

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 to previously approved plans for Change of use of section of retail area to coffee shop (Use Class 11) and associated works - Change of use of part of the shop to form an extension to the café business, rescind condition 5, omit balustrade, raise and alter north (roadside) wall and installation of kitchen extraction equipment.

LOCATION: Greg Forino 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: 13/08/2025

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

Drawing Nos: PF+A Ltd: 6308-03 B1A, B2B, B3B

Application Ref: FULL/2025/0885

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. For the avoidance of any doubt, no permission is hereby granted for any of the alterations to raise the height of the boundary wall that have already commenced on site.

Reason - To define the permission for the avoidance of any doubt and in the interest of visual amenity.

5. The permission hereby granted relates only to the variations 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/s only.

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

ADVICE AND OTHER REMARKS:-

With regard to condition 4, the works already undertaken to raise the height of the wall are unauthorised and this matter has been passed to planning enforcement to take the necessary steps to ensure that the wall is either reinstated to its former condition or is altered in accordance with the details shown on the drawings hereby approved.

Please see the comments from the Office of Environmental Health and Pollution Regulation. It is advised that you speak to them to discuss food safety requirements with regard to the structure and equipment to be placed within the extended food preparation area.

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/2025/0885
Property Ref: J005720000
Valid date: 06/06/2025
Location: Greg Forino Flooring Les Frieteaux St. Martin Guernsey GY4 6XA
Proposal: Variation to previously approved plans for Change of use of section of retail area to coffee shop (Use Class 11) and associated works - Change of use of part of the shop to form an extension to the café business, rescind condition 5, omit balustrade, raise and alter north (roadside) wall and installation of kitchen extraction equipment.

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).

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. For the avoidance of any doubt, no permission is hereby granted for any of the alterations to raise the height of the boundary wall that have already commenced on site.

Reason - To define the permission for the avoidance of any doubt and in the interest of visual amenity.

5. The permission hereby granted relates only to the variations 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/s only.

INFORMATIVES

With regard to condition 4, the works already undertaken to raise the height of the wall are unauthorised and this matter has been passed to planning enforcement to take the necessary steps to ensure that the wall is either reinstated to its former condition or is altered in accordance with the details shown on the drawings hereby approved.

Please see the comments from the Office of Environmental Health and Pollution Regulation. It is advised that you speak to them to discuss food safety requirements with regard to the structure and equipment to be placed within the extended food preparation area.

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

Relevant History:

FULL/2025/0374	Variation to condition 7 of application FULL/2024/1017 - To amend opening hours of coffee shop to Mondays - Fridays 7:30am - 5:00pm, and Saturdays, Sundays and Bank Holidays 8:00am - 4:00pm.	Granted 04/04/2025
FULL/2024/1584	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).	Granted 24/10/2024
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/2018/2631	Install a distribution pillar	Granted 16/01/2019

Existing Use(s):

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:

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

By letter dated 18th June 2025 stated the following:

"I have reviewed the proposed plans for the floor layout to be changed within the café area which were received by email on 10th June 2025 and I do not wish to raise any objections to the proposals.

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

Following the receipt of revised plans from the applicants agent, which showed a food preparation area and the installation of a kitchen extraction system OEHPR was reconsulted and the application was readvertised. By letter dated 04th July 2025 OEHPR stated the following regarding the revised plans:

“I have reviewed the variations to be previously approved plans for the food preparation area to be extended which were received by email on 24th June 2025 and I do not wish to raise any objections to the proposals.

I would strongly urge the applicant to contact the Office of Environmental Health and Pollution Regulation to discuss food safety requirements with regard to the structure and equipment to be placed within the extended food preparation area.

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

Conclusion/Brief comment:

Under this application permission was initially sought for variations to plans previously approved at the site to change the use of a section of the retail area from a carpet/flooring shop to a coffee shop (Ref: FULL/2024/1017):

- Change the use of a section of the attached shop to extend the coffee shop;
- Rescind condition 5 of the previous permission to allow for food preparation on site;
- Omit previously proposed balustrades; and
- Raise and alter north (roadside) wall (part retrospective);

Following validation of the application, the applicant submitted revised plans to supersede those already submitted which included the installation of kitchen air extraction/ventilation equipment. Given that the plans were received early in the process, the drawings were accepted. However, as the additional equipment has the potential to generate noise and the amenities of neighbouring properties, OEHPR was reconsulted and a new site notice issued for display for a further 21 days notifying the general public of the additional equipment. No objections were received on the application.

The application drawings appeared to show that the boundary wall had been raised in materials to match the remainder of the wall and retrospective consent was originally sought for these works. However, following a visit to the site, it was evident that this was not the case. The wall has been raised using grey granite paving setts as opposed to random granite which is at odds to the remainder of the wall and

the character and appearance of the surrounding area contrary to policy GP8 of the IDP.

As a solution, the case has been referred to planning enforcement to take the necessary steps to ensure that the wall is restored to its former condition. A condition should be included should permission be granted to clarify that no permission is conferred for the alterations already completed to the wall.

The application was deferred and revised plans have been submitted with a note added to clearly show that any alterations to the raise the height of the wall will be completed in granite to match the texture, colour and method of laying with a brick coping to match the remainder of the wall. In this respect the application is no longer retrospective, and the description has been amended accordingly. The works will need to be completed in accordance with the submitted revised plans.

With regard to the proposed extension to the coffee shop, Policy MC7, supports proposals for the creation of convenience retail floorspace provided that it accords with all other relevant policies of the plan. 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.”*

Given the limited floorspace involved the extension to the coffee shop would not harm the amenities of any nearby residential properties or highway safety and is therefore acceptable in principle. In the absence of any objection from OEHPR the kitchen extraction equipment would also not cause unacceptable harm to surrounding uses. The omission of the previously approved balustrade is also acceptable and would not harm the character of the area.

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.

The application is acceptable in relation to the above policies and other material planning considerations.

Recommendation:

Grant with Conditions



Date: 13/08/2025

