

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 a cafe (Use Class 11) (Protected Building).

LOCATION: The Trinity Square Centre, Rue Du Pre, St. Peter Port.

APPLICANT: The Unit Partnership

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: 22/12/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 17/10/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Grey Bear Chartered Architect Ltd: 128-3-301A & 302

Application Ref: FULL/2022/1830

Property Ref: A403220000

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 21/12/2025 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

The applicant is advised that part of the site is a Protected Building. This decision relates only to the change of use outlined in the description of the proposal set out above. It does not permit any alteration or extension of the Protected Building either internally or externally.

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/2022/1830
Property Ref: A403220000
Valid date: 17/10/2022
Location: The Trinity Square Centre Rue Du Pre St. Peter Port Guernsey
GY1 1LX
Proposal: Change of use from general retail (Use Class 10) to a cafe (Use
Class 11) (Protected Building).

Applicant: The Unit Partnership

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

The applicant is advised that part of the site is a Protected Building. This decision relates only to the change of use outlined in the description of the proposal set out above. It does not permit any alteration or extension of the Protected Building either internally or externally.

This permission does not relate to the display of any sign or advertisements. A separate permission will be needed for any such display.

OFFICER'S REPORT

Brief Description of the site:

The application relates to the ground floor of the three storey building standing on the corner of Trinity Square and Upper Mansell Street. It forms part of the Trinity Square Centre. It has an entrance door on the curved corner and shop fronts on both road frontages. The site also includes the ground floor of the adjoining unit on the Trinity Square frontage which is set at a lower level and accessed by steps.

The corner building is a Protected Building, and the application site is located within a Conservation Area. It is within the Main Centre Inner Boundary.

Relevant History:

FULL/2012/0256 – Change of use of Unit 1 from retail (use class 14) to coffee shop (use class 15) and erection of flat roof canopy- Granted – 02/03/2012

Existing Use(s):

Retails- Use Class 10

Assessment: *(Tick as appropriate)*

no representation	☒	visual amenity acceptable	☒
accords with policy	☒	no material neighbour impact	☒
within curtilage	☒	traffic not affected	☒
design acceptable	☒		

Policies considered most relevant:

MC6- Retail in Main Centres

GP4- Conservation Areas

GP5- Protected Buildings

GP8- Design

GP9- Sustainable Development

Conclusion/Brief comment:

The change of use from general retail (Use Class 10) to café (Use Class 11) is acceptable in relation to Policy MC6 as the proposed use remains broadly retail, and supports the vitality of the main centre, providing rest and refreshment for shoppers.

The application relates to a change of use only and does not include any proposals to change the interior or exterior of the building. Any proposal for the installation of signage, or internal works such as extraction, would require separate consent. The principal of the proposal would not impact on the character or appearance of the protected building or conservation area, and therefore accords with Policies GP4 and GP5.

The proposal could potentially result in noise, disturbance and smell for people living in the area. However, the site is located within in the Main Area and there are a number of similar uses in the vicinity. It is unlikely that the proposal would make a material difference to the present situation.

There is no parking provision for the coffee shop. However, this is the position for most businesses in the area. The proposed change of use is unlikely to change the parking requirement in the area. The impacts are therefore acceptable under Policy GP8.

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: 21/12/2022