

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: Variation of previously approved plans for area of coffee shop (FULL/2024/1017) - Vary condition 7 to amend opening hours to include Sunday (8am - 12pm) and Bank Holidays (8am - 3pm).

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: 24/10/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 17/09/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Letter from Agent dated 13/09/2024

Application Ref: FULL/2024/1584

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 on or by 07/08/2027.

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. The permission hereby granted relates only to the variation specified above. In all other respects the development shall be carried out in full accordance with the permission dated 07/08/2024, issued under planning application reference FULL/2024/1017, and subject to the terms and conditions thereof.

Reason - To limit the effect of the permission to the specified variation only.

5. No use of the area of the premises hereby approved as a coffee shop shall be carried out other than between 0730 hours and 1700 hours on Mondays to Fridays, 0800 hours and 1500 hours on Saturdays and public holidays, and 08:00 hours to 1200 hours on Sundays.

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.

Expiry Date: This permission will cease to have effect on 24/10/2027 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/2024/1584
Property Ref: J005720000
Valid date: 17/09/2024
Location: GFF Flooring Les Frieteaux St. Martin Guernsey GU4 6XA
Proposal: Variation of previously approved plans for area of coffee shop (FULL/2024/1017) - Vary condition 7 to amend opening hours to include Sunday (8am - 12pm) and Bank Holidays (8am - 3pm).

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 on or by 07/08/2027.

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).

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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. The permission hereby granted relates only to the variation specified above. In all other respects the development shall be carried out in full accordance with the permission dated 07/08/2024, issued under planning application reference FULL/2024/1017, and subject to the terms and conditions thereof.

Reason - To limit the effect of the permission to the specified variation only.

5. No use of the area of the premises hereby approved as a coffee shop shall be carried out other than between 0730 hours and 1700 hours on Mondays to Fridays, 0800 hours and 1500 hours on Saturdays and public holidays, and 08:00 hours to 1200 hours on Sundays.

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.

OFFICER'S REPORT

Brief Description of the site:

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 coffee shop permitted under application ref: FULL/2024/1017 is currently under construction.

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

Relevant History:

FULL/2024/1017	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.	Granted 07/08/2024
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

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:

MC7: Retail in Main Centres Outer Areas;
GP8: Design;
GP9: Sustainable Development;
IP7: Private and Communal Parking

Consultations:

Office of Environmental Health and Pollution Regulation (OEHPR)

By letter dated 25th September 2024 stated the following:

“I have reviewed the proposed plans for amended opening hours which were received by email on 20th September 2024 and I do not wish to raise any objections to the proposals.”

Conclusion/Brief comment:

Planning permission was granted on 7th August 2024 subject to various conditions controlling the use of the site (Ref: FULL/2024/1017). Relevant to the application the subject of this report is condition 7 of that permission, which allowed for the area of the premises allocated to the coffee shop to be used only between 0800 hours and 1700 hours on Mondays to Fridays, and 0800 hours and 1500 hours on Saturdays, with no working on Sundays or Public Holidays. These hours of use were specified by the applicants agent on the planning application form.

Under the application the subject of this report, planning permission is sought for a variation to the approved opening hours to allow the coffee shop to be open during the following hours:

- Monday to Friday 07:30hrs to 17:00hrs,
- Saturday 08:00hrs to 15:00hrs,
- Sunday 08:00hrs to 12:00hrs,
- Public Holidays 08:00hrs to 15:00hrs

As part of the planning application a site notice was displayed at the site to notify neighbours of the application. No representations were received during the statutory 21 day period. Furthermore, the States Office of Environmental Health and Pollution Regulation (OEHPR) was consulted, with particular regard to any associated noise impacts on the surrounding area/neighbouring properties. OEHPR raised no objection to the extended hours of opening.

Considering the above, given the limited amount of floorspace allowed for the coffee shop use and in the absence of any objection from the States Office of Environmental Health and Pollution Regulation (OEHPR) it is unlikely that the extended hours of opening and use of the premises would have any significant adverse effect on the amenities of adjoining properties or on the surrounding area.

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. The increased hours of use would not cause any significant harm to highway safety.

For the reasons referred to above and provided that all other conditions of the original permission (ref FULL/2024/1017) are complied with, the proposal complies with the relevant policies of the IDP.

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: 23/10/2024

