

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 changing room facilities to a kiosk and alterations to fenestration. Install fence and bollards to north and south of site, erect fence and gates around children's playground.

LOCATION: Delancey Park, St. Sampson.

APPLICANT: Committee For Education

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: 20/06/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 26/04/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Steve de Vial & company Ltd - 2023-816-1, Site Location Plan, Block Layout Plan, specification sheets of fencing, gates, security bollard (all date stamped received 26th April 2024).

Application Ref: FULL/2024/0542

Property Ref: B006090000

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.Prior to the hereby approved kiosk being brought into first use, the opening hours of the kiosk shall be agreed in writing by the Authority.

Reason - To avoid any ambiguity with the approved development and to ensure that the kiosk does not adversely affect the amenities of neighbouring residents.

Expiry Date: This permission will cease to have effect on 20/06/2027 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

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

In light of the comments from The Office of Environmental Health and Pollution Regulation, it is recommended that the applicant contact the Office of Environmental Health and Pollution Regulation to discuss food hygiene requirements as there is no detailed kitchen plan included within this application.

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/2024/0542
Property Ref: B006090000
Valid date: 26/04/2024
Location: Delancey Park St. Sampson Guernsey GY2 4HR
Proposal: Change of use of changing room facilities to a kiosk and alterations to fenestration. Install fence and bollards to north and south of site, erect fence and gates around children's playground.

Applicant: Committee For Education

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. Prior to the hereby approved kiosk being brought into first use, the opening hours of the kiosk shall be agreed in writing by the Authority.

Reason - To avoid any ambiguity with the approved development and to ensure that the kiosk does not adversely affect the amenities of neighbouring residents.

INFORMATIVES

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

In light of the comments from The Office of Environmental Health and Pollution Regulation, it is recommended that the applicant contact the Office of Environmental Health and Pollution Regulation to discuss food hygiene requirements as there is no detailed kitchen plan included within this application.

OFFICER'S REPORT

Brief Description of the site:

The application site consists of Delancey Park which is located in a Main Centre Outer Area and Conservation Area as designated in the Island Development Plan.

The focus of this application seeks to partially change the use of the sports changing room facility, located to the east of the former football and cricket pitch, to a kiosk as well as making alterations to the exterior. No external provision associated with the kiosk is proposed. It is noted that the changing rooms have not been operational for several years.

In addition, it is also proposed to install fencing and bollards to the north and south of Delancey Park to prevent vehicles entering the park (whilst improving pedestrian access), and erect fencing and gates around the existing children's playground located towards the south-east of the site. The rationale for the fencing around the children's playground is to provide a safe space and to prevent dogs from entering.

It is noted that the remaining part of the sports facility building will be used as a changing room together with a shower and toilet.

Relevant History:

PREA/2023/1273	Change of use of changing rooms to concessions kiosk	Pre-application enquiry
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Existing Use(s):

Sui generis – sports outbuilding/Delancey Park.

Assessment: *(Tick as appropriate)*

no representation	☒	visual amenity acceptable	☒
accords with policy	☒	no material neighbour impact	☒
within curtilage	☐	traffic not affected	☒
design acceptable	☒		

Policies considered most relevant:

GP1 Landscape Character and Open Land
GP3 Areas of Biodiversity Importance
GP4 Conservation Areas
GP8 Design
GP9 Sustainable Development
MC1 Important Open Land in Main Centres and Main Centre Outer Areas
MC7 Retail in Main Centre Outer Areas
MC9(A): Leisure and Recreation in Main Centres and Main Centre Outer Areas - New, and Extension, Alteration or Redevelopment of Existing Uses
MC9(B): Leisure and Recreation in Main Centres and Main Centre Outer Areas - Change of Use

Consultation:**The Office of Environmental Health and Pollution Regulation's comments:**

I have reviewed the proposed plans for the changing rooms to be converted into a kiosk at the above mentioned address which were received by email on 7th May 2024 and I do not wish to raise any objections to the proposals.

I would however strongly urge the applicant to contact the Office of Environmental Health and Pollution Regulation to discuss food hygiene requirements as there is no detailed kitchen plan included within this application.

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

Conclusion/Brief comment:

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.

A large proportion of the building will remain for sports and recreational use. Information has been submitted to show that the existing changing rooms are no longer required and the partial change of use of the existing sports changing room facility accords with Policy MC9(B).

It is stated in Policy MC9(A) that:

“In Main Centre Outer Areas, new facilities for Outdoor Formal Recreation or Informal Leisure and Recreation, or facilities to support existing provision, will be supported provided that any built development is ancillary to the leisure or recreation use and kept to a scale consistent with the requirements of the leisure or recreational activity.”

Given that the proposed retail provision is located within the footprint of the building and only occupies a small proportion of the building envelope, it is considered that the facility will support and be ancillary to the existing outdoor recreation use of Delancey Park. It is considered to be of small scale that is consistent with the requirements of the park as a whole.

The partial use of the building for offering retail provision via the serving of food for consumption off the premises is likely to positively contribute to the vitality of the park and Main Centre as a whole. It is reasonable to attach an informative to the decision to ensure that any advertisement is applied for separately and that food hygiene is discussed with the Office of Environmental Health and Pollution Regulation in light of their comments.

The applicant has not specified the opening hours of the kiosk and therefore given the uncertainty over this aspect of the development to ensure the opening hours do not affect the amenities of neighbouring residents, it is reasonable in this case to attach a planning condition to ensure that the hours are agreed by the Authority prior to the hereby approved kiosk becoming operational.

The type, size and design of the gates, fences and posts are all appropriate and suitable to this particular setting. Consequently, the proposed alterations to the entrances of Delancey Park along the existing tarmac path, and around the perimeter of the children's playground area are all considered reasonable and will have a negligible effect on the character and appearance of the Conservation Area and landscape character and openness. The proposal will not affect the biodiversity of the area.

Pending the agreement of operating hours, the proposal is unlikely to have a detrimental effect on the amenities of neighbouring residents in terms of noise or disturbance caused by the change of use.

Sufficient information has been submitted that has taken into account the criteria of Policy GP9 (Sustainable Development).

Based on the above, the application is considered compliant with the relevant Island Development Plan policies, and accords with the purpose of the Law and the Material Planning Considerations. It is therefore recommended that planning permission be granted, subject to conditions.

Recommendation:

Grant with Conditions



Date: 19/06/24