

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 general retail (Use class 10) to Jiu Jitsu School (Public amenity use class 21) and associated works.

LOCATION: Carpet Right (former), Nelson House, Le Grand Bouet, St. Peter Port.

APPLICANT: The Sarnia Jiu Jitsu Foundation

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: 05/08/2025

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 12/06/2025 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: 1:200 scaled Block Plan (Drawing Ref: 01), annotated layout plan & letter from applicant dated 06/05/2025

Application Ref: FULL/2025/0903

Property Ref: A105400000

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.(a) The unit shall not be first used for the public amenity use as hereby approved until an acoustic scheme for protecting the residential units above (at first floor), has been submitted to and approved in writing by the Authority.

(b) The approved scheme pursuant to criterion (a) above, shall be completed in strict accordance with the approved details and a competent person employed by the developer shall undertake a test to demonstrate that the attenuation measures proposed in the scheme meet the internal ambient noise standard within BS8233:2014 to protect the residential units from noise and the results of the test shall be submitted to and approved in writing by the Authority prior to any part of the unit being first used for public amenity use. The attenuation measures shall remain in perpetuity thereafter unless the public amenity use ceases and the building reverts back to a general retail use.

Reason - To protect the reasonable amenities of neighbouring residents.

5.This permission relates to the use of the public amenity floorspace hereby approved as shown on the approved drawings solely for the benefit of Sania Jiu Jitsu, with no general gymnasium usage (including the use of any free weights) and in full accordance with the details set out in the applicant's letter dated 06/05/2025. The use of the site shall not run with the land and if the approved use ceases the unit shall revert to General Retail Use, as defined in retail Use Class 10 of the Land Planning and Development (Use Classes) Ordinance, 2017 or in any provision equivalent to that Use Class in any Ordinance revoking or re-enacting that Ordinance.

Reason - The proposed use at this site is only permitted in this location due to there being no alternative site available within a Main Centre and the specific operational requirements as set out in the application. Alternative uses would not have the same specific requirements and may not be acceptable under Policy MC9(A) of the Island Development Plan.

6.The use of the premises shall not be open to the public/customers other than between the hours of 07:00 hours and 22:00 hours, Mondays to Saturdays, and 08:00hrs and 21:00hrs on Sundays, Bank or Public Holidays.

Reason - The premises are close to residential property and a limit on the use is needed to prevent a nuisance or annoyance to nearby residents.

7.The use of the site by Sarnia Jiu Jitsu School as hereby approved shall only be operated when all external doors and windows serving the unit are closed.

Reason - The premises are close to residential properties and a limit on the use is needed to prevent a nuisance or annoyance to nearby residents.

8.The site shall not be first used for the use as hereby approved until a scheme showing the provision to be made for the parking of cycles, under cover and secure, has been submitted to and agreed in writing by the Authority, and the agreed scheme has been fully implemented. This area shall be retained as such in perpetuity and shall not be used for any other purpose other than the parking of bicycles.

Reason - To encourage the use of bicycles as an alternative to the car.

Expiry Date: This permission will cease to have effect on 04/08/2028 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

1. With regard to condition 4 of this permission, the acoustic scheme shall have regard to the principles contained within the World Health Organisation community noise guidelines / achieve the internal ambient standard within BS8233:2014 to minimise noise in residential dwellings.

2. 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/2025/0903
Property Ref: A105400000
Valid date: 12/06/2025
Location: Carpet Right (former) Nelson House Le Grand Bouet
Le Grand Bouet St. Peter Port Guernsey GY1 2SE
Proposal: Change of use from general retail (Use class 10) to Jiu Jitsu
School (Public amenity use class 21) and associated works.

Applicant: The Sarnia Jiu Jitsu Foundation

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.

4. (a) The unit shall not be first used for the public amenity use as hereby approved until an acoustic scheme for protecting the residential units above (at first floor), has been submitted to and approved in writing by the Authority.

(b) The approved scheme pursuant to criterion (a) above, shall be completed in strict accordance with the approved details and a competent person employed by the developer shall undertake a test to demonstrate that the attenuation measures proposed in the scheme meet the internal ambient noise standard within BS8233:2014 to protect the residential units from noise and the results of the test shall be submitted to and approved in writing by the Authority prior to any part of the unit being first used for public amenity use. The attenuation measures shall remain in perpetuity thereafter unless the public amenity use ceases and the building reverts back to a general retail use.

Reason - To protect the reasonable amenities of neighbouring residents.

5. This permission relates to the use of the public amenity floorspace hereby approved as shown on the approved drawings solely for the benefit of Sania Jiu Jitsu, with no general gymnasium usage (including the use of any free weights) and in full accordance with the details set out in the applicant's letter dated 06/05/2025. The use of the site shall not run with the land and if the approved use ceases the unit shall revert to General Retail Use, as defined in retail Use Class 10 of the Land Planning and Development (Use Classes) Ordinance, 2017 or in any provision equivalent to that Use Class in any Ordinance revoking or re-enacting that Ordinance.

