

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 building from Office use to General Retail (Use Class 10).

LOCATION: Marina Facilities, Albert Pier, St. Peter Port.

APPLICANT: Guernsey Ports

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: 12/06/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 25/04/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Guernsey Ports: 6719/158 & A4 Floor Layout Plan

Application Ref: FULL/2024/0665

Property Ref: A411190007

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 12/06/2027 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

For the avoidance of doubt, this decision permits the change of use of a 24m² of existing office floorspace within the building to be used for general retail purpose and for 9m² to be used as ancillary storage.

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/2024/0665
Property Ref: A411190007
Valid date: 25/04/2024
Location: Marina Facilities Albert Pier St. Peter Port Guernsey GY1 1AD
Proposal: Change of use of section of building from Office use to General Retail (Use Class 10).

Applicant: Guernsey Ports

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

For the avoidance of doubt, this decision permits the change of use of a 24m² of existing office floorspace within the building to be used for general retail purpose and for 9m² to be used as ancillary storage.

OFFICER'S REPORT

Brief Description of the site:

The application site comprises part of the Marina Facilities building situated to the eastern end of Albert Pier. Surrounding the site the area comprises car parking and the Victoria marina to the north, St Peter Port Harbour to the east, Albert Marina to the south and parking (Albert Pier) to the west.

The site is situated within a Main Centre Inner Boundary, Conservation Area and Harbour Action Area as designated in the Island Development Plan.

Relevant History:

FULL/2020/1192	Install public access defibrillator to south-west elevation.	Granted 23/09/2020
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Existing Use(s):

Office and ancillary storage and facilities in connection with the Marina Operations

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

MC4(A): Office Development in Main Centres;

MC6: Retail in Main Centres

GP4: Conservation Areas;

GP8: Design

GP9: Sustainable Development

IP3: Main Centre Port Development

IP7: Private and Communal Parking

Conclusion/Brief comment:

Planning permission is sought for the change of use of a small part of the internal floorspace of the building (circa 24m²) from office use to general retail (Use Class 10) with ancillary storage (circa 9m²) and offices (10m²). It is expected that an element of ancillary storage would be required for the retail use and the amount proposed is limited and considered to be ancillary. However, the size of the proposed office when compared to the amount of retail proposed cannot be considered to be ancillary. The building is already used for office purpose however and therefore the continued use of part of the building as an office in connection with the retail use would not trigger a change of use.

Proposals for the change of use or redevelopment of office accommodation to other uses will be supported where the floorspace proposed is less than 250m². Policy MC6 supports new convenience and comparison retail within the Main Centres. The loss of circa 24m² of office floorspace into retail use is therefore supported by planning policy.

The site is within the St Peter Port Harbour and forms part of the Harbour Action Area (HAA). The floorspace proposed is of minor and inconsequential nature that would not prejudice the outcome of the Local Planning Brief process and would not inhibit the implementation of an approved Local Planning Brief for the Harbour Action Area and therefore accords with Policies IP3 and MC10 of the IDP.

The plans refer to the lining of the external walls to increase thermal efficiency however, this is shown on the plans as an internal alteration. No external alterations are proposed as part of the application and the scheme would therefore not harm the character of the surrounding Conservation Area and accords with Policies GP4, GP8 and GP9 in this respect.

Situated within a highly accessible location within a Main Centre Inner Area and with public car parking and bicycle parking surrounding the site, the proposal would not harm highway safety and accords with Policy IP7 in this respect.

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.

Recommendation:

Grant with Conditions



Date: 10/06/2024

