

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 retail area to coffee shop (Use Class 11), alteration to fenestration and install decking and balustrade to north elevation and erect bin store to west (rear) elevation.

LOCATION: GFF Flooring, Les Frieteaux, St. Martin.

APPLICANT: Greg Forino Flooring

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: 07/08/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 07/06/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: PF+A Ltd: 6308-01/B1C, /B2C & /B3A.

Application Ref: FULL/2024/1017

Property Ref: J005720000

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. This permission for a coffee shop relates to that part of the premises shown in pink on drawing ref: 6308-01/B2 Rev C and the adjoining timber deck area only, with the remainder of the premises being used for general retail purposes in Retail Use Class 10 of the Land Planning and Development (Use Classes) Ordinance, 2017, or in any provision equivalent to that Use Class in any Ordinance revoking or re-enacting that Ordinance.

Reason - To make sure the development takes the form hereby permitted, to define the permission and for the avoidance of any doubt.

5. The part of the premises to which this permission relates shall be used as a coffee shop, with no cooking on the premises, as stated in the PF+A letter dated 05 June 2024 and for no other purpose including any other in Retail Use Class 11 of the Land Planning and Development (Use Classes) Ordinance, 2017, or in any provision equivalent to that Use Class in any Ordinance revoking or re-enacting that Ordinance.

Reason - To make sure the development takes the form hereby permitted, to define the permission and for the avoidance of any doubt.

6. On cessation of the use hereby approved, the part of the premises to which this permission relates shall revert to use within General Retail Use Class 10 of the Land Planning and Development (Use Classes) Ordinance, 2017 as an integral part of the retail use of the remainder of the premises, and shall not be used for retail purposes separately from the remainder of the premises.

Reason - To make sure the development takes the form hereby permitted, to define the permission and for the avoidance of any doubt.

7. No use of the area of the premises hereby approved as a coffee shop shall be carried out other than between 0800 hours and 1700 hours on Mondays to Fridays, and 0800 hours and 1500 hours on Saturdays, and there shall be no working on Sundays or Public Holidays.

Reason - The premises are close to residential property and a limit on the use is needed to prevent a nuisance or annoyance to nearby residents.

8. The coffee shop hereby approved shall not be first used until a cycle hoop has been erected on site in accordance with details previously approved in writing by the Authority. The cycle hoop shall remain in perpetuity thereafter.

Reason - To make sure that convenient provision is made for cyclists.

Expiry Date: This permission will cease to have effect on 07/08/2027 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

This permission does not relate to the display of any sign or advertisements in relation to the coffee shop. A separate permission may be needed for any such display.

It is recommended that the applicant contacts the Office of Environmental Health and Pollution Regulation to discuss legislative requirements for food businesses prior to any works commencing. OEHPR can be contacted on: 01481 221161

The Authority has produced 'Planning Advice Note 11 - Bicycle Parking' which needs to be considered as part of the details required for condition 8 of this permission. The advice note is available on the website at the following address: <https://www.gov.gg/CHttpHandler.ashx?id=177499&p=0>

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/2024/1017

Property Ref: J005720000

Valid date: 07/06/2024

Location:

GFF Flooring Les Frieteaux St. Martin Guernsey

Proposal: Change of use of section of retail area to coffee shop (Use Class 11), alteration to fenestration and install decking and balustrade to north elevation and erect bin store to west (rear) elevation.

Applicant: Greg Forino Flooring

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. This permission for a coffee shop relates to that part of the premises shown in pink on drawing ref: 6308-01/B2 Rev C and the adjoining timber deck area only, with the remainder of the premises being used for general retail purposes in Retail Use Class 10 of the Land Planning and Development (Use Classes) Ordinance, 2017, or in any provision equivalent to that Use Class in any Ordinance revoking or re-enacting that Ordinance.

Reason - To make sure the development takes the form hereby permitted, to define the permission and for the avoidance of any doubt.

5. The part of the premises to which this permission relates shall be used as a coffee shop, with no cooking on the premises, as stated in the PF+A letter dated 05 June 2024 and for no other purpose including any other in Retail Use Class 11 of the Land Planning and Development (Use Classes) Ordinance, 2017, or in any provision equivalent to that Use Class in any Ordinance revoking or re-enacting that Ordinance.

