

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 part of dwelling (Residential Use Class 1) to Beauty Salon (Residential Use Class 5).

LOCATION: Pres du Rivage, Clos De L'Horizon Bleu, Route Du Picquerel, Vale.

APPLICANT: Ms R Atkinson

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: 03/05/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 15/03/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Site Location Plan, Block Layout Plan, ""Drawings"" plan & ""Drawings (enlarged)"" plan (all date stamped received 15/03/23).

Application Ref: FULL/2023/0537

Property Ref: C026070002

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.The business use hereby permitted shall be operated in accordance with the Covering Letter from Rebecca Atkinson received 15/03/2023.

Reason - Permission has been granted on the basis that the use will be limited to that outlined in the statement as this complies with the 2023 Exemption requirements of Schedule 1, Class 3, Section 2.

Expiry Date: This permission will cease to have effect on 02/05/2026 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/2023/0537
Property Ref: C026070002
Valid date: 15/03/2023
Location: Pres du Rivage Clos De L'Horizon Bleu Route Du Picquerel Vale
Guernsey GY6 8JS
Proposal: Change of use of part of dwelling (Residential Use Class 1) to
Beauty Salon (Residential Use Class 5).

Applicant: Ms R Atkinson

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).

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4. The business use hereby permitted shall be operated in accordance with the Covering Letter from Rebecca Atkinson received 15/03/2023.

Reason - Permission has been granted on the basis that the use will be limited to that outlined in the statement as this complies with the 2023 Exemption requirements of Schedule 1, Class 3, Section 2.

OFFICER'S REPORT

Brief Description of the site:

Pres du Rivage is a semi-detached dwelling situated on a private clos off Route du Picquerel. The existing dwelling has an attached ground floor level wing to the north, which is the subject of this application.

Off-road parking is located to the front and side of the dwelling.

The application relates to the change of use of the existing wing to use as a beauty salon (Residential Use Class 5) to be operated by the owner/occupier of Pres du Rivage.

The site is located Outside the Centre as designated in the Island Development Plan.

Relevant History:

n/a

Existing Use(s):

01 Residential

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:

GP14- Home Based Employment

1P7- Private and Communal Car Parking

Conclusion/Brief comment:

The application relates to the use of a small section of the main dwelling (currently the bedroom 4, utility room and WC) for use as a beauty salon operated by the

occupier of the dwelling. The primary use of the property currently known as Pres Rivage would remain as a single dwelling.

The application has been accompanied by a letter dated 30 October 2019 setting out additional details of how the proposed business will operate- by appointment only, five days a week with approximately 4 – 8 bookings per day anticipated once established. The letter outlines that some evening working may occur, but this is proposed for only one evening a week and no later than 8pm.

The change of use proposed can be implemented without unacceptable impact on residential amenity or the character and amenity of the locality.

Adequate parking exists on site for clients visiting the premises, 10 min gaps between appointments and availability of 2 customer spaces and retention of 2 residential spaces, along with the limited nature of the business means that the unacceptable intensification of vehicular parking is unlikely.

Since the submission of the application, the Land Planning and Development (Exemptions) Ordinance has been updated and Class 3 allows for the change of use of part of a residential dwelling for business purposes. This is acceptable provided that the new use does not result in storage of materials outdoors, more than two persons working at the dwelling at an one time, and more than 8 people a day or 2 persons at any one time visiting the premises for purposes related to the business use.

It is therefore considered reasonable for a condition to be imposed which ties the permission to these requirements.

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: 03/05/2023

