

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: Temporary change of use of bunker from Storage and Distribution (Use Class 22) to a mixed (sui-generis) use (Distillery and retail with ancillary tasting room).

LOCATION: The Vivier Bunker, Castle Pier, St. Peter Port.

APPLICANT: Channel Islands Liquor Co

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: 01/03/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 25/01/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: DRP Architecture: 3179-DR-002 & 101.

Application Ref: FULL/2023/0126

Property Ref: A411190009

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.This permission is given for a limited period of 5 years from the date hereof, expiring on 29 February 2028, by which time use of the building for the sui-generis use hereby approved shall cease and the building shall revert to a General Storage

and Distribution Use (Use Class 22) unless otherwise approved by the Development & Planning Authority. The temporary consent reflects the location of the site within the Harbour Action Area. This permission does not infer that a further permission would be forthcoming if it is considered that retention of the development for a further period would be likely to prejudice or inhibit the comprehensive development of the Harbour Action Area in accordance with Policy MC10 of the Island Development Plan.

Reason - The site is within Harbour Action Area in the Island Development Plan; a grant of permission for a limited period ensures that the development will not inhibit the implementation of a Development Framework in accordance with Policy MC10 of the Island Development Plan.

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 28/02/2026 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/2023/0126
Property Ref: A411190009
Valid date: 25/01/2023
Location: The Vivier Bunker Castle Pier St. Peter Port Guernsey GY1 1AU
Proposal: Temporary change of use of bunker from Storage and Distribution (Use Class 22) to a mixed (sui-generis) use (Distillery and retail with ancillary tasting room).

Applicant: Channel Islands Liquor Co

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. This permission is given for a limited period of 5 years from the date hereof, expiring on 29 February 2028, by which time use of the building for the sui-generis use hereby approved shall cease and the building shall revert to a General Storage and Distribution Use (Use Class 22) unless otherwise approved by the Development & Planning Authority. The temporary consent reflects the location of the site within the Harbour Action Area. This permission does not infer that a further permission would be forthcoming if it is considered that retention of the development for a further period would be likely to prejudice or inhibit the comprehensive development of the Harbour Action Area in accordance with Policy MC10 of the Island Development Plan.

Reason - The site is within Harbour Action Area in the Island Development Plan; a grant of permission for a limited period ensures that the development will not inhibit the implementation of a Development Framework in accordance with Policy MC10 of the Island Development Plan.

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

Brief Description of the site:

Vivier Bunker is a detached flat roof building situated on the Castle Pier with access roads and parking to the north, east and south. An area of grass is situated to the west of the building. Principle openings are situated in the north elevation.

The application relates to the change of use of the building from general storage and distribution to a mixed use. A distillery (Light Industrial Use Class 24) with associated retail (Use Class 10) and occasional tasting (Use Class 11). The submission outlines that the proportion of the premises to be used for retail would be less than 50% and that the tenant is aware of potential redevelopment of the harbour area (Harbour Action Area).

The site is located in the Main Centre, Conservation Area, Archaeological Area and Harbour Action Area as designated in the Island Development Plan.

Relevant History:

None.

Existing Use(s):

22 General Storage and Distribution

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:

Island Development Plan policies:

MC5(C): Industry, Storage and Distribution Uses in Main Centres and Main Centre Outer Areas - Change of Use

MC6: Retail in Main Centres

MC10: Harbour Action Areas

GP4: Conservation Areas

GP8: Design

GP9: Sustainable Development

Consultation:

Office of Environmental Health and Pollution Regulation - do not wish to raise any objections to the proposals, it should be noted that the building currently does not have mains drainage and a permanent connection will be required for the building to be used for food (liquor) manufacture.

Conclusion/Brief comment:

The IDP supports the change of use between storage and distribution and industrial uses and retail (convenience and comparison) which offers a gateway for the proposed development.

The proposal does not require external alterations to the building thereby preserving the character and appearance of the Conservation Area and having no adverse impact on buried archaeological remains. The scheme will not result in harm to the amenities (overshadowing/overlooking/noise and nuisance) of surrounding premises which are set away from the application site.

The site is located in an area where there is a significant amount of public car parking available and only a short distance from the bus terminus. The site is situated in a sustainable location with ready access from the town.

The submission acknowledges the potential development of the Harbour Action Area which will be reflected in the lease for the premises. The proposed change of use is minor and inconsequential and in order to ensure that it would not prejudice the outcome of a Development Brief for the Harbour Action Area and its implementation it is reasonable to limit the permission to reflect the length of the lease agreed with Guernsey Harbours, to five years.

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.

In view of the above it is recommended permission is granted for the proposed change of use.

Recommendation:
Grant with Conditions



Date: 28 February 2022