

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 convenience retail (Use Class 9) to cafe (Use Class 11).

LOCATION: The Roll Bar, The Bridge, St. Sampson.

APPLICANT: Mr V Wiltshire

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: 29/04/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 22/03/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Site plan, Arctech - VW-24-1164-01A

Application Ref: FULL/2024/0246

Property Ref: B003290000

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 29/04/2027 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/2024/0246
Property Ref: B003290000
Valid date: 22/03/2024
Location: The Roll Bar The Bridge St. Sampson Guernsey GY2 4QR
Proposal: Change of use from convenience retail (Use Class 9) to cafe (Use Class 11).

Applicant: Mr V Wiltshire

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.

OFFICER'S REPORT

Brief Description of the site:

Planning permission is requested for the change of use from convenience retail (Retail use class 9) to a cafe (Retail use class 11).

The site is located along the frontage of The Bridge and is within a Conservation Area, Core Retail Area, Harbour Action Area and Main Centre Inner Boundary.

Relevant History:

Jan 2024 – PREA/2023/2467 – Pre-application advice regarding change of use to retail use class 11.

Existing Use(s):

Retail use class 9: convenience retail

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

MC10: Harbour Action Areas

MC11: Regeneration Areas

GP4: Conservation Areas

Consultations:

The Office of Environmental Health and Pollution Regulation, 04/04/2024

"I have reviewed the proposed plans for The Roll Bar which were received by email on 27th of March 2024 and I do not have any comments to make in terms of food safety".

Conclusion/Brief comment:

Policy MC6 supports and encourages new retail provision and supports the redevelopment of existing retail premises within the Main Centres. As a result, the proposed change of use between retail use classes 9 and 11 accords with Policy MC6.

No changes to the internal layout of the property are proposed. The proposed floor layout does not give the impression of forming a use within retail use class 11 as there appears to be insufficient seating for the sale of food for the consumption on the premises to form the main part of the business. In addition, no information has been submitted to indicate how the operation of the existing business would change so that it falls within Retail use class 11. However, the details of internal alterations to the layout of the shop and the seating arrangements would not require specific planning permission in this instance and it is not necessary for specific details to be submitted as part of this change of use application.

No external or internal alterations are proposed and the proposal will have no adverse effects on the character and appearance of the Conservation Area.

Due to its siting within a commercial area along the seafront of The Bridge, the proposed change of use is unlikely to have any significant adverse effects on the amenities of neighbouring uses.

The Office of Environmental Health and Pollution Regulation raise no objections from a food safety perspective.

The change of use of the ground floor of the building between different retail use classes would have no impact on the potential development of the Harbour Action Area or Regeneration Area.

All material considerations as set out in the Land Planning and Development (Guernsey) Law, 2005 and the Land Planning and Development (General Provisions) Ordinance, 2007 have been taken into account in the assessment of this application.

It is recommended that the application is approved.

Recommendation:

Grant with Conditions



Date: 29/04/2024

