

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: Retention of use of eastern section of car park as a port operational area for a further two years (retrospective).

LOCATION: North Beach Car Park, Commercial Area, St. Peter Port.

APPLICANT: Guernsey Harbours

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: 19/06/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 17/05/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: States Property Services - Passenger Vehicle Check-In Area & Aerial photograph of relocated parking

Application Ref: FULL/2024/0880

Property Ref: A411192A00

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 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.

3.This permission is given for a temporary period of two years from the date of this decision notice. On or before 19th June 2026, the use of the application site for public car parking shall be resumed.

Reason - The permission is granted to meet an operational need associated with port operations. A temporary permission would not prejudice the preparation of a Local Planning Brief in accordance with policies MC10 and IP3 of the Island Development Plan.

4.The additional car parking provided in connection with the permission issued under ref FULL/2014/2743, indicated on the aerial photograph appended to this decision notice, shall be retained for public use for as long as the use of the application site for port operations continues.

Reason - To minimise any loss of public car parking as a result of the proposed development.

5.Unless otherwise agreed in writing, the fencing erected as part of the permission issued under ref FULL/2014/2743 and shown on the approved plans shall be removed within three months of the end of the temporary period to which condition 3 refers. As part of the process of removal, the coping of the historic sea wall shall be made good, in a manner first agreed in writing by the Planning Service, within 28 days of its removal.

Reason - To ensure the re-instatement of the wall which comprises an historic feature in the Conservation Area.

6.Within 3 months of the expiry of this permission, the eastern boundary of the North Beach car park shall be re-instated, in a manner previously agreed in writing by the Planning Service.

Reason - To provide a clear definition to the car park and in the interests of the appearance of the area.

Expiry Date: This permission will cease to have effect on 19/06/2026 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/2024/0880
Property Ref: A411192A00
Valid date: 17/05/2024
Location: North Beach Car Park Commercial Area St. Peter Port
Guernsey
Proposal: Retention of use of eastern section of car park as a port
operational area for a further two years (retrospective).
Applicant: Guernsey Harbours

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 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.

3. This permission is given for a temporary period of two years from the date of this decision notice. On or before 19th June 2026, the use of the application site for public car parking shall be resumed.

Reason - The permission is granted to meet an operational need associated with port operations. A temporary permission would not prejudice the preparation of a Local Planning Brief in accordance with policies MC10 and IP3 of the Island Development Plan.

4. The additional car parking provided in connection with the permission issued under ref FULL/2014/2743, indicated on the aerial photograph appended to this decision notice, shall be retained for public use for as long as the use of the application site for port operations continues.

Reason - To minimise any loss of public car parking as a result of the proposed development.

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Reason - To ensure the re-instatement of the wall which comprises an historic feature in the Conservation Area.

6. Within 3 months of the expiry of this permission, the eastern boundary of the North Beach car park shall be re-instated, in a manner previously agreed in writing by the Planning Service.

Reason - To provide a clear definition to the car park and in the interests of the appearance of the area.

OFFICER'S REPORT

Brief Description of the site:

Planning permission is requested for the retention of use of the eastern section of car park as a port operational area.

The application site comprises the eastern end of the North Beach car park, currently in use as an extended port operation area. The adjoining land to the east comprises the established commercial vehicles storage area.

The site is within the St Peter Port Conservation Area, Harbour Action Area and Main Centre Inner Area.

Relevant History:

16/05/2019 – FULL/2019/0543 – Permission granted for the retention of use of eastern section of car park as a port operational area for a further 2 years (retrospective).

27/01/2015 – FULL/2014/2743 – Permission granted for the change of use of eastern section of North Beach car park to port operational area (use approved for a temporary period of 4 years expiring on 01/02/2019).

02/02/2012 – FULL/2011/3733 – Permission granted for use of section of North beach car park as trailer park for the duration of the Berths 4, 5 & 6 project, including creation of access/egress and erection of perimeter fencing.

24/06/2011 – FULL/2011/1497 – Permission granted to refurbish berths 4, 5 & 6.

Existing Use(s):

Public car park and port operations

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:

MC10 Harbour Action Areas
IP3 Main Centre Port Development
IP8 Public Car Parking

Conclusion/Brief comment:

Permission was originally sought to retain the use of the eastern section of the car park as a port operational area on a permanent basis. However, as there is not an approved Local Planning Brief for the Harbour Action Area, a permanent application is premature at this stage and would have the potential to prejudice or inhibit the Local Planning Brief process. The applicant has subsequently agreed to a further temporary permission of 2 years to enable the Local Planning Brief process to be completed.

Information submitted with the application demonstrates that the further retention of this area is necessary for the safe and secure operation of the port and that the proposal comprises essential port related development.

Whilst at present there is no adopted Local Planning Brief for this area, it is anticipated that this will be completed by the end of next year. The retention of the eastern section of the car park as a port operational area for a further two years would enable the continuation of an essential port related use, without prejudicing

the preparation or long term implementation of a Local Planning Brief for the St Peter Port Harbour Action Area. The proposal accords with Policies MC10 and IP3.

The proposal will result in the loss of 192 public parking spaces from the car park. The previous temporary permission (FULL/2019/0543) included the relocation of the 192 public parking spaces to the East Breakwater and along the harbour access. The applicant has confirmed that the intention is to retain the existing relocated parking spaces for the duration of the proposed temporary permission, this can be dealt with by condition.

A scheme for traffic management in the area was approved as a discharge of condition as part of a previous permission, and has been implemented. Traffic & Highway Services raised no further objections to the previous temporary proposal (FULL/2019/0543).

The physical alterations proposed under the previous application, including the erection of fencing, relocation of the protected monument and the erection of traffic signs, are all in place and no further alterations are proposed. The proposal would not therefore have any additional impact on the character of the Conservation 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 on a temporary basis for a further two year period.

If, on expiry of this permission in two years, a further application is made to retain this area it would be assessed against the policy framework at the time and, once an adopted Local Planning Brief is in place, a proposal will only be supported where it is in accordance with that Brief.

Recommendation:

Grant with Conditions



Date: 18/06/2024