

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 from retail (Use Class 10) to opticians (sui generis - mixed use) and internal alterations to ground floor and basement. (Protected Building).

LOCATION: 39-41 High Street, Quay Steps, St. Peter Port.

APPLICANT: Trouteauds Opticians

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: 28/05/2025

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 31/01/2025 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: PF+A Ltd: 7888-01 B1 & Mewscraft: TROU01-01

Application Ref: FULL/2024/2099

Property Ref: A200110000

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 27/05/2028 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

This permission does not relate to the display of any sign or advertisements. A separate permission will be needed for any such display.

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/2024/2099
Property Ref: A200110000
Valid date: 31/01/2025
Location: 39-41 High Street Quay Steps St. Peter Port Guernsey GY1 2JT
Proposal: Change of use from retail (Use Class 10) to opticians (sui generis - mixed use) and internal alterations to ground floor and basement. (Protected Building).
Applicant: Trouteauds Opticians

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 permission does not relate to the display of any sign or advertisements. A separate permission will be needed for any such display.

OFFICER'S REPORT

Brief Description:

The application relates to the change of use of the ground floor and basement of the building (when accessed from the High Street) from a general retail use to an opticians, comprising a mixed use including retail and health care elements. The proposals include internal alterations to both floors.

A Statement of Significance has been submitted in support of the application.

The site is located within a Main Centre Inner Area, Conservation Area, Core Retail Area and Harbour Action Area as designated in the Island Development Plan. The whole of the building is protected.

Relevant History:

None.

Existing Use(s):

Retail Use Class 10

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:

MC3: Social and Community Facilities in Main Centres and Main Centre Outer Areas
MC6: Retail in Main Centres
GP4: Conservation Areas
GP5: Protected Buildings
GP8: Design

GP9: Sustainable development

Conclusion/Brief comment:

The premises has an existing general retail use and the use of the building for an opticians as proposed is sui generis (falling outside of the use classes), comprising a mixed use of health care and retail. As set out within the Land Planning and Development (Use Classes) Ordinance, 2017, where a proposal is for a change between an existing use class and a use falling outside of the use classes, a material change of use occurs and permission required.

In this case the proposed layout would retain a significant proportion of the ground floor as retail space, fronting on to the High Street, with two consulting rooms to the rear of that space and a further two consulting rooms, waiting area, office/lab and staff area at basement level. The proposed mix and arrangement of uses would maintain and enhance the vitality and viability of the Core Retail Area. Whilst no information has been submitted to address the requirements of Policy MC3, it is noted that this is a mixed use and, as such, it is unlikely that there would be premises available for occupation without a change of use. Furthermore the use is relocating from another premise within the Main Centre and the site has presumably been selected as more suited to the business requirements. On balance therefore it is found that the proposal accords with the requirements of Policies MC3 and MC6.

The proposed physical alterations are internal to the building, and would not have any impact on the wider Conservation Area, and are limited in scope and reversible in nature, and would not have any adverse impact on the special interest of the Protected Building. The proposals would therefore accord with Policies GP4 and GP5, and the additional considerations of the law pertinent to those designations.

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.

The application is acceptable in relation to the above policies and other material planning considerations.

Recommendation:

Grant with Conditions



Date: 23/05/2025

