

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 Cafe with ancillary takeaway (Retail Use Class 11) and internal alterations (Protected Building).

LOCATION: 23 Commercial Arcade, St. Peter Port.

APPLICANT: Pearl Oyster Ltd

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: 25/03/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 13/12/2021 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Bhp: G4646-02-01

Application Ref: FULL/2021/2689

Property Ref: A300660000

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 24/03/2025 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

Any additional extract ventilation not specified in the application as submitted and as clarified by BHP Ltd's email of 07/03/2022 is likely to require planning permission. You should contact the Authority before installing any such equipment as it has the potential to impact on neighbouring amenity by reason of noise and odours.

This permission does not relate to the display of any sign or advertisements. A separate permission may 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/2021/2689
Property Ref: A300660000
Valid date: 13/12/2021
Location: 23 Commercial Arcade St. Peter Port Guernsey GY1 1JX
Proposal: Change of use from General Retail (Use Class 10) to Cafe with ancillary takeaway (Retail Use Class 11) and internal alterations (Protected Building).

Applicant: Pearl Oyster Ltd

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.

INFORMATIVES

Any additional extract ventilation not specified in the application as submitted and as clarified by BHP Ltd's email of 07/03/2022 is likely to require planning permission. You should contact the Authority before installing any such equipment as it has the potential to impact on neighbouring amenity by reason of noise and odours.

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OFFICER'S REPORT

Brief Description of the site:

The application site is located within the Town Main Centre Inner Area, Core Retail Area and Conservation Area as designated by the Island Development Plan, and comprises the basement, ground and first floors of a mid-terrace protected building forming part of the historic Arcades.

Relevant History:

None germane to the determination of this application.

Existing Use(s):

Retail Use Class 10 – General Retail

Consultation(s):

The Office of Environmental Health and Pollution Regulation

The applicant has confirmed that they will no longer require an extraction system to be provided to the kitchen as the level of food preparation and cooking is very low. As such I can confirm that if this element of the application is removed we would have no comments to make.

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:

GP5 – Protected Buildings

GP8 – Design

MC6 – Retail in Main Centres

Conclusion/Brief comment:

The principal aim of the Island Development Plan is to help maintain and create a socially inclusive, healthy and economically strong Island, while balancing these objectives with the protection and enhancement of Guernsey's built and natural environment and the need to use land wisely.

Furthermore, it is a requirement under the Land Planning and Development (Guernsey) Law, 2005, when considering applications affecting protected buildings, to secure so far as possible that their special historic, architectural, traditional or other special characteristics (including setting) are preserved.

The proposed change of use from one retail use class to another would maintain the vitality and viability of the Core Retail Area and complies with Policy MC6.

There being a number of restaurant and café uses in the vicinity, and clarification having been provided by the applicant with regards to proposed ventilation equipment (to which Environmental Health raise no objection) it is not considered that there would be any adverse impact on the amenity of occupants, whether commercial or residential, of properties in the vicinity. The application is therefore considered to comply with the requirements of Policy GP8.

The physical alterations that are proposed are limited to shop fitting, minor alterations to existing modern partition walls, and the installation of ventilation ducting serving the toilets and food preparation area terminating in a vent positioned within the flat roof at the rear of the building. The works are not considered to have any adverse impact on the special interest of the building, and therefore accord with the purposes of the Law and the aims and objectives of Policy GP5.

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: 23-03-2022

