

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 Unit 5b from General Retail (Use Class 10) to food retail (Use Class 11) (Protected Building).

LOCATION: Unit 5, Market Building, Market Street, St. Peter Port.

APPLICANT: McAulay (Market Buildings) 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: 12/07/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 24/05/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Tyrrell Dowinton Associates: 2425/03.03

Application Ref: FULL/2024/0944

Property Ref: A400020000

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 12/07/2027 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/2024/0944
Property Ref: A400020000
Valid date: 24/05/2024
Location: Unit 5 Market Building Market Street St. Peter Port Guernsey
GY1 2PJ
Proposal: Change of use of Unit 5b from General Retail (Use Class 10) to
food retail (Use Class 11) (Protected Building).

Applicant: McAulay (Market Buildings) 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).

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 of part of unit 5 from general retail (Retail use class 10) to food retail (Retail use class 11).

The market buildings are a prominent complex of historic buildings within the centre of Town that were subject to redevelopment in the mid-2000s. The buildings now accommodate a variety of retail uses on the ground floor with predominantly offices above.

The whole of the building complex is protected under a single listing and the site falls within a Conservation Area, Main Centre Inner Area and Core Retail Area under the Island Development Plan.

Relevant History:

10/06/2024 – FULL/2024/1018 – Application pending for internal alterations to Units 5a and 5b (Protected Building).

25/06/2024 – FULL/2024/0864 – Permission granted for the change of use of Units 6 and 7 from general retail (Use Class 10) to food retail (Use Class 11).

05/06/2018 – FULL/2018/0252 – Permission granted for the change of use of units 6/7 from Use Class 11 (sale of food) to Use Class 10 (General Retail), glaze existing arches adjacent to units 5,6 & 7 and internal alterations (protected building).

Existing Use(s):

Retail use class 10: general 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
GP4: Conservation Areas
GP5: Protected Buildings

Consultations:

The Office of Environmental Health and Pollution Regulation, 05/06/2024

"I have reviewed the proposed plans for the above mentioned premises to be changed from Retail Use Class 10 (General Retail) to Retail Use Class 11 (Food) which were received by email on 31st May 2024 and there is insufficient information to enable me to comment. I would be happy to comment on the application should the following information be received:

- Brief description of the type of food to be handled within the premises.
- Detailed plan of the kitchen / food preparation area.

I would strongly recommend the applicant contact the Office of Environmental Health and Pollution Regulation to discuss the proposed food business plans for this premises".

The Office of Environmental Health and Pollution Regulation, 11/07/2024

"I have reviewed the proposed plans for the above mentioned unit to be changed from Retail Use Class 10 (General Retail) to Retail Use Class 11 (Food) which were received by email on 14th June 2024 and I do not wish to raise any objections to the proposals.

Whilst I do not have any objection to the change of use, I have not yet seen a detailed plan of the proposed kitchen. I strongly advise the applicant to contact the Office of Environmental Health and Pollution Regulation to discuss requirements prior to undertaking any structural works".

Conclusion/Brief comment:

Policy MC6 supports and encourages new retail provision and supports the redevelopment of existing retail premises within the Main Centres. The proposed change of use between retail use classes 10 and 11 accords with Policy MC6.

No external or internal alterations are proposed and the change of use would have no adverse effects on the character of the Conservation Area or the special interest of the protected building.

The Office of Environmental Health and Pollution Regulation raise no objections to the proposal.

Due to its siting within a commercial area of St Peter Port, the proposed change of use is unlikely to have any significant adverse effects on the amenities of neighbouring uses.

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: 11/07/2024

