

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 dwelling/garage (Use Class 1) to hairdressing salon (Residential Use Class 5). Install rooflight, remove garage door and install window, door and signage to east (front) elevation.

LOCATION: Cumbria, Rue Frie Plaidy, Castel.

APPLICANT: Ms L Evans

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: 25/08/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 07/06/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Arctech - LE-22-1071-03A; Letter dated 15/04/2022

Application Ref: FULL/2022/0938

Property Ref: D00658B000

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 relates to the use of this dwelling for the home based business as set out in the letter of application dated 15 April 2022, and in accordance with the provisions of Residential use class 5 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. On the cessation of the approved use, the dwelling shall revert to use as a single dwellinghouse, as defined in Residential Use Class 1 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 ensure the business operates only within the approved terms and to allow return to use as a single dwellinghouse without the need for a further grant of planning permission.

5.Prior to the installation of any sign, details of that sign shall be submitted to and agreed in writing by the Authority. The development shall be carried out only in accordance with the agreed details.

Reason - The information provided with the application does not include full details of the proposed sign. This condition is imposed to make sure that the sign is of satisfactory design and does not have any adverse impact on the character of the area.

Expiry Date: This permission will cease to have effect on 24/08/2025 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/2022/0938
Property Ref: D00658B000
Valid date: 07/06/2022
Location: Cumbria Rue Frie Plaidy Castel Guernsey GY5 7DF
Proposal: Change of use of dwelling/garage (Use Class 1) to hairdressing salon (Residential Use Class 5). Install rooflight, remove garage door and install window, door and signage to east (front) elevation.

Applicant: Ms L Evans

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 relates to the use of this dwelling for the home based business as set out in the letter of application dated 15 April 2022, and in accordance with the provisions of Residential use class 5 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. On the cessation of the approved use, the dwelling shall revert to use as a single dwellinghouse, as defined in Residential Use Class 1 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 ensure the business operates only within the approved terms and to allow return to use as a single dwellinghouse without the need for a further grant of planning permission.

5. Prior to the installation of any sign, details of that sign shall be submitted to and agreed in writing by the Authority. The development shall be carried out only in accordance with the agreed details.

Reason - The information provided with the application does not include full details of the proposed sign. This condition is imposed to make sure that the sign is of satisfactory design and does not have any adverse impact on the character of the area.

OFFICER'S REPORT

Site Description:

The property known as 'Cumbria' is a mid-20th century bungalow with a flat roof single storey garage attached to the north elevation. The property is set back from and faces east onto Rue du Frie Plaidy. There are neighbouring properties to the north and south and open agricultural fields to the west and across the road to the east. The property is located Outside of the Centres and within the Agriculture Priority Area as defined in the Island Development Plan.

Relevant History:

FULL/2018/1428 - Raise ridge height and install dormer windows and rooflights. Erect single storey extension to rear (west), alter fenestration, install external rendered insulation system and widen existing vehicular access – Approved August 2018. The proposals were not carried out and the approval has now expired.

Existing Use(s):

Residential use class 1: dwelling house.

Brief Description of Development:

This application is for a change of use of the garage area into a hair dressing salon (Use class 1 to 5). Install a rooflight, remove garage door and install a door and window and signage to the east front elevation.

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

GP8: Design

GP9: Sustainable Development

GP13: Householder Development

GP14 Home Based Employment

Representations:

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

- The existing garage is only 1.6m from the side of the neighbours bungalow, the boundary between the two properties is currently defined by a green hedge and 3ft fence and there is a clear view across the front of, and possibly into, the neighbours property.
- Rue du Frie Plaidy is a narrow lane and an exceptionally quiet residential area and for that reason the increase in traffic from both clients and the sewage department, who will inevitably be required to call more frequently, to be detrimental to the area.
- The application indicates that opening hours will be specific times, but once up and running there would be no restrictions enforceable.
- The prospect of associated signage would be totally incongruous with the area which is of significant natural beauty.
- The creation of commercial premises in this area is not desirable.

Consultations:

None

Summary of Issues:

- Principle of design.
- 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.

Policy GP14 states that the Strategic Land Use Plan requires limited provision to be made for homebased working to enable the operation of small-scale office-based businesses and other small-scale businesses outside the Main and Local Centres. Uses which may be acceptable as home-based working typically employ a low number of people, have a low intensity use, do not require a significant level of support services and are of a scale and form which do not detract from the character of the surroundings. In order to protect the amenities of nearby residents, conditions may be attached to any planning permission for home based employment limiting the hours of work and the types of activities that can be carried out and restricting the business to the occupier of the dwelling.

The design element of the proposals would be to replace the garage door with a glazed single door and window and add a rooflight, all of which is considered minor and deemed acceptable. The proposals are not considered to impact on the character of the area as the physical changes to the existing property are minimal.

The property already benefits from a large parking area forward of the dwelling and this will be sufficient to accommodate parking for the occupiers of the property, one member of staff and two clients.

The working hours of the salon are restricted to Tuesdays, Thursdays and Fridays 10.30am-5pm and Saturdays 9am-4pm only. The salon will have one employee who will only work on the Fridays and Saturdays. There will be no more than two clients at any one time. These elements can be controlled by condition. The proposed use would therefore be low key, both in terms of potential impact on neighbour amenity and on traffic movements to and from the site. Whilst the comments made in the letter of representation regarding the proximity to the boundary and visibility into the frontage of the adjacent property are noted, the nature of the use is unlikely to give rise to excessive noise nuisance and property frontage are generally regarded as less sensitive, given the visibility from the adjacent highway.

The current plan does not include details of the proposed signage. Provided that the size of the sign is not excessive and it is mounted on the front elevation of the building it is unlikely to impact on the character of the area or neighbour amenity. In principle, it is therefore considered that the erection of signage could be acceptable and details should be required by condition.

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: 23/08/2022

