

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 fascia sign and double-sided projecting sign at first floor level, install porcelain tiles at ground floor level 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: 28/04/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 29/12/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Axis Mason: 4482 110 P1 & 200 P1

Application Ref: FULL/2022/2335

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 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.

4.Notwithstanding the details shown on the approved plans, no permission is hereby granted for the three external hanging wall lights above the fascia sign or for any form of hardsurfacing/hardstanding to be formed/laid to the Al fresco area to the east (front) elevation of the premises.

Reason - To define the permission for the avoidance of any doubt and to avoid harm to the protected building and the character and appearance of St Peter Port Conservation Area.

5.Notwithstanding the details shown on the approved plans, no permission is hereby granted for any alterations to the glazed enclosure and projecting canopy to the Al Fresco Area which shall only be carried out in accordance with the approved details granted under permission ref: FULL/2022/0660.

Reason - To define the permission for the avoidance of any doubt.

6.Prior to the installation of the porcelain tiles full details of their type, texture and colour shall have been submitted to and agreed in writing by the Authority. The work shall be completed in accordance with the agreed details.

Reason - To secure the satisfactory appearance of the completed development and to ensure that the proposal does not cause harm to the character or appearance of the Conservation Area or negatively impact the protected building.

Expiry Date: This permission will cease to have effect on 27/04/2026 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

For the avoidance of doubt, the advertisement(s) to which this permission relates are non-illuminated. Any form of illumination, whether by external or internal means, will require a separate grant of planning permission.

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/2022/2335
Property Ref: A300130004
Valid date: 29/12/2022
Location: Balthazar The Quay St. Peter Port Guernsey GY1 2LE
Proposal: Erect fascia sign and double-sided projecting sign at first floor level, install porcelain tiles at ground floor level 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 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.

4. Notwithstanding the details shown on the approved plans, no permission is

hereby granted for the three external hanging wall lights above the fascia sign or for any form of hardsurfacing/hardstanding to be formed/laid to the Al fresco area to the east (front) elevation of the premises.

Reason - To define the permission for the avoidance of any doubt and to avoid harm to the protected building and the character and appearance of St Peter Port Conservation Area.

5. Notwithstanding the details shown on the approved plans, no permission is hereby granted for any alterations to the glazed enclosure and projecting canopy to the Al Fresco Area which shall only be carried out in accordance with the approved details granted under permission ref: FULL/2022/0660.

Reason - To define the permission for the avoidance of any doubt.

6. Prior to the installation of the porcelain tiles full details of their type, texture and colour shall have been submitted to and agreed in writing by the Authority. The work shall be completed in accordance with the agreed details.

Reason - To secure the satisfactory appearance of the completed development and to ensure that the proposal does not cause harm to the character or appearance of the Conservation Area or negatively impact the protected building.

INFORMATIVES

For the avoidance of doubt, the advertisement(s) to which this permission relates are non-illuminated. Any form of illumination, whether by external or internal means, will require a separate grant of planning permission.

OFFICER'S REPORT

Brief Description of the site:

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.

Surrounding the site there are a mixture of commercial and residential uses, with St Peter Port harbour and coast situated on the opposite side of The Quay to the east.

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/2022/0660	Erect covered and enclosed Al Fresco area with signage to east (front) elevation (Protected Building).	Granted 28/07/2022
FULL/2019/2058	Erect wall mounted sign to east elevation (Protected Building).	Granted 25/11/2019
FULL/2018/0670	Erect two awnings, signage and illuminated menu boxes on front of property (Protected Building).	Granted 08/06/2018
FULL/2018/0588	Install mechanical ventilation system: Internal alterations, installation of ducting to the north elevation and intake/extracts to the east elevation; Alterations to fenestration; Alterations to floor layout.	Granted 25/09/2018
FULL/2017/3001	Remove existing and erect replacement signage on west elevation (High Street side) and east elevation (Quay side) (Protected Building).	Granted 13/02/2018
FULL/2017/2954	Variations to works previously approved for change of use and alterations to building - alter shop front to create ramped accessible access and alter window to doors (east elevation) and internal alterations. (Protected Building).	Granted 15/02/2018
FULL/2017/2009	Install new signage, internal alterations and install 3 new air conditioning units to roof (Protected Building)	Granted 16/10/2017
FULL/2016/2953	Change of use of storage vaults to restaurant at ground floor level, change of use of level four offices to retail, internal alterations to all floors and alterations to fenestration (protected building)	Granted 12/05/2017

Existing Use(s):

Mixed use building with permission for use as:

Level 1 (Quayside): Restaurant
 Level 2: Ancillary storage
 Level 3 & 4: Retail
 Level 5 – 7: Office
 Level 8: Ancillary storage

Consultation responses:

By memorandum dated 22nd February 2023 the states Traffic and Highway Services stated the following:

“THS can confirm that the Committee for the Environment & Infrastructure is supportive of the current Al Fresco dining areas located along the Quay which remain in place following a successful trial. It notes that the applicant appears to be looking to build a structure to enable the Al Fresco area to be able to be used during inclement weather.

