

**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 food kiosk to north elevation of building.

**LOCATION:** Good Rebel, Elizabeth Avenue, Admiral Park, St. Peter Port.

**APPLICANT:** Good Rebel

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:** 11/05/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 27/01/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

**Drawing Nos:** Lovell Ozanne & Partners Ltd: 10661-S1-01A

**Application Ref:** FULL/2023/0276

**Property Ref:** A10469F000

**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 10/05/2026 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](http://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](mailto: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/2023/0276  
**Property Ref:** A10469F000  
**Valid date:** 27/01/2023  
**Location:** Good Rebel Elizabeth Avenue Admiral Park Admiral Park St.  
Peter Port Guernsey  
**Proposal:** Erect food kiosk to north elevation of building.  
**Applicant:** Good Rebel

**RECOMMENDATION** - Grant: Planning Permission with Conditions:

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## OFFICER'S REPORT

### Brief Description of the site:

The application site comprises a detached retail building that has recently been constructed as part of phase one of the project Indigo site and surrounding area. The building is currently used as a restaurant. Surrounding the site the area comprises a hotel to the west, an office building to the north with a multi-storey car park beyond and to the east an office block is currently under construction. Residential properties are situated beyond the overall site boundary of the site to the north and west.

The site is situated within St Peter Port Main Centre Outer Area, and the Office Expansion Area as designated in the Island Development Plan.

### Relevant History:

|                |                                                                                                                                                                                                    |                       |
|----------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|
| FULL/2022/0593 | Erect illuminated and non-illuminated signage to all elevations of building.                                                                                                                       | Granted<br>26/05/2022 |
| FULL/2021/2140 | Variation to previously approved plans to erect office building and associated works - Increase floor area, alterations to fenestration, enlarge rooftop plant enclosure and install solar panels. | Granted<br>21/02/2022 |
| FULL/2021/0667 | Erect office building and associated external works.                                                                                                                                               | Granted<br>10/05/2021 |
| OP/2016/0796   | Erection of residential, office, retail, leisure and day nursery facilities at various sites.                                                                                                      | Granted<br>24/08/2016 |
| RES/2018/1867  | Reserved matters for OP/2016/0796 for the erection of residential, office, retail and leisure facilities at various sites.                                                                         | Granted<br>01/03/2019 |

### Existing Use(s):

Retail – Use Class 11

### Assessment: *(Tick as appropriate)*

no representation  
accords with policy  
within curtilage  
design acceptable

|   |
|---|
| ✓ |
| ✓ |
| ✓ |
| ✓ |

visual amenity acceptable  
no material neighbour impact  
traffic not affected

|   |
|---|
| ✓ |
| ✓ |
| ✓ |

### Consultations:

By letter dated 28<sup>th</sup> April 2023 the States Office of Environmental Health and Pollution Regulation raised no objections to the application.

**Policies considered most relevant:**

## Island Development Plan Policies:

- MC7: Retail in Main Centre Outer Areas;
- GP8: Design;
- GP9: Sustainable Development
- IP9: Highway Safety, Accessibility and Safety.

**Conclusion/Brief comment:**

Planning permission is sought to create a grab-and-go food kiosk situated to the north of the existing building. The proposed café will be positioned to fit under the shelter of the overhanging roof of the main building and will be constructed of a timber frame with larch vertical cladding to all elevations to provide a sustainable and high-quality contemporary finish.

The kiosk will be used to sell sandwiches, small bites and cold products to customers of the main café/restaurant that do not wish to eat within the main building. The kiosk is of minimal proportions comprising an internal floor area of circa 8.5m<sup>2</sup> and will be used for a purpose ancillary to the main use of the site as a café/restaurant. A change of use to allow food to be consumed away from the site would not be required in this instance as the principal use will remain as food for consumption on the premises within Use Class 11 of the Use Classes Ordinance 2017.

Policy MC7 supports the proposals to extend alter or redevelop existing convenience retail premises where they accord with all other relevant policies of the IDP.

The design of the scheme is consistent with the host building and its contemporary design will complement the surrounding buildings. Although a sample of the external cladding would usually be required, it is not considered necessary in this instance as the proposal will be screened from the surrounding area by existing buildings and would be unseen from Elizabeth Avenue to the south.

The States Office and Environmental Health and Pollution Regulation raise no object to the scheme from a food preparation perspective and no additional air handling plant is required or proposed. The proposal would therefore not cause harm to residential amenity or to surrounding uses through odours or noise.

Confirmation has also been received that the proposed development has been designed to take into account matters of energy efficiency and current Building Regulations in accordance with Policy GP9. In the absence of further guidance in relation to this policy, the submitted information is considered adequate.

The proposal would not significantly impact on the pedestrian environment or the pedestrian movement within this area and would not increase the need for, or harm

existing car parking provision. Accordingly the proposal would not harm highway safety.

Based on the above, the scheme accords with all relevant provision of the IDP and it is recommended that planning permission is granted.

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:** 02/05/2023

