

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: Rescind condition from application PAPP/1997/1213 to allow the Ophthalmic Clinic to operate independently to the dwelling house.

LOCATION: Les Pieux, Cobo Coast Road, Castel.

APPLICANT: Mr & Mrs J Webster

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: 06/09/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 22/07/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Collas Crill block plan 1:500

Application Ref: FULL/2022/1495

Property Ref: D01584A000

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).

Expiry Date: This permission will cease to have effect on 05/09/2025 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

For the avoidance of doubt, the authorised use of these premises is as an Ophthalmic Clinic. Use of the premises for any other form of business would require a separate application for 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/2022/1495
Property Ref: D01584A000
Valid date: 22/07/2022
Location: Les Pieux Cobo Coast Road Castel Guernsey GY5 7HB
Proposal: Rescind condition from application PAPP/1997/1213 to allow the Ophthalmic Clinic to operate independently to the dwelling house.

Applicant: Mr & Mrs J Webster

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).

INFORMATIVES

For the avoidance of doubt, the authorised use of these premises is as an Ophthalmic Clinic. Use of the premises for any other form of business would require a separate application for planning permission.

OFFICER'S REPORT

Brief Description of the site:

Les Pieux is a detached dwelling with Ophthalmic Clinic attached situated to the east of Cobo Coast Road. The building is set back from the road with the roadside boundary marked by a wall and with off-road parking to the front of the site. A mix of residential and commercial properties are found in the vicinity of the application site.

The application relates to the removal of a planning condition attached to PAPP/1997/1213 which states:

The Ophthalmic Clinic hereby approved shall be operated by the owner/occupier of the dwellinghouse only.

The site is located in a Local Centre and flood risk area as designated in the Island Development Plan.

Relevant History:

Pre-application advice was sought in this case and confirmation provided that permission would be required to rescind the condition.

1996 – application to demolish, reconstruct and extend Ophthalmic Clinic (public amenity use class 30 (a) – permission granted on 05/02/1997 subject to a condition:

1. The Ophthalmic Clinic hereby approved shall be operated by the owner/occupier of the dwellinghouse only.

The condition was recommended due to the close proximity of the business and connection with the dwelling in line with Policy H7 and Public Amenity use Class 30 (a). The comments accompanying the recommendation set out that the original permission was conditional in that the use was restricted to the owner/occupier residing at the dwelling and that the business was not carried out in more than two rooms. Such a condition now equates to Residential Use Class 6. It was noted that there has been a significant change in policy and Policy H7 provides for limited development essential to the carrying out of a small scale business within the curtilage of a dwellinghouse.

1991 – extend and alter Ophthalmic Clinic and first floor living accommodation - rejected

1985 – change of use of part of dwelling to an optician's dispensary – permission granted subject to conditions:

1. The use is restricted to the owner/occupier of the property and is not carried on by any other person not at that time resident in the dwelling.
2. The change of use granted relates solely to the use of two rooms of the dwelling as an Optician's dispensary and they shall not be used for any other business purposes without the prior consent of the IDC.

These conditions were imposed to prevent the inappropriate expansion of a business in a residential area.

Existing Use(s):

Mixed use – residential and Ophthalmic Clinic

Assessment: *(Tick as appropriate)*

no representation	☒	visual amenity acceptable	☒
accords with policy	☒	no material neighbour impact	☒
within curtilage	☒	traffic not affected	☒
design acceptable	☒		

Policies considered most relevant:

Island Development Plan policies:

LC5: Retail in Local Centres

GP8: Design

GP9: Sustainable Development

GP12: Protection of Housing Stock

Conclusion/Brief comment:

The IDP makes provision for limited retail opportunities within Local Centres to ensure that these Centres remain sustainable places to live, work and relax in order to support sustainable communities because this can reduce the need to travel, building socially inclusive and diverse neighbourhoods. The Plan acknowledges that the most appropriate location for comparison retail is within the Main Centres where it will contribute positively to the vitality and viability of that Centre but providing scope for limited works to existing comparison retail outlets.

The application does not seek to alter the scale of the business nor extend or physically alter the premises but rather to allow the dwelling and business to be operated independently of one another. This falls within the scope of Policy LC5 and will not result in harm to the locality.

The Ophthalmic Clinic is attached to the adjoining dwelling however, its daily operations will not result in unacceptable nuisance to the occupiers of the dwelling. The subdivision of the site into residential (Use Class 1) and an Ophthalmic Clinic

(Retail Use Class 10) will not have a detrimental impact on the character and appearance of the locality and the accommodation remaining in residential use is more than adequate to form a functional dwellinghouse.

Should the use of the clinic cease then it would be necessary for a different business operator to apply for planning permission to run from the premises. The potential impact of a different business or trade operating from the site on residential amenity and the locality would be considered at that time.

The scheme therefore accords with all relevant policies in the Island Development Plan and it is recommended planning permission is granted for the proposal.

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.

Recommendation:

Grant with Conditions



Date: 06 September 2022

