

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 Public House (use class 11) to Convenience Retail (use class 9).

LOCATION: Weighbridge House, Lower Pollet, St. Peter Port.

APPLICANT: Sandpiper CI 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: 18/01/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 22/11/2021 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Lovell Ozanne - C1-10559-S1-01 & 02.

Application Ref: FULL/2021/2429

Property Ref: A113180000

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 17/01/2025 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

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/2021/2429
Property Ref: A113180000
Valid date: 22/11/2021
Location: Weighbridge House Lower Pollet St. Peter Port Guernsey GY1 2LJ
Proposal: Change of use from Public House (use class 11) to Convenience Retail (use class 9).

Applicant: Sandpiper CI Limited

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.

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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.

OFFICER'S REPORT

Brief Description of the site:

The application relates to part of the ground and basement floors of Weighbridge House, a 3 and 4-storey building which has a frontage to both North Esplanade and the Lower Pollet. The building has recently been renovated and altered, and contains a variety of different uses.

The site is located in the Main Centre Inner Area, the Harbour Action Area, and a Regeneration Area. The site is within a conservation area and there are several protected buildings in the vicinity.

Relevant History:

FULL/2021/0761 - Change of use from retail use classes 9 and 10 to Public Amenity Use Class 18: Non-Residential Health/Welfare Services, and erect non-illuminated signage to east and west elevations - Approved June 2021.

FULL/2019/0336 - Change of Use of part of basement to retail use (Use Class 9 & 10) and part for use of public house (Use Class 11). Retention of ground floor for retail use and public house. Alterations to 1st and 2nd floors to create 4 flats and 4 office suites. Alterations to roof form to create additional floor space to 3rd floor and creation of office suite. Alterations to shop fronts and fenestration - Approved April 2019.

Existing Use(s):

Residential use class 2

Retail use class 11

Administrative, Financial & Professional Services use class 16: administrative office

Public Amenity use class 18: non-residential health/welfare services

Assessment: *(Tick as appropriate)*

no representation
accords with policy
within curtilage
design acceptable

X
X
X
X

visual amenity acceptable
no material neighbour impact
traffic not affected

X
X
X

Policies considered most relevant:

GP4 – Conservation Areas
GP5 – Protected Buildings
GP8 – Design
MC6 – Retail in Main Centres
MC10 – Harbour Action Areas
MC11 – Regeneration Areas
IP9: Highway Safety, Accessibility and Capacity.

Conclusion/Brief comment:

This application is for a change of use of part of the ground floor and part of the basement floor from public house (use class 11) to convenience retail (use class 9).

The change of use will not have any physical transformations to the building and so the application will not affect the special character and appearance of the surrounding Conservation Area and will not impact on the settings of the nearby Protected Buildings.

The change of use would not inhibit the implementation of any future Local Planning Brief for the St Peter Port Harbour Action Area, nor would it inhibit the implementation of any future Development Framework for the Lower Pollet Regeneration Area.

The ground floor of the building previously comprised half a convenience retail space and half a public house. The convenience retail element has changed use to a non-residential health/welfare service (FULL/2021/0761). The application the subject of this report involves a change of use for the half of the building (the space occupied by the public house) into convenience retail space, to be occupied by the company which previously occupied the convenience retail element before the recent change of use occurred.

The new convenience use would contribute to the vitality and viability of the Main Centre. Thus, Policy MC6, which supports and encourages convenience retail in the Main Centres, is complied with.

Situated within a Main Centre, close to public car parking and accessible by transport methods other than the private motorcar, the proposed use of the building would not cause a detriment to highway safety.

The proposals are considered to conform to the above policies of the Island Development Plan and the grant of permission is recommended.

Due to the nature and type of development, it is not considered necessary for the applicant to demonstrate that the proposal has been designed to take 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.

Recommendation:

Grant with Conditions



Date: 17/01/2022

