

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: Erect covered and enclosed Al Fresco area with signage to east (front) elevation (Protected Building).

LOCATION: Balthazar, The Quay, St. Peter Port.

APPLICANT: Mr S Le Poidevin

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: 28/07/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 12/04/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Smith Signs Ltd: Concept in situ, Overview, Fixings/Screens, Pergola, Menu Case

Application Ref: FULL/2022/0660

Property Ref: A300130004

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 covered structure and all associated works hereby permitted shall be removed and the land restored to its former condition on or before the expiration of 3 years from the date of this permission, in accordance with a scheme of work previously agreed in writing by the Authority.

Reason - The design and location of the development make it unsuitable for a permanent 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 27/07/2025.

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/2022/0660
Property Ref: A300130004
Valid date: 12/04/2022
Location: Balthazar The Quay St. Peter Port Guernsey GY1 2LE
Proposal: Erect covered and enclosed Al Fresco area with signage to east (front) elevation (Protected Building).
Applicant: Mr S Le Poidevin

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 covered structure and all associated works hereby permitted shall be removed and the land restored to its former condition on or before the expiration of 3 years from the date of this permission, in accordance with a scheme of work previously agreed in writing by the Authority.

Reason - The design and location of the development make it unsuitable for a permanent 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.

OFFICER'S REPORT

Site Description:

The Quayside lower ground floor of 'Victoria House' is used as a restaurant known as 'Balthazar'. The six-storey building is protected, all six storeys face east and the top three storeys also face west onto the High Street. Neighbouring attached buildings are to the north and south. Along the north elevation there are a set of external steps leading from the High Street down to The Quay. The site is situated within the St Peter Port Main Centre, a Conservation Area, a Harbour Action Area and Core Retail Area as defined in the Island Development Plan.

Relevant History:

FULL/2021/2432 - Install planters to create Alfresco area (Protected Building) at Town Quay, St. Peter Port. Granted 06/01/2022.

Existing Use(s):

Retail use class 11: food

Brief Description of Development:

This application relates to the erection of a covered and enclosed Al Fresco area with signage to the east elevation, outside the front of 'Balthazar'.

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

MC6: Retail in Main Centres
MC10: Harbour Action Areas
GP4: Conservation Areas
GP5: Protected Buildings
GP8: Design

Representations:

There has been one letter of representation and the issues are:

- The application extends the property onto public land, with no-one ensuring the rights of the Guernsey public.
- The Al Fresco use of the pavements up and down The Quay means people find it difficult to navigate through the restricted areas, especially those with buggies.
- Why should businesses be allowed to encroach onto the pavement?
- The Al Fresco area has been enlarged to cover the entrance to the steps leading up to the High Street which also makes it very difficult for pedestrians to access what is left of the pavement.

Consultations:

The Office of Environmental Health and Pollution Regulation.

"I have reviewed the proposed plans for the erection of a covered and enclosed Al Fresco area with signage to the east (front) elevation of Balthazar, which were received by post on 14th April 2022. I confirm that I do not wish to raise any objections or make any comments in relation to this application."

Summary of Issues:

- Principle of the development
- Design of the development.
- Impact of the development on the character and appearance of 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 as set out in 2 below.

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

Principle of the development

Policy MC6 states that proposals to extend, alter or redevelop existing retail premises will be supported providing they accord with all other relevant policies of the Island Development Plan.

Policy MC10 states that proposals will be supported as long as they would not inhibit the implementation of an approved Local Planning Brief and accord with all other relevant policies of the Island Development Plan.

Design

The proposed structure is more permanent in nature than the existing awnings. The single canopy reaches 2.4m over the existing Al Fresco area supported by 4 steel posts, there will be a section with entrance doors and a menu case, and the 1.4m high base boards will have manually operated glazed screens within them, which will increase the height of the boards to approx. 2.2m when fully extended.

The design is modern and it will be noticeable from many public viewing points around the harbour area.

Impact of the development on the character and appearance of the area

The east elevation of this protected building originally would have acted as storage vaults for goods unloaded from the harbour, before being lifted to High Street for sale. The east elevation displays the narrow burgage plot with vertical

proportions and high solid: void ratio that is a typical characteristic of many buildings along The Quay. At the ground floor level the building has two awnings to cover an al-fresco space. The setting of the protected building is formed by the urban character of the pavement and the quay edge which is today used as a road. The proposals will screen the ground floor of this protected building and cover part of the pavement/quayside. The proposals will also directly affect the protected buildings where the steel frame is fixed into the external wall. It is however considered that the effect on the overall special interest of this protected building will be low.

Policy GP5 requires any negative effects to be balanced against the reasonable aspirations of the property owner, as well as the contribution to the special and economic objectives of the States, and the vitality of a Main Centre. In this case the protected building is within the St Peter Port Main Centre. The immediate area of the application has, over the past few years been the subject of an Al-fresco trial, which is understood to be successful and the facility remains, with planning permission to Install planters to create Alfresco area (Protected Building) granted on 6 January 2022. It is therefore considered that the contribution this development makes to the vitality of the St Peter Port Main Centre outweighs the low negative effect on the protected building and its setting. The application therefore complies with Policy GP5.

However, the town centre will evolve with time and social and economic objectives can change, therefore the permanent nature of this proposal may not be appropriate in the future. The design and location of the development make it unsuitable for a permanent permission at this time. For this reason, it is recommended that the application be subject of a temporary approval of three years from the date of the decision. After this time, if the enclosure is still considered appropriate, then another application can be considered.

The covered and enclosed Al Fresco area is not considered to impact on neighbour amenity and is also not considered to significantly affect the special quality of the conservation area given the immediate surroundings of this site.

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

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. Where relevant the issues are considered in section 2 above.

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

The proposal would have no impact on Protected Trees or Monuments or on SSS's. The impact on the Protected Building is considered above.

Date: 27/07/2022