

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: Install external grille and non-illuminated signage to shop front to east elevation.

LOCATION: 31 North Plantation, St. Peter Port.

APPLICANT: Bao Limited

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: 12/06/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 04/05/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: JG Architecture - 1922-1 02.01 and Lindab WLA Grille

Application Ref: FULL/2023/0709

Property Ref: A113030000

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 11/06/2026 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

In line with the informative note placed on the earlier permission relating to the change of use of 31 North Plantation Guernsey Building Control will require the details and limitations of the internal ventilation system to be submitted as part of an application for Building Regulations approval along with details relating to internal means of escape, compartmentation of the floor with the building above, emergency lighting, smoke detection etc.

In addition to the above, it may be a requirement under food safety law to provide a mechanical extract system that is vented externally. To attach a mechanical ventilation/extraction system to the passive grille hereby approved may result in nuisance generated by odours from the premises which could result in complaints to the Office of Environmental Health.

For the avoidance of doubt, the advertisement(s) to which this permission relates is 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/2023/0709
Property Ref: A113030000
Valid date: 04/05/2023
Location: 31 North Plantation St. Peter Port Guernsey GY1 1WQ
Proposal: Install external grille and non-illuminated signage to shop front to east elevation.

Applicant: Bao Limited

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

In line with the informative note placed on the earlier permission relating to the change of use of 31 North Plantation Guernsey Building Control will require the details and limitations of the internal ventilation system to be submitted as part of an application for Building Regulations approval along with details relating to internal means of escape, compartmentation of the floor with the building above, emergency lighting, smoke detection etc.

In addition to the above, it may be a requirement under food safety law to provide a mechanical extract system that is vented externally. To attach a mechanical ventilation/extraction system to the passive grille hereby approved may result in nuisance generated by odours from the premises which could result in complaints to the Office of Environmental Health.

For the avoidance of doubt, the advertisement(s) to which this permission relates is 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:

31 North Plantation a single-storey pitched roof and two-storey flat roof building situated in St Peter Port. The premises is attached to multi-storey buildings fronting Le Pollet.

The application relates to the installation of a grille and signage to the front/east elevation of the building.

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

Relevant History:

FULL/2019/1854 - Change of Use from retail (Use Class 10) to hot food takeaway (Use Class 12), replace windows and install ventilation grille to north elevation and internal alterations (Protected Building) – granted

Existing Use(s):

10 general retail

Planning permission granted for hot food takeaway (Use Class 12)

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:

Island Development Plan policies:

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 - would welcome the following information:

- The model number of the grille to be installed;
- Information on odour control measures as I have concerns over the potential odour nuisance due to the close proximity of residential properties.

OEHPR commented on the further information – OEHPR have reviewed the additional information received for the proposed plans for an external grill to be placed on the outside of the above address which were received by email on 17th May 2023 and there are a number of issues of concern that I must raise. I have concerns in relation to potential noise and odour nuisances that may be allowed to occur.

I do not have any objection to the passive grille being installed. However, I do have concerns with regard to odour. On my previous response, I advised that there was insufficient information and welcomed information on odour control measures which has not yet been received by this department.

I am also concerned that any extraction being installed into the premises, that may be required by food safety law, could be linked up to the grille to provide the premises with adequate ventilation / extraction.

I would recommend conditioning the following:

- No mechanical extraction or mechanical ventilation shall be linked to the passive ventilation grille.

I would be grateful if these issues are considered during the determination of this application.

Conclusion/Brief comment:

The proposed grille would be installed to the front gable of the building but would have a black finish to reflect the black paintwork proposed for this elevation (for which permission is not required). In addition, the grille would sit behind the proposed gable signage which would further screen the grille from view. As a result, the proposed grille is not considered to result in harm to the character and appearance of the Conservation Area. The signage is also considered acceptable in terms of its siting, size and design when considering its location in a commercial area of town where the majority of other properties benefit from external signage.

Concerns have been raised by the Office of Environmental Health and Pollution Regulation, not regarding the installation of a passive grille but rather odours generated by the business operation and future internal works to connect an extract system to the grille. This work would not require planning permission being internal but would be a requirement under food safety law.

The OEHPR commented on the previous change of use application and an informative note was placed on the permission stating that the proposed ventilation system for the cooking facilities should not discharge to the outside. At the time it was acknowledged that the same system is in place at the current premises, Bao Café. It was noted by OEHPR that it is unusual for a hot food takeaway to have not external discharge of odours and steam from the premises but that the ventilation system in place at the existing premises appeared effective with no complaints having been received about odour. It was concluded that the final decision regarding ventilation would lie with Building Control.

In light of this therefore, there are no objections to the installation of the passive extract grille in terms of impact on the amenities of surrounding residents. The grant of planning permission does not however, infer that the grilles as granted (under this and earlier permissions) will offer adequate means of ventilation for the hot food takeaway to comply with the Building Regulations.

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 the application is granted permission.

Recommendation:

Grant with Conditions



Date: 07 June 2023