Reason - To make sure the development takes the form hereby permitted, to define the permission and for the avoidance of any doubt.

6. On cessation of the use hereby approved, the part of the premises to which this permission relates shall revert to use within General Retail Use Class 10 of the Land Planning and Development (Use Classes) Ordinance, 2017 as an integral part of the retail use of the remainder of the premises, and shall not be used for retail purposes separately from the remainder of the premises.

Reason - To make sure the development takes the form hereby permitted, to define the permission and for the avoidance of any doubt.

7. No use of the area of the premises hereby approved as a coffee shop shall be carried out other than between 0800 hours and 1700 hours on Mondays to Fridays, and 0800 hours and 1500 hours on Saturdays, and there shall be no working on Sundays or Public Holidays.

Reason - The premises are close to residential property and a limit on the use is needed to prevent a nuisance or annoyance to nearby residents.

8. The coffee shop hereby approved shall not be first used until a cycle hoop has been erected on site in accordance with details previously approved in writing by the Authority. The cycle hoop shall remain in perpetuity thereafter.

Reason - To make sure that convenient provision is made for cyclists.

INFORMATIVES

This permission does not relate to the display of any sign or advertisements in relation to the coffee shop. A separate permission may be needed for any such display.

It is recommended that the applicant contacts the Office of Environmental Health and Pollution Regulation to discuss legislative requirements for food businesses prior to any works commencing. OEHPR can be contacted on: 01481 221161

The Authority has produced 'Planning Advice Note 11 - Bicycle Parking' which needs to be considered as part of the details required for condition 8 of this permission. The advice note is available on the website at the following address: <https://www.gov.gg/CHttpHandler.ashx?id=177499&p=0>

OFFICER'S REPORT

Site Description:

The application site comprises a detached single storey retail building situated on Les Frieteaux at its junction with Les Oberlands, Ville Au Roi and Ruettes Brayes. Surrounding the site the area comprises residential properties to the north, south and west with a petrol filling station to the east and the Medical Specialist Group surgery to the southeast.

The site is situated within a Main Centre Outer Area as designated in the Island Development Plan.

Relevant History:

FULL/2013/2828	Change of use of part of building to a coffee shop, install sliding/folding doors, install decking and balustrade.	Granted 27/11/2013
----------------	--	-----------------------

Existing Use(s):

Retail – Use Class 10

Brief Description of Development:

Planning permission is sought to change the use of the northern section of the general retail floorspace (Use Class 10) to create a coffee shop (Use Class 11). It includes the creation of an outside decked area, enclosed with a glazed balustrade and accessed via sliding/folding doors on the gable. Permission is also sought for a bin store to the rear of the premises.

The applicant has stated in a supporting letter there is no intention for any cooking on the premises, with only cold foods, cakes, sandwiches etc being served.

During the course of consideration, the applicant submitted revised plans to show the bin store in a revised position to the rear of the premises.

Relevant Policies of any Plan, Subject Plan or Local Planning Brief:

MC7: Retail in Main Centres Outer Areas;

GP8: Design;

GP9: Sustainable Development;

IP7: Private and Communal Parking

Representations:

One letter of representation has been received objecting to the scheme. The grounds for objection are summarised as follows:

- The site has limited on-site parking
- The development on Oberlands may add extra demand for parking;
- The Ville au Roi roundabout is a very busy intersection and congestion near the roundabout is already exacerbated by the flooring companies vehicles;
- The applicants do not ensure that the area around the site is kept free of litter and debris generated by the business, a café not fully enclosed within the building would produce more litter;
- If the café were to offer a takeaway service litter dropped would also increase.

Consultations:

Office of Environmental Health and Pollution Regulation

By letter dated 26th June 2024 stated the following:

"I have reviewed the original proposed plans and the revised proposed plans for a coffee shop to be placed at the above mentioned address which were received by post on 21st July 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 legislative requirements for food businesses prior to any works commencing.

