

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 from car showroom to convenience retail (Use Class 9) and associated works.

LOCATION: St Martins Garage, La Grande Rue, St. Martin.

APPLICANT: St Martins Garage Guernsey Ltd

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: 09/09/2025

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 24/06/2025 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Strategic Planning & Property Ltd - 514_100

Application Ref: FULL/2025/1014

Property Ref: J001810000

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.No use of the premises shall be carried out other than between 07:00 hours and 21:00 hours on Mondays to Sundays.

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.

5.The premises shall be used only for convenience retail use (Use Class 9) and for no other purpose set out in 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 - Permission has been granted on the basis that the use will be limited to that outlined above. Any other use is likely to raise different planning policy considerations.

Expiry Date: This permission will cease to have effect on 08/09/2028 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

Please note that a separate application is likely to be required should any new advertisement and/or air handling equipment be required as part of the approved change of use.

It is recommended that the applicant contact the Office of Environmental Health and Pollution Regulation to discuss food safety requirements prior to the commencement of works.

It is recommended that the applicant's consider incorporating pedestrian safety measures, such as marking or designating pedestrian walkways and crossings within the confines of the site in the interests of safe and convenient access for all users of the proposed store.

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/2025/1014
Property Ref: J001810000
Valid date: 24/06/2025
Location: St Martins Garage La Grande Rue St. Martin Guernsey
GY4 6RU
Proposal: Change of use of ground floor from car showroom to
convenience retail (Use Class 9) and associated works.

Applicant: St Martins Garage Guernsey Ltd

RECOMMENDATION - Grant: Planning Permission with Conditions:

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Reason - To ensure that it is clear that permission is only granted for the development to which the application relates.

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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.

4. No use of the premises shall be carried out other than between 07:00 hours and 21:00 hours on Mondays to Sundays.

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.

5. The premises shall be used only for convenience retail use (Use Class 9) and for no other purpose set out in 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 - Permission has been granted on the basis that the use will be limited to that outlined above. Any other use is likely to raise different planning policy considerations.

INFORMATIVES

Please note that a separate application is likely to be required should any new advertisement and/or air handling equipment be required as part of the approved change of use.

It is recommended that the applicant contact the Office of Environmental Health and Pollution Regulation to discuss food safety requirements prior to the commencement of works.

It is recommended that the applicant's consider incorporating pedestrian safety measures, such as marking or designating pedestrian walkways and crossings within the confines of the site in the interests of safe and convenient access for all users of the proposed store.

OFFICER'S REPORT

Site Description:

The application site consists of a mixed use site with a mix of buildings and land, of which includes Island House, St Martin's Garage, and Matalan, which form a Business Park and are all under the same ownership as shown on drawing 514_100.

The building in question, known as Island House, comprises a two-storey building located to the north-east of Grande Rue. The building is split over two floors with a car showroom on the ground floor and an architect's office at first floor.

The property is located in St Martin's Local Centre as designated in the Island Development Plan (IDP) Proposals Map.

The current use of the building is recognised as a car showroom with additional car sales on the forecourt which wraps around the north and east of the building. The use of the site is regarded as a *sui-generis* use under the Land Planning and Development (Use Classes) Ordinance, 2017, although is regarded as comparison retail for the purposes of IDP.

Pre-application advice was sought in respect of changing use of the site from *sui generis*, to a convenience retail unit.

Relevant History:

