

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 from takeaway (Use Class 12) to extend existing bar (Use Class 11). (Protected Building).

LOCATION: Pingquays, The Quay, St. Peter Port.

APPLICANT: Mr S Allum

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: 20/02/2025

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 06/01/2025 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: PF+A Ltd: 7310-03/B1A & /B2.

Application Ref: FULL/2024/2120

Property Ref: A200150000

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 does not infer any consent for the external alfresco area nor the fencing to enclose this space as shown, outside the red line site boundary, on the approved drawings.

Reason - For the avoidance of doubt and to clearly set out the extent of this permission.

Expiry Date: This permission will cease to have effect on 20/02/2028 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

In relation to condition 4, the fencing referred to on the approved drawings has not formed part of this planning decision and may require the separate grant of planning permission.

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/2024/2120
Property Ref: A200150000
Valid date: 06/01/2025
Location: Pingquays The Quay St. Peter Port Guernsey
Proposal: Change of use from takeaway (Use Class 12) to extend existing bar (Use Class 11). (Protected Building).

Applicant: Mr S Allum

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 does not infer any consent for the external alfresco area nor the fencing to enclose this space as shown, outside the red line site boundary, on the approved drawings.

Reason - For the avoidance of doubt and to clearly set out the extent of this permission.

INFORMATIVES

In relation to condition 4, the fencing referred to on the approved drawings has not formed part of this planning decision and may require the separate grant of planning permission.

OFFICER'S REPORT

Brief Description of the site:

The application property comprises a 5-storey protected building which is located on The Quay. A variety of uses are found within the building with the ground floor utilised as a bar, known as Pingquay and with a retail premises also situated at ground floor level.

The application relates to the change of use of the ground floor from a take away (Use Class 12) to a bar (Use Class 11) in order to extend Pingquay into the space.

Although the drawings show a proposed alfresco area and associated fencing planning permission has not been sought for the fencing indicated on the plans, with it not forming part of the proposed development nor an application fee paid. Furthermore, the fencing shown on the drawings falls outside the red line site boundary.

The site is located in the Main Centre Core Retail Area, Harbour Action Area and Conservation Area as designated in the Island Development Plan.

Relevant History:

Pingquay

FULL/2015/2563 - Change of Use from Retail Use Class 14 to mixed use including retail and consumption of food and drink on the premises and internal and external alterations to ground and first floors (Protected Building).

Approved 26-11-2015

FULL/2016/1698 - Variations to plans previously approved for change of use from Retail Use Class 14 to mixed use including retail and consumption of food and drink on the premises and internal alterations to ground and first floors (protected building) - Revised internal layout and install replacement door in rear elevation
Approved 30-08-2016

FULL/2016/2540 – Erect canopy and 2 menu signs on ground floor front elevation of property (Protected Building) -
Approved – 08-12-2016

Maison Du Quay

The recognised use of Maison Du Quay is as a retail premise (Use Class 10: general retail) within The Land Planning and Development (Use Classes) Ordinance, 2017 (including coffee shop/sandwich bar).

Existing Use(s):

Pingquay – mixed, sui-generis use comprising a mix of retail and consumption of food and drink on the premises

Mainson Du Quay – Use Class 10

Assessment: *(Tick as appropriate)*

no representation

x

accords with policy

x

within curtilage

x

design acceptable

x

visual amenity acceptable

x

no material neighbour impact

x

traffic not affected

x

Policies considered most relevant:

Island Development Plan policies:

MC6: Retail in Main Centres

GP4: Conservation Areas

GP5: Protected Buildings

GP8: Design

GP9: Sustainable Development

Conclusion/Brief comment:

Policy MC6 supports new convenience and comparison retail although in this case the use still incorporates retail operations and for the purposes of the IDP these proposals relate to extensions/alterations to a retail premises not a change of use to or from retail. To expand the existing mixed use operation into the adjoining unit accords with the aims of MC6 and will contribute to the Main Centre remaining an attractive focal point for economic and social activity.

No internal or external changes are proposed and the scheme therefore will not result in harm to the character and appearance of the Conservation Area or the special interest of the Protected Building (GP4, GP5, GP8 and GP9). In this location, the proposed use would remain compatible with those around it and will not result in conflict or undue harm to the occupiers of surrounding premises (GP8).

Although the application drawings refer to an external alfresco area this, firstly falls outside the planning application site area and secondly falls to be considered against different legislation as part of an Al-fresco application. The external seating area and associated fencing has not therefore, been assessed as part of the consideration of this application.

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: 20/02/2025