Reason - The proposed use at this site is only permitted in this location due to there being no alternative site available within a Main Centre and the specific operational requirements as set out in the application. Alternative uses would not have the same specific requirements and may not be acceptable under Policy MC9(A) of the Island Development Plan.

6. The use of the premises shall not be open to the public/customers other than between the hours of 07:00 hours and 22:00 hours, Mondays to Saturdays, and 08:00hrs and 21:00hrs on Sundays, Bank or Public Holidays.

Reason - The premises are close to residential property and a limit on the use is needed to prevent a nuisance or annoyance to nearby residents.

7. The use of the site by Sarnia Jiu Jitsu School as hereby approved shall only be operated when all external doors and windows serving the unit are closed.

Reason - The premises are close to residential properties and a limit on the use is needed to prevent a nuisance or annoyance to nearby residents.

8. The site shall not be first used for the use as hereby approved until a scheme showing the provision to be made for the parking of cycles, under cover and secure, has been submitted to and agreed in writing by the Authority, and the agreed scheme has been fully implemented. This area shall be retained as such in perpetuity and shall not be used for any other purpose other than the parking of bicycles.

Reason - To encourage the use of bicycles as an alternative to the car.

INFORMATIVES

1. With regard to condition 4 of this permission, the acoustic scheme shall have regard to the principles contained within the World Health Organisation community noise guidelines / achieve the internal ambient standard within BS8233:2014 to minimise noise in residential dwellings.

2. 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

Site Description:

The application site comprises a retail building split into three individual retail units at ground floor with two residential units occupying part of the first floor. The site is situated to the north of Elizabeth Avenue and the surrounding area comprises a mixture of uses, with residential to the north, east and west, with retail to the southeast and a vacant site to the south. Beyond the residential properties to the east is a hotel, restaurant and a large 5 storey office block.

The site is situated in a Main Centre Outer Area and Office Expansion Area as designated in the Island Development Plan.

Relevant History:

FULL/2025/0058	Erect signage to south-west and south-east elevations.	Granted 26/02/2025
FULL/2025/0016	Erect sign and illuminated sign to south elevation (retrospective).	Granted 20/03/2025
FULL/2019/0849	Erect signage to south elevation.	Granted 24/07/2019
FULL/2017/0787	Re-roof building to north of site, replace fascia, soffit and barge boards, gutters and downpipes.	Granted 10/05/2017

Existing Use(s):

Retail

Brief Description of Development:

Planning permission is sought to change the use of the premises from retail to a Jiu Jitsu School (Public amenity Use Class 21) and associated works.

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

Island Development Plan Policies:

- MC4(B): Office Development in Main Centre Outer Areas;
- MC7: Retail in Main Centre Outer Areas;
- MC9(A): Leisure and Recreation in Main Centres and Main Centre Outer Areas – New, and Extension, Alteration or Redevelopment of Existing Uses;
- GP8: Design;
- IP7: Private and Communal Parking; and
- IP9: Highway Safety, Accessibility and Capacity

Representations:

None

Consultations:

Office of Environmental Health and Pollution Regulation

By letter dated 22nd July 2025 stated the following:

“I have reviewed the proposed plans for the change of use from retail to Jiu Jitsu school at the above site. There are a number of issues of concern relating to the potential for noise nuisance which I must raise.

I note that I have previously commented on similar proposals under FULL/2025/0285, however I have concerns about the residential nature of the new proposed location, particularly in relation to the potential structure of the property and the impact that any noise transference could have on the residential units located on the first floor of Nelson House.

Given the nature of the building, I am reluctant to recommend a condition relating to the soundproofing until it can be demonstrated that there is sufficient protection for the residential units within Nelson House. The applicant should have regard to the principles contained within the World Health Organisation community guidelines / achieve the internal ambient standard within BS8233:2014 to minimise noise in residential dwellings.

In order to achieve this, I strongly recommend the applicant contacts an acoustic consultant and I have attached a list of consultants who are prepared to operate on the island. Please note that inclusion on the list does not infer any kind of recommendation by the department.

Unless further information is provided, I have no option but to recommend refusal of this application. Should further information be provided, I would be happy to reconsider my recommendation and whether further conditions would be appropriate to mitigate the potential for noise nuisance.

I would be grateful if these issues are considered during the determination of this application.”