PREA/2025/0687	Change of use of ground floor to convenience retail	Pre-application enquiry
FULL/2015/1523	Change of use of front of rear showroom to shop (Retail use class 14).	Granted
PREA/2015/1185	Change of Use of rear showroom to retail use.	Pre-application enquiry
FULL/2015/0829	Change of Use from shop to car showroom, remove car wash and equipment and alter car parking areas.	Granted
FULL/2014/1721	Change of use of front of rear showroom to shop, storage and sorting.	Granted
FULL/2013/0997	Change of use of front of rear showroom to shop (Retail use class 14) with ancillary storage and sorting	Refusal
FULL/2012/3458	Change of use of front of rear showroom to shop (Retail Use Class 14).	Refusal
FULL/2012/2228	Change of use of forecourt shop to shop (Retail Use Class 14) and for the sale of fuel.	Granted
FULL/2012/1766	Remove two existing fuel pump points and extend existing forecourt shop to front (south) elevation, install new windows and door to side (east) elevation and install door to west elevation.	Granted
FULL/2012/0647	Change of Use of premises to Multi-Disciplinary Health and Rehabilitation Centre (Public Amenity Use Class 24).	Refusal
FULL/2012/0378	Change of use of ground floor car showroom to retail use., alterations to form new entrances and fire exits, create paved area and install new bollards.	Granted
PAPP/2009/0785	Change of Use of car showroom to office (use class 25)	Refusal

PAPP/2009/0780	Change of Use of car showroom to shop (use class 16)	Refused
PAPP/2008/1781	Change of use of ground floor car showroom to office (Use Class 25).	Granted
PAPP/2007/2624	Alterations and conversion of car showroom to two retail units, demolish existing forecourt shop and surface car park area.	Granted

Existing Use(s):

Sui generis – Car showroom and outside forecourt sales.

Brief Description of Development:

The application seeks to change the use of the ground floor from a car showroom to a convenience retail store (Retail use class 9: convenience retail).

The internal floor area of the building equates to 800sqm. The application includes a basic floor plan which indicates no internal or external changes to the building.

The proposal includes 6 disabled parking bays, and 10 cycle stands (20 bicycles) to the front (west) of the building.

The applicant has submitted a covering letter setting out the following salient points;

- The nature and type of retail offering sustains demand in an existing Local Centre whilst reusing an existing building.
- Such actions would maintain and sustain the enhancement to this community.
- This retail offering sustains the daily essentials. This will not detract from the Main Centres or result in an inappropriate scale of use in conflict with Paragraphs 13.2.3 and 13.2.4 of Policy LC5 (Retail in Local Centres)
- The ethos of this relocation of convenience retail within a Local Centre is more aligned to which resists convenience retail loss, and especially established essential services
- Applying that to Policy LC5, the scale of these use was already established and a reason for the Local Centre designation as a scale to maintain and enhance the character and vitality of this particular Local Centre.
- Therefore, the operational scale of this retail use has existed since the inception of the Local Centre and this relocation is no more or less intensive in retail terms than the current or possible uses. This particular Local Centre is the largest and this type of retail has long complimented its role and in support of social inclusivity and sustainability of this community and no loss to vitality or viability of the Main Centres.
- The most recent Local Centre data confirms that St Martin Local Centre is the largest in terms of area with approximately 11% of the area as convenience retail and 32% combined of comparison and comparison retail trades. All this

planning application would do is shift less than 1% in the other direction. This would result in sustained provision of an existing use in maintaining the character and vitality of the Local Centre as its loss would result in a short fall of this specific type of retail offering.

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

- LC5 Retail in Local Centres.
- GP4 Conservation Areas
- GP8 Design
- GP9 Sustainable Development
- IP6 Transport infrastructure and support facilities
- IP7 Private and communal parking
- IP9 Highway Safety, Accessibility and Capacity

Supplementary Planning Guidance – Parking Standards and Traffic Impact Assessment (2016)

Representations:

None received.

Consultations:

Traffic and Highway Services' comments:

"I refer to the application received on 1 July 2025 from St Martin's Garage Guernsey Ltd regarding the above request.

The site is located within St Martin's Business Park, La Grande Rue, St Martin. La Grande Rue is classified as a Traffic Priority Route within the Traffic Management Hierarchy and is restricted to a 25mph speed limit. The proposal is to change the ground floor from its current use as a car showroom operated by Motor Mall to a convenience retail unit for an Iceland food store. St Martin's Business Park comprises a mix of businesses, including a petrol station, a Matalan store, and St Martin's Tyre Company. The road at this location is 5.5m wide, with a 1.2m wide footway on the opposite side of the carriageway and no nearside footway.