THS has been advised there will be an awning that can be rolled back and windows that can be dropped down, so ‘open air’ at least some of the time and in the spirit of underpinning legislation that allows temporary closure of the Public Highway.

Having reviewed the plans, THS has the following comments/reservations in respect of alterations to the surface of the footpath and the potential issues that the structure could cause in terms of access to utility services. Specifically, these can be defined as: -

- 1. Concerns in relation to access for utilities at all times where maintenance and/or emergencies could require urgent attention. It has been noted that there are several utility services located beneath the footway for both Balthazar and neighbouring properties. Access could be required by the utilities 24/7 and this may be hindered if the structure were to be locked and confusion regarding excavating a tiled ‘non standard’ surface.*
- 2. Should permission be granted any utilities carrying out maintenance or emergency works will not be required to replace the proposed new footway surface other than the original asphalt currently in place.*
- 3. THS understands the Quay forms part of land to be considered by the Development Agency and therefore it is unclear what the longer-term future for this area might be and in this context is reluctant to agree to a change in surface material and levels.*

Notwithstanding the above, THS is understanding of the desire for a level surface to be created within the al fresco area and more shelter to be provided for clients at times of inclement weather conditions. As such, it would not object for example, to a decked surface be provided in a modular fashion in order to afford quick and simple access for utilities to carry out required maintenance and/or emergency works. Such a structure would likely require the western edge of the footway asphalt to be planed down and reduced in depth to accommodate the new decking and these works would be at the expense of the applicant. If this option were to be approved then the applicant would be required to reinstate the footway asphalt surface to its original state, should the al fresco function no longer be required at any time in the future.

In addition, the new al fresco screening structure would need to be constructed in such a way that quick and easy access remains available to utilities at all times (24/7). THS would not be agreeable to an arrangement where access would only be available if a key holder was able to open the structure.

If the above can be accommodated within the design then THS would have no objection to the proposals.”

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
MC10: Harbour Action Areas
GP4: Conservation Areas
GP5: Protected Buildings
GP8: Design

Conclusion/Brief comment:

Planning permission is sought for the following alterations all to the east facing elevation of the property:

- To install a non-illuminated fascia sign displaying “Balthazar” in white text on a powder coated black aluminium sign – located above the first-floor window to replace the existing signage;
- To install a non-illuminated double sided projecting sign displaying “B” in white text on a black powder coated aluminium sign – located above the main entrance point into the site;
- To install hanging baskets at first floor level;
- To install green porcelain tiling to part of the external wall at ground floor;
- To install wall lights at ground floor level.

As part of the initial submission the scheme also included the installation of limestone pavers to hard surface the Al-fresco area. Following the concerns raised by Traffic and Highway Services and discussions between them and the applicant, by email dated 03/03/2023 the applicant has withdrawn this element from the current proposal.

Concerns were also raised regarding the external hanging lights above the fascia sign and the impact that this would have on the character and visual appearance of the Conservation Area. This was discussed with the applicant and by email dated 25/04/2023 this aspect of the scheme has been withdrawn from the current scheme.

The description of development of this application has been altered to reflect these changes and should planning permission be granted, it is recommended that a

condition is included to omit reference to the area of hardstanding and external hanging lighting from the application and approved drawings.

Within the Main Centres, Policy MC6 offers in principle support for proposals to extend, alter or redevelop existing retail premises provided they accord with all other relevant policies.

In this case, the proposals must also satisfy the terms of Policies GP4 and GP5 of the Plan, and meet the statutory duties with regard to conservation areas and protected buildings set out within Sections 34, 35 and 38 of the Law. Policy GP8 (Design) would also be relevant.

The proposed fascia sign would replace an existing fascia sign of comparable proportions, scale, form and design. The sign would also be similar of similar design to other fascia signs in the immediate vicinity and in particular the sign on the adjacent building to the south. The projecting sign as proposed is also of appropriate proportions, scale and design. Both signs are appropriate and would not harm the special interest of the protected building, its setting or the visual character and appearance of the surrounding Conservation Area.

The principle of the installation of the porcelain tiles to part of the front elevation is acceptable, subject to the use of an appropriate tile. It is recommended that should permission be granted that a sample of the tile is submitted to ensure that this does not cause harm to the fabric of the protected building or the character of the surrounding Conservation Area. The planters at first floor level and the wall lights at ground floor level would not cause harm to the protected building or the character of the Conservation Area.

The scheme would not harm the amenities of neighbouring properties or cause harm to highway safety.

The scheme is of minor and inconsequential nature and would not prejudice the outcomes of, or inhibit the implementation of an approved Local Planning Brief for the Harbour Action Area and the scheme accords with Policy MC10 in this respect.

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. considering the above it is recommended that planning permission is granted subject to conditions.

Recommendation:

Grant with Conditions



Date: 27/04/2023