

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 ground floor room (Residential Use Class 1) for a Beauty Parlour business (Residential Use Class 5).

LOCATION: 6 Clos Des Jardinieres, Rue Des Pointues Rocques, St. Sampson.

APPLICANT: Mrs M Levrier

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: 02/02/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 04/11/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Application Block Layout Plan; Hand drawn partial floor plan

Application Ref: FULL/2022/2199

Property Ref: B00758A006

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 specified in the application, by a member of the household, 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 use hereby approved, 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 - The operation of the business from the application site is acceptable only under the provisions of Policy GP14 Home Based Business and the terms set out within the application. Any separate or independent use would require different policy considerations.

5.The business shall only operate between 0900 hours and 1700 hours on Mondays & Fridays, 0900 hours and 1400 hours on Wednesdays and Thursdays and 0900 hours and 2100 hours on Tuesdays, and there shall be no working on weekends or Public Holidays.

Reason - The premises are close to residential property and a limit on the use is needed to prevent a nuisance or annoyance to nearby residents.

6.The business shall only serve one client per day, a total of up to five clients a week.

Reason - The premises are close to residential property and a limit on the use is needed to prevent a nuisance or annoyance to nearby residents.

Expiry Date: This permission will cease to have effect on 01/02/2026 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

For the avoidance of doubt, Residential Use Class 5 is defined as follows:

Use of a dwelling principally as a permanent residence for one household but also, by a member of that household, for professional or business purposes or retail trade or business and carried on in not more than two rooms but which does not involve -

- (a) storage of hazardous or odorous materials,
- (b) a use falling within use classes 23, 26 or 27 or for any general industrial purpose, or
- (c) any other use which could not be carried on without material detrimental effects on a neighbouring property.

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/2022/2199
Property Ref: B00758A006
Valid date: 04/11/2022
Location: 6 Clos Des Jardinieres Rue Des Pointues Rocques St. Sampson
Guernsey GY2 4HW
Proposal: Change of use of ground floor room (Residential Use Class 1)
for a Beauty Parlour business (Residential Use Class 5).

Applicant: Mrs M Levrier

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 specified in the application, by a member of the household, 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 use hereby approved, 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.

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INFORMATIVES

For the avoidance of doubt, Residential Use Class 5 is defined as follows:

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(a) storage of hazardous or odorous materials,

(b) a use falling within use classes 23, 26 or 27 or for any general industrial purpose, or

(c) any other use which could not be carried on without material detrimental effects on a neighbouring property.

OFFICER'S REPORT

Brief Description of the site:

The property known as '6 Clos des Jardiniers' is a two storey dwelling with an attached garage on the north elevation, which in turn is attached to the neighbours garage. The dwelling is one of four around the Clos. The dwelling is set back from the clos and faces east, there are neighbouring properties in each direction. The property is located within the St Sampson Main Centre Outer Area and within a Conservation Area as defined in the Island Development Plan.

Relevant History:

FULL/2022/0883 – Change of use of ground floor room (residential use class 1) for cosmetic tattooing business (residential use class 5) – Refused August 2022.

Existing Use(s):

Residential use class 1: dwelling house.

Brief Description of Development:

This application is for a change of use of a ground floor room (residential use class 1) for a Beauty Parlour business (residential use class 5).

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

GP4: Conservation Areas

GP8: Design

GP13: Householder Development

GP14: Home Based Employment

Representations:

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

The principle of a business working from home is not the issue, but there are concerns regarding how busy the clos is, with very limited parking. The previous objections still apply where the main concern is the amount of additional traffic the business will create, and that the property has too many cars already, causing clients to park on the road and blocking the turning point of the Clos.

Consultations:

None

Summary of Issues:

- 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 application is for a change of use of one ground floor room to operate as a beauty parlour business, operated by the property owner and with one employee. The principal use of the dwelling would remain as residential.

Policy GP14 states that the use of part of a dwelling for the purpose of a business carried out by the occupier will generally be supported in such cases, provided the use would not lead to any unacceptable detrimental impacts on the amenity of the area or the amenities of nearby residents.

In order to protect the amenities of the nearby residents, the beauty parlour will limit the number of clients and hours of business. There will only be one client per day and occasionally an additional evening client on a Tuesday, by appointment only. The opening hours will be Monday and Friday 9am to 5pm, Wednesday and Thursday 9am to 2pm and Tuesdays 9am to 9pm. The business will be closed on weekends and bank holidays.

The clients will be by appointment only and there will be no drop-ins. No products will be sold from the premises.

With a maximum of 6 clients in one week the additional traffic flow is considered to be minimal and in line with policy. The property has the facility to park two cars on site and the clos has an extra car parking space for each property to the north of the dwellings, should this be required.

The change of use will not impact on the character and appearance of the surrounding conservation area, nor will neighbour amenity be affected.

The proposals are considered to conform to the above policies of the Island Development Plan and it is recommended that the change of use to Residential Use Class 5 is approved, 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: 26/01/2023