Following further discussion between the applicant and OEHPR and the submission of additional information, OEHPR was reconsulted and by letter dated 24th July 2025 stated the following:

“Further to some additional information being received from the applicant and having considered this I would like to revise my comments and recommend the following conditions are attached to the consent:

- The premises shall be used as a Jiu Jitsu studio, with no general gymnasium usage including the use of free weights and other gymnasium equipment.*
- The change of use shall not commence until a scheme for protecting the residential units above the commercial unit, has been submitted and approved by the Authority. All works which form part of the scheme shall be completed in accordance with the approved details. The scheme shall have regard to the principles contained within the World Health Organisation community noise guidelines / achieve the internal ambient standard within BS8233:2014 to minimise noise in residential dwellings. Following approval and completion of the scheme, a competent person employed by the developer shall undertake a test to demonstrate that the attenuation measures proposed in the scheme meet the internal ambient noise standard within BS8233:2014 to protect the residential units from noise, and the results of the test submitted to and approved by the Authority.*
- The use hereby permitted shall not be open to customers except between the hours of 07:00 and 22:00 on Mondays to Saturdays and 08:00 and 21:00 on Sundays, Bank or Public Holidays.*
- The Jiu Jitsu School shall be operated in the building only while all doors and windows remain closed.*

These comments are made on the basis that any change of the nature of the activity in the premises (e.g. not being used for Jiu Jitsu) will need further planning permission."

Summary of Issues:

1. whether the principle of the change of use of the unit to a public amenity use classes is acceptable
2. the impact of the development on the amenity of surrounding uses
3. the impact of the development on the character and appearance of the surrounding area
4. Highway safety and parking.

Assessment against:

1 - Purposes of the law.

The objectives of the Law, as set out in Section 1(2), have been considered and this forms part of the assessment of policy issues set out in 2 below.

2 - Relevant policies of any Plan, Subject Plan or Local Planning Brief.

Whether the principle of the change of use of the unit to a public amenity use classes is acceptable

Loss of retail

In Main Centre Outer Area locations, Policy MC7 supports proposals to change the use away from retail where the scheme accords with all other relevant policies of the IDP (assessed in detail below).

Proposed use of the unit for public amenity use.

The site is situated within the Office Expansion Area (OEA) as designated in the Island Development Plan where under policy MC4(B) the primary use of the land is expected to be for large floor plate office accommodation (1,000m² or more). The policy requires a Development Framework (DF) to be produced prior to any such development, but does allow for proposals for other forms of development prior to the approval of a DF where it is unlikely to inhibit the implementation of future office development and would not prejudice the comprehensive development of the site. The policy also allows for other incidental and complementary uses to office to be considered as part of proposals within the OEA.

To date a DF has not been prepared or adopted for this OEA. The unit the subject of this application occupies a total of 857m² internal floorspace which of itself falls short of the 1,000m² of floorspace required to be considered as large floorplate office accommodation encouraged under policy.

To allow for large floorplate office at this site, at least one other unit within Nelson House would need to come forward in conjunction with the unit which forms the subject of this application. Furthermore any comprehensive scheme for development of the whole of the site is likely to seek demolition of the building for a multi-storey development from the outset. As both adjoining units within the site are occupied by established retail businesses (one of which (Morrisons) only recently moved into the site), it is unlikely that either of the above scenarios would be achieved in the short term. The unit could also continue to be used for retail without the need for planning permission should a retail operator come forward. The scheme is for a change of use involving limited internal changes and can be achieved without significant investment, and is therefore unlikely to inhibit development should the whole of the site need to come forward in the future as part of a comprehensive development of the area. For these reasons the use of the site as proposed therefore is unlikely to inhibit the implementation of future office development nor would it prejudice any future comprehensive development of the site.

Paragraph 7.1.8 of the IDP notes that *“while redevelopment of the area is primarily to provide large floorplate office accommodation, other incidental and complementary uses will be considered in light of the mixed-use character of the surrounding area.”* The use of the site as proposed is an active use promoting footfall within the area which would complement the mixed-use character of the OEA. Considering the above the proposal would comply with Policy MC4(B).

Paragraphs 8.1.5 to 8.1.7 of the Island Development Plan sets out how the policies aim to concentrate leisure and recreation facilities in the Main Centres so that they can contribute to a vibrant mix of uses and support the viability of the day and night time economies of the Centres. The Harbour Action Areas and Regeneration Areas may also provide new opportunities as part of mixed-use developments. Main Centres should be considered prior to Main Centre Outer Areas when considering the location of new indoor formal recreation uses as these uses are considered to be more appropriately located in Main Centres *“as highly accessible locations where such development would contribute to vitality”*.