There is existing parking provision for over 100 vehicles within the site. The proposed plans include the creation of an additional six accessible parking bays and cycle parking for 20 bicycles at the southwest corner of the site. The site already has an in/out access arrangement at the southernmost access point, serving the proposed new spaces. Although this access is existing, it is bordered to the south by a neighbouring pillar measuring 1.1m in height, which slightly obstructs the approaching sightline. However, as the access is elevated above the road level, the majority of drivers would be able to stretch slightly to see over the wall. The oncoming sightline was seen to be well in excess of 33m.

The two primary access points from the carriageway to the site are signed as separate entrance and exit points. The 8m entrance is located at the northwest corner of the site and features a walled bell-mouth at the northern boundary. The exit, located further south, is 6m wide and elevated above the carriageway, bordered on both sides by low walls that are well below the maximum permitted height of 900mm. The resulting sightlines meet technical standards, with both oncoming and approaching visibility exceeding the minimum required distance of 33m. Although there is no bell-mouth at the exit, there is sufficient space for vehicles to exit without crossing into oncoming traffic.

THS would comment that pedestrian access to the Business Park does raise some concerns. While there is a Zebra crossing located 15m north of the site entrance, there is no footpath along that section of road leading to the site, meaning it does not provide a continuous safe pedestrian access. The proposed change of use—not just to a convenience store, but to a large food store in particular—would likely lead to an increase in pedestrian movements to and from the site.

There is an existing ‘informal’ crossing point at the vehicle exit, where a painted Zebra-style crossing with tactile paving has been installed within the site and extends to the edge of the carriageway. Essentially, this is an uncontrolled crossing point and be recognised as a safe pedestrian route to the public footway on the opposite side of the road. However, THS would comment that the current surrounding highway infrastructure has been in place for many years and THS have no information on record of any RTCs involving pedestrians in this location during the past 5 years.

Any visitors accessing the site by vehicle will need to use the existing parking at the eastern end of the site, which is remote from the proposed retail unit. THS would observe that the developers could look at marking or designating pedestrian walkways and crossings within the site to improve pedestrian safety along the natural routes to and from the store entrance. Currently, pedestrians are required to share road space with vehicles exiting the site and the expected increase in both vehicle and pedestrian movements in that area should be considered. THS would encourage the applicant to consider appropriate mitigation measures to address these issues in the interest of improving overall accessibility and safety.

In conclusion, THS has some concerns over the anticipated increase pedestrian movements to and from the site with the current road infrastructure as mentioned previously but would not oppose this application.”

Office of Environmental Health and Pollution Regulation’s comments:

“I have reviewed the plans for the above mentioned address to be changed from Sui generic premises to retail use Class 9 that were received by email on 3rd July 2025 and I do not have any concerns.

I would urge the applicant to contact the Office of Environmental Health and Pollution Regulation to discuss food safety requirements prior to any structural works taking place.”

Summary of Issues:

- Whether change of use away from Sui Generis (Comparison Retail) to Convenience Retail in a Local Centre is acceptable.
- Whether the cumulative effect of retail provision in St Martin’s Local Centre is acceptable and would not undermine the Main Centres.
- Whether the pedestrian infrastructure to access the premises is acceptable and would not negatively impact on pedestrian safety.
- The impact of the development on the character and appearance of the Conservation Area.
- The impact of the development on neighbour amenity.

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 as set out in 2 below.

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

The overarching issue to assess the application is set out in Policy LC5 (Retail in Local Centres), which states:

“Proposals for new convenience retail development within the Local Centres will be supported where this is of a scale appropriate to maintain or enhance the character and vitality of the particular Local Centre concerned and where the scale or cumulative impact, with other such existing or proposed development, would not undermine the vitality of the Main Centres and where they accord with all other relevant policies of the Island Development Plan.”

