

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 General Retail (Use Class 10) to Cafe (Use Class 11). Alterations to shop front including installing awnings (southeast elevation) and internal alterations (Protected Building).

LOCATION: French Halles, 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: 28/04/2025

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 11/02/2025 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Tyrrell Dowinton Architects: 2479 01.02A, 03.01A, 03.02A, 03.03 & 04.01A.

Application Ref: FULL/2025/0174

Property Ref: A301050000+A301070000

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.The fixed panes of glass at the top of the arches shall use the existing channel cut into the arch and not create a new cut.

Reason - To make sure the works respect the special character of this protected building, as required by Section 34 of The Land Planning and Development (Guernsey) Law, 2005.

5.A specification and large-scale plans (1:20 elevations & 1:5 details) are required which shows how the proposed doors will be fitted and fixed into the arches.

Reason - to fully understand and minimise the effect of the works on the existing historic structure.

6.The works to the existing door pair of doors and the panel infilling the arch above between the Poids de la Reine as shown in drawing 2479 04.01A are not approved. Before any works are carried out on this feature large scale drawings are required to be submitted and approved in writing by the Authority which show how the existing doors will be sensitively restored, preferably with a new door leaf to match the original, although this could be sliding.

Reason - the existing pair of doors and the panel infilling the arch above between the Poids de la Reine and the store area are of historic interest but have unfortunately been altered without consent previously with an inappropriate and informal wall and door and with pipework affixed. The Land Planning and Development (General Provisions) Ordinance 2007 Section 15 which refers to section 14 (c), states that when determining an application the DPA must have regard to the opportunity that the development may afford to restore, enhance or improve the 'Protected Building'.

Expiry Date: This permission will cease to have effect on 27/04/2028 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

For the avoidance of doubt this permission confers no consent for any changes to the elevation or fenestration of Poids de la Reine (A301070000)

For the avoidance of doubt this permission confers no consent to alter the existing historic stone floors in areas that are currently covered or exposed, this includes any physical alteration or fixing.

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/2025/0174
Property Ref: A301050000+A301070000
Valid date: 11/02/2025
Location: French Halles Market Street St. Peter Port Guernsey
Proposal: Change of use from General Retail (Use Class 10) to Cafe (Use Class 11). Alterations to shop front including installing awnings (southeast elevation) and internal alterations (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.

4. The fixed panes of glass at the top of the arches shall use the existing channel cut into the arch and not create a new cut.

Reason - To make sure the works respect the special character of this protected building, as required by Section 34 of The Land Planning and Development (Guernsey) Law, 2005.

5. A specification and large-scale plans (1:20 elevations & 1:5 details) are required which shows how the proposed doors will be fitted and fixed into the arches.

Reason - to fully understand and minimise the effect of the works on the existing historic structure.

6. The works to the existing door pair of doors and the panel infilling the arch above between the Poids de la Reine as shown in drawing 2479 04.01A are not approved. Before any works are carried out on this feature large scale drawings are required to be submitted and approved in writing by the Authority which show how the existing doors will be sensitively restored, preferably with a new door leaf to match the original, although this could be sliding.

Reason - the existing pair of doors and the panel infilling the arch above between the Poids de la Reine and the store area are of historic interest but have unfortunately been altered without consent previously with an inappropriate and informal wall and door and with pipework affixed. The Land Planning and Development (General Provisions) Ordinance 2007 Section 15 which refers to section 14 (c), states that when determining an application the DPA must have regard to the opportunity that the development may afford to restore, enhance or improve the 'Protected Building'.

INFORMATIVES

For the avoidance of doubt this permission confers no consent for any changes to the elevation or fenestration of Poids de la Reine (A301070000)

For the avoidance of doubt this permission confers no consent to alter the existing historic stone floors in areas that are currently covered or exposed, this includes any physical alteration or fixing.

OFFICER'S REPORT

Site Description:

The building known as French Halles is located to the northwest of Market Square, it is a four storey building with a series of arches at the ground floor which would have been open originally as it was part of the working market. At present the arches have been framed in with glazing as part of a shop front, with one set of doors at the

southern end of arches. There are attached buildings to the northeast and southwest, the square is directly to the southeast with the market building on the other side. The property is located in the St Peter Port Main Centre and Conservation Area as defined in the Island Development Plan. The building is also a Protected Building.

Relevant History:

A pre-application late last year.

Existing Use(s):

Retail use class 10: general retail.

Brief Description of Development:

This application is for a change of use from general retail (use class 10) to food (use class 11) to enable the space to be used as a café. Alterations to the shop front, changing the windows to openable windows and installing awnings over the top (for solar shading), and some internal alterations adding additional toilet facilities to this protected building.

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

MC6: Retail in Main Centres
GP4: Conservation Areas
GP5: Protected Buildings
GP8: Design
GP9: Sustainable Development

Representations:

There has been one letter of representation received and the issues are:

- The proposed floor plan does not include disabled toilet facilities, therefore the designs do not secure a more accessible environment for users of the site. There is no supporting documentation to demonstrate that the access requirements have even been considered.
- Although the total area of glazing is not noted on the drawing and it is largely replacement of existing, the proposals indicate the use of single glazing. It is not clear how single glazed units would meet the required u-values set out in the Guernsey Technical Standards and therefore cannot be considered sustainable development in compliance with GP9 - Sustainable Development, raising concerns for solar gain/heat loss.
- The addition of the "Proposed Corridor Link" and "Bin Storage" would block the emergency "library fire exit" route (indicated on the survey plan but not within the proposals). It is not clear how the proposed layout would comply

with Part B of the Guernsey Technical Standards. The problem is exacerbated by the need to zig-zag through the area containing waste storage bins.

