

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 table benches (Protected Building) (Retrospective).

LOCATION: Market Square, St. Peter Port.

APPLICANT: McAulay (Market Buildings) Ltd

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: 18/07/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 02/06/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Tyrrell Dowinton Associates: 2329.03.01A, 03.02 & 03.03

Application Ref: FULL/2023/0864

Property Ref: A400020000

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 table benches shall be painted grey. If an alternative finish is proposed details shall first be submitted to and approved in writing by the Authority.

Reason - In the interests of visual amenity.

Expiry Date: This permission will cease to have effect on 17/07/2026 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/2023/0864
Property Ref: A400020000
Valid date: 02/06/2023
Location: Market Square St. Peter Port Guernsey GY1 1HE
Proposal: Install table benches (Protected Building) (Retrospective).

Applicant: McAulay (Market Buildings) Ltd

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 table benches shall be painted grey. If an alternative finish is proposed details shall first be submitted to and approved in writing by the Authority.

Reason - In the interests of visual amenity.

OFFICER'S REPORT

Site Description:

The Market Buildings are a prominent complex of historic buildings within the town centre that was subject to redevelopment in the mid-2000s. The buildings now accommodate a variety of retail uses on the ground floor with predominantly offices above. The application relates to the north west corner of the lower market building. This elevation faces onto Market Steps, the lower terrace and the steps and footpath leading to the Market Square.

The whole of the building complex is protected under a single listing and the site falls with a Conservation Area, Main Centre Inner Area and Core Retail Area under the Island Development Plan. There are a large number of other protected buildings in close proximity.

Relevant History:

10/12/2020 – FULL/2020/0712 – Permission granted to rescind condition 4 of FULL/2018/0075 for kiosk to become permanent feature.

27/05/2018 – FULL/2018/0075 – Permission granted to install external food and drink kiosk with glazed canopy on Market Terrace adjacent to Market Buildings.

Existing Use(s):

Public Open Space
Retail

Brief Description of Development:

Retrospective planning permission is requested to install 8 table benches.

Relevant Policies of any Plan, Subject Plan or Local Planning Brief:

MC6 – Retail in Main Centres
GP4 – Conservation Areas
GP5 – Protected Buildings
GP8 – Design
GP9 – Sustainable Development
GP18 – Public Realm and Public Art

Representations:

One letter of representation, main points as follows:

- The design of the benches is not suitable for people of all abilities, contrary to Policy GP8(f).
- The potential for vandalism of the benches and anti-social behaviour.
- The benches are not available for members of the public outside of trading hours.
- The use of basic picnic benches does not demonstrate a good standard of design (Policy GP8(a)) nor does the proposed design respect the character of the local built environment (Policy GP8(c)).
- Two of the benches are located outside of the boundary of the site.
- Five of the benches are located in a public highway and they are providing an 'al-fresco' dining area within the public highway which is expressly covered within The Public Highways (Temporary Closure) Ordinance, 1999.
- The placing of benches on land does not appear to fall under the definition of development.

Consultations:

None

Summary of Issues:

- Principle of development
- Design and impact on protected building
- Impact on Conservation Area and public realm

Assessment against:

- 1 - Purposes of the law.**
- 2 - Relevant policies of any Plan, Subject Plan or Local Planning Brief.**
- 3 - General material considerations set out in the General Provisions Ordinance.**
- 4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).**

Planning permission was granted to install a food and drink kiosk in May 2018 (FULL/2018/0075) with a subsequent permission in December 2020 (FULL/2020/0712) enabling the kiosk to be retained on a permanent basis. The permissions included a fixed counter and bar stools under the kiosk canopy. This current application seeks retrospective planning permission for a revised scheme to install 3 painted timber picnic benches under the canopy and a further 5 painted timber picnic benches to the north-east of the kiosk.

The table benches are similar in design to table benches installed outside of the Golden Lion and within Market Square. The grey painted finish of the table benches helps to minimise their visual impact and they have no adverse effects on the character and appearance of the Conservation Area and the special interest of the protected building.

With regards to the impact on the public realm surrounding the Market Buildings, the table benches are located to the sides of the public realm and sufficient spacing is maintained to prevent congestion on a day to day basis and to maintain a flow of pedestrian movements. The kiosk and the associated table benches make a positive contribution to the vitality and functionality of the public realm surrounding the Market Buildings complex and have no significant adverse effects on the accessibility of the area.

Policy GP8(f) refers to the accessibility to and within a building and although it would be beneficial if the table benches included provision for people of all ages and abilities, there is no specific requirement for the table benches to include provision for wheelchair users and there is no conflict with Policy GP8(f).

The table benches are not removed at the end of each day and due to their semi-permanent siting, planning permission is required under Part III Section 13 (2)(e) of the Law which refers to the placing on land of a moveable structure.

During the course of consideration revised plans have been submitted which confirm that all of the table benches are located on land under the applicant's ownership.

Whether additional permissions or licenses are required under legislation controlled by other States Departments, such as an al-fresco license, is not material to the consideration of this planning application and planning permission cannot be withheld if other permissions or licenses have not been 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.

The application is acceptable in relation to the above policies and other material planning considerations.

Date: 13/07/2023