

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 first, second and third floors (Use Class 16) to Beauticians (Use Class 10) (Protected Building).

LOCATION: Upper Floors, 41 Commercial Arcade, St. Peter Port.

APPLICANT: Walter Property 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: 08/03/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 18/01/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Block plan and hand drawn sketch plan (both dated 20/12/22).

Application Ref: FULL/2023/0041

Property Ref: A300390000

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.

Expiry Date: This permission will cease to have effect on 07/03/2026 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

This decision relates only to the change of use outlined in the description of the proposal set out above. It does not permit any alteration of this Protected Building. Alterations to the interior and exterior of the building will require a separate grant of planning permission and/or approval under the Building Regulations.

For the avoidance of doubt, this decision authorises upper floors of no. 41 Commercial Arcade as a beauticians (Retail Use Class 10: General Retail) which does not include provision for tattooing which is a sui-generis use class for which a further application would be required.

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/2023/0041
Property Ref: A300390000
Valid date: 18/01/2023
Location: Upper Floors 41 Commercial Arcade St. Peter Port Guernsey
GY1 1LB
Proposal: Change of use of first, second and third floors (Use Class 16) to
Beauticians (Use Class 10) (Protected Building).
Applicant: Walter Property 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.

INFORMATIVES

This decision relates only to the change of use outlined in the description of the proposal set out above. It does not permit any alteration of this Protected Building. Alterations to the interior and exterior of the building will require a separate grant of planning permission and/or approval under the Building Regulations.

For the avoidance of doubt, this decision authorises upper floors of no. 41 Commercial Arcade as a beauticians (Retail Use Class 10: General Retail) which does not include provision for tattooing which is a sui-generis use class for which a further application would be required.

OFFICER'S REPORT

Brief Description of the site:

The property known as 41 Commercial Arcade is an attached four and a half storey building located in the heart of the Arcade. The building faces west the attached building is to the north with a narrow walkway to the east and pedestrian walkway to the south. The property is located in the St Peter Port Main Centre, Conservation Area and Core Retail Area as defined in the Island Development Plan. The property is also a Protected Building.

Relevant History:

There is no relevant history pertaining to this application.

Existing Use(s):

Administrative, financial and professional services use class 16: administrative office.

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:

MC4(A): Office Development in Main Centres
MC6: Retail in Main Centres
GP4: Conservation Areas

GP5: Protected Buildings

GP8: Design

Conclusion/Brief comment:

This application is for a change of use of the first, second and third floors from office (use class 16) to retail (use class 10) for a beautician company.

Policy MC4(A) states that proposals for a change of use would be supported where the office floor space is less than 250sqm. The three floors add up to 81sqm, which means Policy MC4(A) is complied with.

Policy MC6 states that within the Main Centres new convenience and comparison retail provision will be supported and encouraged. The building is within the Core Retail Area and so allowing more retail provision will maintain and enhance the vitality and viability of the Core Retail Area. The proposed use will not conflict with other surrounding uses in terms of the amenities of surrounding occupiers.

The change of use will not impact on the special character and appearance of the surrounding Conservation Area, because there will be no changes to the external elevations.

The change of use will not impact on the special interest of the Protected Building, because there will be no internal or external changes to the fabric of the building.

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

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: 08/03/2023

