
Property Ref: A113130000
Valid date: 16/08/2021
Location: 45/47 Le Pollet St. Peter Port Guernsey GY1 2LH
Proposal: Change of Use from General Retail (Use Class 10) to Club Premises (Public Amenity Assembly/Leisure Use Class 20) and internal alterations (Protected Building)
Applicant: Royal Channel Island Yacht Club

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.

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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.

INFORMATIVES

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OFFICER'S REPORT

Brief Description of the site:

The application site, known as No. 45/47, comprises a mid-terrace protected building, split over a number of floors, accessed from Le Pollet and North Plantation.

The area of focus as part of this application comprises the lower floors of the building, which fronts onto North Plantation. The former retail use occupying this part of the building was known as Seaquest Marine Limited.

The premises above the floor level concerned is known as Machon's (jewellers) which fronts onto Le Pollet.

Planning permission is sought to change the use of the upper floor of the lower part of the building from general retail (use class 10) to a social and community premises (use class 20 – public amenity assembly/ leisure). A number of internal alterations are proposed as part of the development.

It is intended that Royal Channel Island Yacht Club will utilise this part of the building.

The application site is located in a Main Centre Inner Area, Conservation Area and Regeneration Area as defined in the Island Development Plan. The premises is sited outside of the Core Retail Area.

Relevant History:

PAPP/2005/3870	Change of use to retail outlet	Granted
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Existing Use(s):

Retail – Seaquest Marine Limited

Assessment: *(Tick as appropriate)*

no representation
accords with policy
within curtilage
design acceptable

✓
✓
✓
✓

visual amenity acceptable
no material neighbour impact
traffic not affected

✓
✓
✓

Policies considered most relevant:

- MC3 Social and Community Facilities in Main Centres and Main Centre Outer Areas
- MC6 Retail in Main Centres
- GP4 Conservation Areas
- GP5 Protected Buildings
- GP8 Design
- GP9 Sustainable development

Conclusion/Brief comment:

It is noted under Policy MC6 that *“beyond the Core Retail Areas, change of use away from retail will be permitted where it supports the objective of ensuring the Main Centres remain attractive focal points for economic and social activity”*.

Policy MC3 of the IDP requires it to be demonstrated that an existing site or premises in social and community use within or around the Main Centre concerned is not available and suited to accommodate the particular proposal including the dual use of premises. This is acknowledged, however, given the limited floorspace involved and that only one floor of the building will be utilised for the proposed social and community use (whilst the remaining floors will remain as retail), in this instance the proposed use is unlikely to have a detrimental impact on the vitality of the Main Centre or detract from the other uses of the building. On balance the proposal is therefore considered an acceptable form of development supported under Policy MC3.

With regards to the impact on the protected building, the proposed development involves the insertion of partition walls for toilets and a kitchen, together with associated work. It is considered that the proposed alterations will inevitably affect the fabric of the building, but the overall effect on the special interest of the protected building will be limited and not so substantial to warrant refusal. Overall, the slight adverse effect on the protected building will be outweighed by the reasonable aspirations of the property owner as well as the contribution the development will make to the vitality of the Main Centre.

An informative has been attached to the decision to inform the applicant that any new signage is likely to require planning permission.

Sufficient information has been submitted that has taken into account the criteria of Policy GP9 (Sustainable Development).

All material considerations as set out in the Land Planning and Development (Guernsey) Law, 2005 and the Land and Planning (General Provisions) Ordinance 2007 have been taken into account in the assessment of this application.

Based on the above, the application is considered compliant with the relevant Island Development Plan policies; it is therefore recommended that planning permission be granted, subject to conditions.

Recommendation:

Grant with Conditions



Date: 20/09/21

