

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 and first floor levels from restaurant (Use Class 11) to dental surgery (Use Class 18). Internal and fenestration alterations, erect screen to east elevation, and install signage to east and south elevations (Protected Building).

LOCATION: 35 Le Pollet, St. Peter Port.

APPLICANT: Holfer 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: 27/12/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 16/10/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: ArcTech: GG-24-1189-02B.
We Know Dental: Proposed South Elevation (2 pages) &
Proposed East Elevation (2 pages)

Application Ref: FULL/2024/1571

Property Ref: A113050000

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 27/12/2027 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

For the avoidance of doubt, the advertisements to which this permission relates are non-illuminated. Any form of illumination, whether by external or internal means, will require a separate grant of 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/2024/1571
Property Ref: A113050000
Valid date: 16/10/2024
Location: 35 Le Pollet St. Peter Port Guernsey
Proposal: Change of use of ground and first floor levels from restaurant (Use Class 11) to dental surgery (Use Class 18). Internal and fenestration alterations, erect screen to east elevation, and install signage to east and south elevations (Protected Building).

Applicant: Holfer 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.

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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

For the avoidance of doubt, the advertisements to which this permission relates are non-illuminated. Any form of illumination, whether by external or internal means, will require a separate grant of planning permission.

OFFICER'S REPORT

Site Description:

The property comprises of a traditional 3½ storey terraced building fronting onto Le Pollet with a modern 3½ storey extension fronting onto North Plantation. Due to the change in levels, the street level of the retail unit fronting onto Le Pollet equates to second floor level for the rear extension fronting onto North Plantation.

The site is located within the St Peter Port Conservation Area, Core Retail Area, Harbour Action Area and Main Centre Inner Boundary. The whole of the building is a protected building, the majority of neighbouring buildings within the immediate vicinity are also protected.

Relevant History:

Mar to Apr 2024 – PREA/2024/0381 – Pre-application advice regarding change of use of part of premises for dental surgery.

Existing Use(s):

Retail use class 11: food

Brief Description of Development:

Planning permission is requested for the change of use of the ground and first floor levels (the section of the building fronting onto North Plantation) from a restaurant (Retail use class 11) to a dental surgery (Public amenity se class 18). Permission is also sought for internal alterations including install partitions to create dental surgery, replace fenestration at ground floor level, erect panel screens to bin storage, erect a wall and install signage to east and south elevations and including install a totem sign.

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

MC3: Social and Community Facilities in Main Centres and Main Centre Outer Areas
MC6: Retail in Main Centres
MC10: Harbour Action Areas
GP4: Conservation Areas
GP5: Protected Buildings
GP8: Design
GP9: Sustainable Development
IP7: Private and Communal Car Parking

Representations:

One letter of representation was received, main points as follows:

- As a part owner of the property I have not been consulted on this matter and if I had I would have objected.
- Notes that there are 3 dentists in close proximity.

Consultations:

None

Summary of Issues:

The main issues in deciding this application are:

1. Whether the principle of the change of use is acceptable.
2. Design and impact of the development on the character and appearance of the Conservation Area.

Assessment against:

- 1 - Purposes of the law.**
- 2 - Relevant policies of any Plan, Subject Plan or Local Planning Brief.**
- 3 - General material considerations set out in the General Provisions Ordinance.**
- 4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).**

The Island Development Plan provides a general presumption in favour of retaining existing and encouraging new retail activities at ground floor level within the Core Retail Area. As a result the change of use away from retail on ground floors will be resisted unless the new use will be complementary to the vitality and viability of the Core Retail Area.

Whilst the proposal will result in the loss of a retail unit at ground floor level fronting onto North Plantation, the proposed use as a dental surgery would provide an active use which would complement the retail offer of the Core Retail Area. In addition, the retail unit within the building at street level onto Le Pollet would be retained and it is

noted that the site forms the northern boundary of the Core Retail Area and this section of North Plantation has a different character and mix of uses when compared to Le Pollet. As a whole, the proposed change of use of the ground and 1st floor levels fronting onto North Plantation would be complementary to the vitality and viability of the Core Retail Area, in accordance with Policy MC6.

The change of use to a dental surgery would also be subject to Policy MC3. Policy MC3 supports the development of new social and community facilities where an existing site or premises in social and community use within or around the Main Centre concerned is not available and suited to accommodate the proposal, including the dual use of premises.

A dental surgery is clearly a specialised use which for operational reasons is most suited to a standalone facility. The agent has referred to the high demand for dental practices/surgeries. Overall the proposed use accords with Policy MC3.

Although the whole of the building is protected, the application refers to a modern extension which was constructed during the early 2000s. The internal alterations are largely confined to reversible alterations to implement the shop fit out, such as the installation of partitions, and the proposal would have no significant adverse effects on the special interest of the protected building.

During the course of consideration the application was deferred due to concerns about the impact of the proposed signage on the character and appearance of the Conservation Area. In response the application has been revised including the omission of a sign to the south gable, the reduction of signage at ground floor level to the east elevation and all previous references to the illumination of various signs has been omitted.

The revised design and positioning of signage, including the omission of the illumination of signage, has addressed the concerns raised. The revised signage achieves a good standard of design and would conserve the character and appearance of the Conservation Area. The installation of a dressed stone granite wall to the north boundary would also conserve the character and appearance of the Conservation Area, in accordance with Policy GP4.

Located within the centre of town, the site is well served by public transport, parking and bicycle storage and there is therefore no need for provision to be made for on-site parking or bicycle storage.

Following a representation which included comments about ownership, the applicant has confirmed that they have the necessary permissions to make the application. In addition, all decisions made by the Authority are without prejudice to third party rights, and the Authority is not able to address civil matters such as boundary, third party disputes or other related matters of ownership. Where necessary such cases should be resolved by seeking legal advice.

All material considerations as set out in the Land Planning and Development (Guernsey) Law, 2005 and the Land Planning and Development (General Provisions) Ordinance, 2007 have been taken into account in the assessment of this application.

It is recommended that the application is approved.

Date: 19/12/2024