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

Summary of Issues:

- Whether the principle of the development is acceptable;
- Impact of the development on the amenities of neighbouring properties;
- Impact on highway safety.

Assessment against:

- 1 - Purposes of the law.**
- 2 - Relevant policies of any Plan, Subject Plan or Local Planning Brief.**
- 3 - General material considerations set out in the General Provisions Ordinance.**
- 4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).**

Despite the claims within the application material, it is not considered that a coffee shop of the floorspace proposed would be ancillary to the main use of the site as a carpet shop. It would therefore form its own independent use falling within Use Class 11 (food). For the purpose of planning policy, the intended use would be classed as convenience retail, and the creation of new floorspace for such a use is supported in Main Centre Outer Areas by Policy MC7, on the basis that the proposal accords with all other relevant policies of the Island Development Plan (IDP). The principle of the change of use is therefore considered to be acceptable in this instance.

The proposal also includes external alterations to the building and the creation of a bin store and a decked seating area. Policy GP8 requires *inter alia* that proposals for new development will be expected to consider the health and well-being of the occupiers and neighbours of the development by means of providing adequate daylight, sunlight and private/communal open space. Furthermore, Criterion (b) of policy GP9 and Section 13 of the General Provisions Ordinance requires an assessment on “*the likely effect of the development on the reasonable enjoyment of neighbouring properties.*”

The applicant’s agent has confirmed in a supporting letter that no cooking is proposed for the new coffee shop and no ventilation equipment or cooking equipment would therefore be required. The intended opening hours for the coffee shop are 8am to 5pm Monday to Friday and 8am to 3pm on Saturday. The hours of use are acceptable in an area where residential properties surround (which can be controlled by condition). Furthermore, in the absence of any objection from the States Office of Environmental Health and Pollution Regulation (OEHPR) it is unlikely that the premises would have any significant adverse effect on adjoining properties. The comments from the representor have been noted, however, the potential for the increase in litter is not a material planning consideration that can be taken into account in the assessment of the application.

With regard to highway safety, the comments received from representor with particular regard to the lack of parking and the associated impacts of the proposed use are noted. However, planning permission was granted for the same proposal in 2013. In the assessment of that application, on the basis of the floorspace involved, the planning policies to be considered at that time (the policies of the Urban Area Plan) required a total of 17 car parking spaces to be provided. Although the approved scheme presented only 10 car parking spaces the officers report noted that *"...it is noted that there is a public car park on the opposite side of the junction with a capacity for 20 cars. Furthermore, the nature of the existing retail use (carpet and flooring) may not generate as much parking requirement as a more regular retail use."* It is worth noting that these standards provided minimum car parking requirements for developments.

Since the grant of the previous planning permission at this site, the Urban Area Plan has been superseded by the Island Development Plan. When considering proposals for new development Policy IP7 (private and communal parking) requires the provision of appropriate levels of private and communal parking in accordance with the guidance set out in Supplementary Planning Guidance: Parking Standards and Traffic Impact Assessment. The guidance requires 17 car parking spaces to be provided. However, these are maximum standards intended as a guidance and are not therefore inflexible with variations being allowed depending on the individual characteristics of the site such as: the accessibility of the development for pedestrians and cyclists; the availability and accessibility by public transport; and the proximity to public car parks.

Situated on a Traffic Priority Route, the site is highly accessible by bus and alternative transport options, rather than the private car. The site is also situated within close proximity and well within walking distance to a public car parking area on the opposite corner to the site. Any shortfall in car parking provision is therefore considered to be acceptable in this particular instance. The existing access and parking arrangements will remain as per the previous approval and there is no reasons to suspect that the proposal would cause harm to highway safety beyond that previously assessed as part of that approval. Any harm to highway safety resulting from the development proposed would therefore not be so substantial to warrant the refusal of planning permission.

Based on the above, the application is considered compliant with the relevant Island Development Plan policies, accords with the purpose of the Law, and the requirements of the material considerations; it is therefore recommended that planning permission be granted, subject to conditions controlling the use to that described as part of the application and ensuring that a cycle hoop is erected prior to first use of the coffee shop.

Date: 06/08/2024

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.