- The proposed Bin Storage room would totally enclose the "air fans"/ "Existing Plant". These "air fans" are in fact a stack of three air conditioning units which, as their primary function, exchange hot air for cold air. The result of the proposals is that the discharge of large volumes of hot air would be entirely contained within a very small room storing waste but without any ventilation. This particular area has historically remained open to the elements, with a metal gate for security but allowing full airflow. This area provides access to the Guille Alles facilities room, containing the heating oil tank, which requires regular refilling (and restriction of access during such times).
- The application site is defined only as "French Halles", yet makes reference to works required to the neighbouring protected building, Poids de le Reine.
- The proposed ground floor plan shows the installation of a "proposed sliding door" and "proposed metal framed glazed partitions" within the existing archway that separates the two areas (identified as "cafe delices" on the survey drawing). It is not indicated on the drawing, however the original timber door (visible in the image from the 1900s on DS01 and attached photograph) is still present in its location within the archway, with the original hinges in working order. We submit that this door constitutes a feature of significant interest within the building.

Consultations:

None

Summary of Issues:

- Design of the development.
- Impact of the development on the character and appearance of the area.
- Impact of the development on neighbouring properties.

Assessment against:

1 - Purposes of the law.

The objectives of the Law, as set out in Section 1(2), have been considered and this forms part of the assessment of policy issues as set out in 2 below.

2 - Relevant policies of any Plan, Subject Plan or Local Planning Brief.

The proposals are to change the use of the buildings to a café which together with the alfresco dining will bring life and vitality to the square in a positive way. Historically the French Halles were open, with the formal architecture providing a place for informal market stalls to be set up. The installation of plate glass windows in the early 2000's into the arches does visually retain this openness, but in use they

are a barrier to both movement and sound and free interaction, so it is judged that the current glazing slightly harms the special interest whilst superficially sustaining the visual aspects and features of the arches.

The market square is one of the most important places in terms of its contribution to town and the Core Retail Area where there is a general presumption in favour of encouraging new retail activities at ground floor level. In the case of protecting the valuable historic fabric of main centre core retail areas it is acknowledged that flexibility is needed and that the valid function of protecting the best elements of the historic built environment should be applied proportionately.

The proposed replacement glazing has been carefully designed with a number of design intentions:

- the doors and the awnings are of a smaller scale which is intended to make the café more inviting, and it is agreed that architecturally speaking the scale would be less intimidating and of a more human scale.
- The awnings are for solar shading. It is confirmed that given this façade faces Southeast this would be helpful. Passive control through the design of the building fabric over solar gains and overheating is supported by GP9 which allows for features or designs different to the status quo if advantages in 'sustainability' are demonstrated.
- The cross bar which would hold the awning and the doors below has been placed at the spring of the arch in the rendered section so that they are more easily reversible.
- Whilst there is an aluminium frame around the whole door, the leaves themselves are frameless and are designed to fold away neatly when the door is open so that they do not impinge on the pavement area.

As set out above it is considered that the existing plate glass windows have a slight detrimental effect on the special interest of the building as they are a barrier between inside and outside. It is considered that the proposed openable doors are in fact an improvement on this situation in terms of the way that the use of the building adds to its special interest.

In terms of the appearance of the doors and the fine detail it is unavoidable that a frame around and a cross bar at the top of the doors will be required, and this will have an effect as previously so much importance was given to the visual lightness and the way that the glass interacts with the arches. Any change to this arrangement will also set the building apart from the markets opposite and have an effect on the setting. This will have a visually harmful effect on the special interest of the building, but it is considered that this effect is outweighed by the improvements in the use of the building as described above, and the contribution of the café and alfresco dining would make to the vitality of the Main Centre Core Retail area. Therefore there are no objections to the proposed exterior doors or awnings under Policy GP5.

The proposed alterations to the toilets near the library end of the building includes the existing disabled toilet, which is accessed from the side ramp to the library, being

closed off from public access (a new publicly accessible disabled toilet being offered in the market opposite) and be accessed from the Café interior instead, this gives the café the accessible environment to achieve GP9 compliancy.

The proposed changes to the link between the Poids de la Reine and the French Halles will have little impact on any of the historic features in this area. Any impact would be restricted to changes to the plan form of the area, but given that the area is already much altered and the works reversible there are no objections raised under GP5.

The Authority has been informed that the link between the café and the Poids is no longer used by the Library as a fire escape, which lessens the need to keep the area clear, meaning the proposed changes are considered acceptable.

The requirements to meet Building Regulation standards is not a matter for this planning application and would be assessed under the application for Building Regulation approval.

Confirmation has been received that the development proposed has been designed to take into account matters of energy efficiency and current Building Regulations in accordance with Policy GP9.

The proposals are considered to conform to the above policies of the Island Development Plan and grant of permission is recommended, subject to conditions.

3 - General material considerations set out in the General Provisions Ordinance.

All material considerations as set out in the Land Planning and Development (Guernsey) Law, 2005 and the Land and Planning (General Provisions) Ordinance 2007 have been taken into account in the assessment of this application. Where relevant the issues are considered in section 2 above.

4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).

The proposal would have no impact on Protected Buildings, Trees or Monuments or on SSS's.

Date: 23/04/2025