In considering the Plan as a whole and the intention of the Spatial Strategy in connection with indoor formal recreation uses, it is clear that the Main Centres should remain the focus for this type of development and as such Policy MC9(A) allows for new indoor formal recreation in Main Centre Outer Areas only where:

- (a) *There is a specific operational or locational requirement that prevents the use of a site within the Main Centre; or*
- (b) *There is no site that is suitable and available within a Main Centre.*

As part of this application, evidence has been provided by the applicant to confirm with regards to criterion (b) above. that since 2019 they (Sarnia Jiu Jitsu) have been searching for somewhere to rent and since 2022 have also been looking to purchase a suitable premise, with only limited options becoming available within one of the Centres over this timeframe. However, given the demand for such floorspace, the few times that a site has been available the applicant has confirmed that the vendor

either doesn't want to explore a change of use, or is not interested in selling. Evidence of the property search explored has been provided. Although the specific operational requirements in themselves do not prevent a Main Centre, location, it has been demonstrated that in this case, relating to the applicants search and the proposed use, that there is no site that is suitable and available within a Main Centre and that the use of a site within a Main Centre Outer Area such as this, is the next sequentially preferable option. This information was also presented in the applicants most recent application involving the former Channel Islands Ceramics premises (situated Outside of the Centre) which was granted permission. In granting that permission it was accepted that there are no suitable alternative sites within the Main Centre which still remains the case.

However, to prevent the permanent change of use of the premises to a public amenity Use Class when in future a suitable premises for such use within the Centres may be available and to protect residential amenity (assessed further within this report) it is recommended that any permission is restricted to the use of the premises by the applicant for the intended purpose only, as it is the specific requirements of this business that cannot currently be met by the available premises within a Main Centre.

In summary, the principle to create public amenity floorspace as proposed is acceptable in terms of both policies MC4(B), MC7 and MC9(A), subject to the recommended conditions limiting the use to the applicant only for the intended use as a Jiu Jitsu school.

The impact of the development on the character of the area and on the amenity of surrounding uses

Policy GP8 requires proposals for new development to achieve a high standard of design which respects and where appropriate enhances the character of the environment and considers the health and well-being of the occupiers and neighbours of the development. Policy GP9 criterion (b) requires the applicant to demonstrate that the development proposal would not have any unacceptable impacts on the amenities of neighbouring properties.

The application site is bounded to the north, east and west with residential properties. There are also two residential unit at first floor above part of the building the subject of this application.

As part of the application the applicant's agent has confirmed that the existing air conditioning units will be used for the Jiu Jitsu school allowing for all doors and windows to be closed while training/classes are taking place ensuring that there is no noise disturbance to surrounding residents.

The Office of Environmental Health and Pollution Regulation (OEHPR) was consulted on the application with particular regard to noise and disturbance and their comments on the application are set out in full above. OEHPR in the first instance raised concerns regarding the potential for noise disturbance, particularly through noise transference through the building to the units above the intended use. The application was subsequently deferred and following the submission of additional information, OEHPR was reconsulted. OEHPR has requested that conditions be included on any permission to control: the use of the premises for the applicant only with no other public amenity use (such as a gym); the hours of opening; to ensure that the Jiu Jitsu School operates only while all windows and doors remain closed, and for the submission of noise attenuation scheme to be submitted and approved by the Authority to protect the residential units above the proposed use. The suggested conditions are all acceptable and reasonable to impose from a planning perspective.

In the absence of any objection from OEHPR and subject to the recommended conditions being imposed, the refusal of permission based on impacts on neighbours would be both unreasonable and unjustifiable.

No external alterations are proposed and the scheme would not harm residential amenity in terms of any overshadowing, loss of light or privacy loss.

Traffic and access issues

The site has 28 car parking spaces available on a shared basis with other units on the site and given the location of the site within a Main Centre Outer area close to other public car parking areas, there is likely to be sufficient parking at the site. The site is also highly accessible by other more sustainable transport modes such as public buses and is close to the cycle path network between Town and the Bridge. To support the use of alternative modes of transport and to accord with the Parking Standards and Traffic Impact Assessment Supplementary Planning Guidance, December 2016, it is recommended that a condition is included for the provision of a secure covered cycle storage area to be provided. Considering the above, the proposal accords with Policies IP7 and IP9.

3 - General material considerations set out in the General Provisions Ordinance.

In addition to the consideration of policy issues, Section 13 of the Land Planning and Development (General Provisions) Ordinance, 2007 identifies other material planning considerations which could be relevant. These include: the appropriateness of the development in relation to its surroundings in terms of design, layout, scale, siting and materials; the likely effect on the character and amenity of the locality; the likely effect on roads and other infrastructure, traffic and essential services; any possible fall-back position by way of extant planning permissions or exempt development; and the likely effect on the reasonable enjoyment of neighbouring properties. These issues where relevant are considered above.

4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).

The proposal would have no impact on protected trees, monuments or buildings.

It is recommended that the application is approved subject to conditions.

Date: 04/08/2025