To address Policy LC5, it is considered that the following aspects need addressing:

- Whether change of use away from Sui Generis (Comparison Retail) to Convenience Retail in a Local Centre is acceptable.
- Whether the cumulative effect of retail provision in St Martin’s Local Centre is acceptable and would not undermine the Main Centres.

Whether change of use away from Sui Generis (Comparison Retail) to Convenience Retail in a Local Centre is acceptable:

Policy LC5 (Retail in Local Centres) requires any proposals to be of a scale that is appropriate to the Local Centre concerned. Within paragraph 10.1.5 it is stated that not all of the Local Centres are of the same scale or contain the same requirements for change. Consequently, opportunities for development in all Local Centres will be limited and be reflective of the current scale and function of the Local Centre concerned ensuring that the impact of development, including cumulative impact, would be appropriate to the Local Centre in question in terms of either unacceptably reducing the level of provision or over-providing a particular use as well as ensuring that development would not affect the vitality and viability of the Main Centres.

Each Local Centre has its own identity and development proposals will need to be assessed within the context of the Local Centre in question. The IDP recognises the role of Local Centres as community focal points with the potential to provide local development opportunities of an appropriate scale to support the role of the Local Centres as socially inclusive and diverse communities and neighbourhoods.

The Island Development Plan defines 'retail' into two categories, 'Convenience retail' and 'Comparison retail'. Convenience retail is defined as *"the selling of, often essential, daily items such as fresh produce and food and drink"*, whereas Comparison retail is defined as *"the selling of goods, including clothing and footwear, furniture, furnishings and household equipment, which generally involves comparing similar goods before buying."*

Consequently, the application involves a change of use from a Sui generis use (comparison retail for the purposes of the IDP) to a new convenience retail store.

The Authority published annual surveys of Main Centres and Local Centres up to, and including 2020, and therefore this information is pertinent as part of assessing this application. The Local Centre Report (2020) states that the St Martin Local Centre is the largest in terms of land area, population and the number of dwellings, and has a strong convenience and service offering and retains a broad range of uses.

St Martin Local Centre has the largest number of non-residential properties of all 7 Local Centres (79) which is indicative of its role as a convenience and service centre. The Local Centre also has the highest number of sustainability indicators which implies that it is likely to sustain a larger scale of convenience retail to serve the local community.

It is also understood that comparison retail makes up 22% of non-residential properties, with convenience retail comprising 11%. Consequently, the data does not imply that there is an overprovision of convenience retail within St Martin's Local Centre.

In light of this data, the proposal would result in a shift to 20% comparison retail and 13% convenience retail, which is not considered significant.

Whilst there is already a strong convenience offering within the Local Centre, it is not considered that the addition of convenience retail with this proposal would result in an over-provision of convenience retail (including cumulative impact of the development together with existing) that would overprovide this particular use. Instead, it is considered that the expansion of convenience retail space will support and complement the existing role of the Local Centre as a convenience and service centre, and is of an appropriate scale to serve the community.

Overall, the application would not have any impact in the overall retail floor space in the Local Centre as simply one comparison retail unit is changing use to form a new convenience retail unit, for the purposes of the IDP. This shift between comparison retail/sui generis use to convenience retail is fairly inconsequential when taking into account the whole stock of retail provision in the Local Centre.

It is concluded that the proposed development is of an appropriate scale for the St Martin Local Centre and would support the role of the Local Centres as a socially inclusive and diverse community, and therefore is acceptable.

Whether the cumulative effect of retail provision in St Martin's Local Centre is acceptable and would not undermine the Main Centres:

The IDP states that the *"concept of vitality and viability is central to maintaining and enhancing town centres. It will depend on many factors, including the range and quality of activities in a centre, its mix of uses, its accessibility to people living and working in the area and its general amenity, appearance and safety"* (paragraph 4.1.6).

