

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 of section of ground floor from General Retail (Use Class 10) to use as a cafe and takeaway.

LOCATION: Guernsey Pearl & Himalayan Kitchen, Route De Rocquaine, St. Pierre Du Bois.

APPLICANT: Coastal Bay Cafe 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: 20/03/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 16/02/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Evans Architecture 2403 01.01

Application Ref: FULL/2024/0321

Property Ref: F01129A000

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.The operating hours of the hereby approved café and takeaway shall be between 09:00 and 22:00.

Reason - To protect the reasonable amenities of neighbouring residents.

Expiry Date: This permission will cease to have effect on 20/03/2027 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/2024/0321
Property Ref: F01129A000
Valid date: 16/02/2024
Location: Guernsey Pearl & Himalayan Kitchen Route De Rocquaine St.
Pierre Du Bois Guernsey GY7 9BY
Proposal: Change of use of section of ground floor from General Retail
(Use Class 10) to use as a cafe and takeaway.

Applicant: Coastal Bay Cafe 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 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).

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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. The operating hours of the hereby approved café and takeaway shall be between 09:00 and 22:00.

Reason - To protect the reasonable amenities of neighbouring residents.

OFFICER'S REPORT

Brief Description of the site:

Planning permission is requested for the change of use of a section of the ground floor of the premises from General Retail (Retail Use Class 10) to a cafe and takeaway.

The site comprises the existing café at the Guernsey Pearl and is situated along the coast at Rocquaine. The site is located Outside of the Centres.

Relevant History:

None

Existing Use(s):

General Retail: 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:

OC4: Retail Outside of the Centres

Consultations:

The Office of Environmental Health and Pollution Regulation, 05/03/2024

"I have reviewed the proposed plans for the above mentioned property to be changed from Class 10 to Class 11 & 12, which were received by email on 21st February 2024 and I do not wish to raise any objections to the proposals.

I would urge the applicant to contact the Office of Environmental Health and Pollution Regulation if there is a significant change in menu that arises as a result of the change in Class application".

Conclusion/Brief comment:

The existing café is recognised as being ancillary to the Guernsey Pearl shop. The proposal seeks to create an independent café and takeaway with operating hours from 09:00 to 22:00. The proposal amounts to a mixed retail use, with neither of the proposed uses predominating, and would be recognised as a sui generis use.

Policy OC4 makes provision for new convenience retail development where it would result from the change of use of existing buildings located on, or within close proximity to, the coast and where the retail provision would support the recreational enjoyment of the coastal location.

The site is located in close proximity to the coast and a café and takeaway business could support the recreational enjoyment of this coastal location, in accordance with Policy OC4.

The Office of Environmental Health and Pollution Regulation raise no objections to the proposed use. The site as a whole includes adequate parking, it has good access onto the Rocquaine coast road and it forms part of an existing retail premises which attracts frequent use by the public. Extending the existing opening hours into the evening up to 10pm and including a takeaway element to the business is unlikely to have any significant adverse effects on the amenities of neighbouring residents.

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: 20/03/2023

