

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 Cafe (Use Class 11) (Protected Building).

LOCATION: 18 Fountain Street, St. Peter Port.

APPLICANT: The Love LBG

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: 12/10/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 08/03/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Block Layout Plan (date stamped received 8th March 2023), basement and ground floor plans x2 (date stamped received 16th May 2023).

Application Ref: FULL/2023/0311

Property Ref: A400240000

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.For the avoidance of doubt, the proposed replacement window and alterations to the staircase as shown on drawing number 102 (rear elevation of shop) is not approved as part of this permission.

Reason - to clearly define the permission as per the original application description.

Expiry Date: This permission will cease to have effect on 11/10/2026 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

It is recommended that a separate planning application be sought to replace a window and alterations to the staircase as shown on drawing number 102 (rear elevation of shop) to avoid unnecessary delays in determining this application as this would involve additional considerations and may require an additional fee.

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

Please ensure that you notify the Authority of the date on which the change of use takes place. Once the change has been made the property will be classified as shown above.

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/2023/0311
Property Ref: A400240000
Valid date: 08/03/2023
Location: 18 Fountain Street St. Peter Port Guernsey GY1 1DA
Proposal: Change of use from General Retail (Use Class 10) to Cafe (Use Class 11) (Protected Building).

Applicant: The Love LBG

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. For the avoidance of doubt, the proposed replacement window and alterations to the staircase as shown on drawing number 102 (rear elevation of shop) is not approved as part of this permission.

Reason - to clearly define the permission as per the original application description.

INFORMATIVES

It is recommended that a separate planning application be sought to replace a window and alterations to the staircase as shown on drawing number 102 (rear elevation of shop) to avoid unnecessary delays in determining this application as this would involve additional considerations and may require an additional fee.

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

Please ensure that you notify the Authority of the date on which the change of use takes place. Once the change has been made the property will be classified as shown above.

OFFICER'S REPORT

Brief Description of the site:

The application site comprises a protected building which is located in a Conservation Area, Main Centre Inner Area and Regeneration Area as designated in the Island Development Plan.

Planning permission is sought to change the use of the ground floor and part of the basement from general retail (use class 10) to a Café (use class 11).

The application was deferred to obtain further information in respect of the proposed development in light of the Office of Environmental Health and Pollution Regulation's comments, and the potential effect on the protected building.

The applicant has provided further information in attempt to overcome the points raised, including a brief Statement of Significance, although has included a replacement window and alterations to the staircase to the rear of the property as part of the revised scheme.

Relevant History:

FULL/2021/1669	Reinstatement work to front elevation and internal alterations (protected building) (part retrospective).	Granted
FULL/2017/2620	Alterations to property; repair / partial replacement of external rain water system (front elevation) and internal alterations. (Protected Building).	Granted

Existing Use(s):

General retail – use class 10

Assessment: *(Tick as appropriate)*

no representation



accords with policy



within curtilage



design acceptable



visual amenity acceptable



no material neighbour impact



traffic not affected

**Policies considered most relevant:**

MC6: Retail in Main Centres

GP4 Conservation Areas

GP5 Protected Buildings

GP8 Design

GP9 Sustainable development

Consultations:The Office of Environmental Health and Pollution Regulation – initial comments:

“I have reviewed the proposed plans for the change of use of the above premises which were received by post on 8th March and there are a number of issues of concern that I must raise. There is currently insufficient information available to allow me to comment on the application. I would request that the following is provided by the agent:

- The opening hours of the premises*
- The nature of the food and type of cooking processes proposed*
- Whether any mechanical ventilation is proposed? If it is further information will be required in relation to noise and odour.*
- Will customers be seated at tables? If so, how many covers will there be?*

A food premises registration form will also be required to be submitted at least 28 days prior to the business operating. I would also suggest that the applicant contacts the Office of Environmental Health and Pollution Regulation (OEHPR) with a detailed plan of the premises to ensure that all food hygiene requirements are achieved.

I would summarise that there is currently insufficient information for me to be able to comment on the application. Should further information be made available I would be happy to review my comments.

Please do not hesitate to contact me at the above address should you require any additional information regarding this matter.”

The Office of Environmental Health and Pollution Regulation – revised comments:

“I have reviewed the proposed plans for 18 Fountain Street which were received by post on 19th of May and there are a number of issues of concern that I must raise which should be passed to the applicant. I would be grateful if the applicant could be made aware of the following requirements:

- Floors, walls, ceiling and preparation surfaces are smooth, impervious to water and keep clean. Floors should be in a light colour and be non-patterned to facilitate cleaning and checking for pests.*
- Food handling areas should have sufficient plumbing and drainage to service a dedicated wash hand basin and two sinks – one for food wash and one for equipment wash.*
- The basement in this plan has drainage caps for the drains for the whole building. If these drains block and overflow they could contaminate the basement area which is going to be used for food storage or preparation. Consideration should be made towards effective Fats and Oils Grease (FOG) management. I would strongly urge that the business installs a fat trap to the drainage system to minimise the amount of fat run off from the cooking/washing up process.*
- Staff W.C.s should have ventilation (opening window or mechanical) and a vestibule (two doors) between the toilet and any food storage/preparation area.*

- *Consideration should be given to food waste management and storage. Waste should be stored in a way that does not cause odour or pest issues.*
- *Ventilation must be adequate to remove grease, heat and moisture from the kitchen atmosphere. The basement area is not suitable for cooking.”*

Conclusion/Brief comment:

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.

It is a requirement under the Land Planning and Development (Guernsey) Law, 2005, when considering applications affecting protected buildings, to secure so far as possible that the special historic, architectural, traditional or other special characteristics (including setting) are preserved. This duty is reflected in Policy GP5 of the IDP.

Policy MC6 states that:

“Within the Main Centres, new convenience and comparison retail provision will be supported and encouraged. Proposals to extend, alter or redevelop existing retail premises will also be supported providing they accord with all other relevant policies of the Island Development Plan.”

The application site is located outside of the Core Retail Area of Town. The change of use from general retail to a café would still remain within retail use for the purposes of the IDP policies, although it does require planning permission in light of the Land Planning and Development (Use Classes) Ordinance, 2017. Consequently, there would be a neutral effect on the vitality of the Main Centre and would remain an attractive focal point for economic and social activity.

In light of the additional information received, no mechanical ventilation is proposed as part of the development, and no internal or external changes are proposed, apart from a counter/serving area and a toilet on the basement. These changes would have negligible effect on the special interest of the protected building and therefore are compliant with Policy GP5.

It is recommended to attach an informative to the decision to notify the applicant that planning permission may be required for new signage to the front of the building, and to notify the Authority once the change of use has been implemented.

The proposal will not affect the character or appearance of the Conservation Area due to the internal changes proposed, or the amenities of neighbouring residents. However, due to the passage of time in acquiring additional information, consultation and assessing the proposed development, it is considered reasonable to determine the application as originally submitted to allow the change of use and to prevent any further delays in determining the application. It is considered necessary and reasonable to omit the replacement window and staircase to the rear of the property by condition and to attach an informative to this effect to advise that a separate application should be submitted to enable separate consideration and may require an additional fee.

Based on the above, the application is considered compliant with the relevant Island Development Plan policies, accords with the purpose of the Law, and the requirements of the material considerations; it is therefore recommended that planning permission be granted, subject to conditions.

Recommendation:

Grant with Conditions



Date: 12/10/23

