

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 unit 2 from kitchen showroom to extend Estate Agent (Use Class 15).

LOCATION: 2 Eros House, La Grande Rue, St. Martin.

APPLICANT: SEA Limited

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: 20/07/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 13/06/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Site Location Plan, Block Plan & Floor Plan - Date stamped received 13/06/23

Application Ref: FULL/2023/1077

Property Ref: J00521A000

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 19/07/2026 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 or extension of this building. Any alteration or extension may require a separate grant of planning permission and/or approval under the Building Regulations.

Please ensure that you notify the Planning Service in writing of the date on which the change of use takes place. Once the change has been made the property will be classified as shown above. Failure to notify the Planning Service as required may lead to delay in any future property search or use class enquiry resulting from incorrect classification of the 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/2023/1077
Property Ref: J00521A000
Valid date: 13/06/2023
Location: 2 Eros House La Grande Rue St. Martin Guernsey GY4 6LQ
Proposal: Change of use of ground floor unit 2 from kitchen showroom to extend Estate Agent (Use Class 15).

Applicant: SEA Limited

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 or extension of this building. Any alteration or extension may require a separate grant of planning permission and/or approval under the Building Regulations.

Please ensure that you notify the Planning Service in writing of the date on which the change of use takes place. Once the change has been made the property will be classified as shown above. Failure to notify the Planning Service as required may lead to delay in any future property search or use class enquiry resulting from incorrect classification of the property.

OFFICER'S REPORT

Brief Description of the site:

The property known as 'Unit 2, Eros House' is a one half of a stone faced two storey semi-detached building. The buildings are set back from and facing northeast onto La Grande Rue, to the west end of St Martins. Unit 1 is a single storey wing to the southeast of Unit 2. The property is located in the St Martins Local Centre and a Conservation Area as defined in the Island Development Plan.

Relevant History:

FULL/2020/2318 - Change of use from veterinary clinic and shop to office use (use class 15) and erect signage – Approved February 2021.

Existing Use(s):

Retail use class 10: general retail.

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:

LC4(A) - Offices, Industry, Storage and Distribution in Local Centres - New, Extension, Alteration or Redevelopment of Existing Uses
LC5 – Retail in Local Centres

GP4 - Conservation Area

GP8 - Design

Conclusion/Brief comment:

This application is for a change of use of the ground floor of unit 2 from kitchen showroom (use class 10) to extend the Estate Agents (use class 15) currently in unit 1.

Policy LC4(A) supports the change of use to office, as long as the proposals are of a scale that is appropriate to maintain or enhance the character and vitality of the particular Local Centre concerned without detracting from the vitality of the Main Centres. An estate agents would still have an engaging frontage, attract footfall and be an active part of the street scene, therefore maintaining the vitality of the Local Centre, however the business would not be of a scale or nature which would detract from activity in the Main Centres.

Policy LC5 states that a change of use from comparison retail to other uses will be supported providing that any new use accords with the relevant policies of the Island Development Plan.

The change from a kitchen show room to an estate agents would have no effect to the built environment and therefore would not impact upon the character of the surrounding conservation area or have any adverse impacts on neighbour amenity.

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: 20/07/2023