Page 371 of the IDP defines vitality and viability of a Centre as a *"measure of how busy and lively a Centre is, including the diversity of uses and purposes within it, reflecting the ability of the Centre to attract people, operators and businesses. Useful in assessing change over time and the likely impact of development proposals on that vitality."*

To assess the impact of the proposed development on vitality it is therefore necessary to consider factors set out below to see whether the impact, if any, is unacceptable.

The diversity of uses and purposes within the Centres:

The proposal would not result in either Main Centre (Town or the Bridge) having less diversity of use or purpose, and there are a variety of convenience retail stores in both Main Centres at present. By way of comparison, it is understood that an additional Iceland store (Convenience retail unit) is planned for Market Square, St Peter Port.

Impact on the delivery of planned developments in Centres:

The SLUP requires that the IDP makes provision for new large floor plate retail within the Main Centres, ensuring that Town remains the prime retail location. In this respect, the Regeneration Areas and the Harbour Action Areas provide an opportunity to incorporate large floor plate retail units, should this be considered appropriate, where it does not adversely affect the vitality and viability of the Core Retail Areas (IDP paragraph 7.3.10).

However to date, there are no current planned developments for the St Peter Port Regeneration Areas, or the Harbour Action Areas.

The level of footfall and the accessibility of the Centres

However, the loss of additional footfall as a result of locating this convenience store in St Martin's Local Centre is unlikely to be so substantial to conflict with the Main Centre policy, or when viewed collectively with other existing convenience retail units in the Local Centre.

The level of occupied versus vacant space / the quality of buildings and space:

There are vacant units in both Main Centres but not at a level to cause concern. The proposal could make use of vacant space in a Main Centre and depending on the site could deliver improvements to the public realm.

However in this case, the proposal will make use of an existing comparison retail (IDP)/sui generis premises, of a size and with parking provision, and improvements for disabled parking and bicycle provision, not readily available or easily accessible in the Main Centres.

The popularity of the centres with those who live, work or visit there:

Given the convenience retail offer in the Bridge Main Centre and nearby L'Islet Local Centre, and the distance to the St Martin Local Centre, it would appear unlikely that the Centres are in competition for convenience retailing.

Overall, it is considered that the proposal complies with IDP Policy LC5, and would not result in the St Martin Local Centre undermining the vitality and viability of the Main Centres.

Whether the pedestrian infrastructure to access the premises is acceptable and would not negatively impact on pedestrian safety:

Careful consideration has been afforded to the creation of a new convenience retail unit and the likely increase in pedestrian movements to access and egress from the premises. Traffic and Highway Services do not oppose the application but have raised that the agent should consider *"marking or designating pedestrian walkways and crossings within the site"* given that pedestrians accessing the building are likely to share the road space within the site, and therefore measures should be encouraged in the interest of improving accessibility and safety. An informative to this effect should be attached to the decision given that this relationship already exists between pedestrians and shared road space accessing the building.

THS also note that the existing access already achieves acceptable sightlines towards oncoming and approaching traffic and *"although there is no bell-mouth at the exit, there is sufficient space for vehicles to exit without crossing into oncoming traffic."*

In addition, an appropriate and reasonable level of disabled parking and bicycle parking is provided at the front of the site and takes into account the Supplementary Planning Guidance (Parking Standards and Traffic Impact Assessment (2016).

The impact of the development on the character and appearance of the Conservation Area:

The proposed change of use, from a car showroom to a large convenience store, is not considered to have a detrimental effect on the character and appearance of the Conservation Area (Policy GP4) when viewed in context with the existing use of the building.

An informative however should be attached to the decision to advise the applicant that any new signage may require a separate grant of planning permission as this could affect the Conservation Area.

The impact of the development on neighbour amenity:

No concerns are raised by the Office of Environmental Health and Pollution Regulation with regards to the effect of the development with regards to neighbour amenity, However to ensure this remains the case it is considered appropriate to control hours of operation to prevent late evening and early morning opening.

The change of use alone is not considered to cause any significant adverse effects on the amenities of neighbouring residents.

An informative should be attached to the decision to advise the applicant to contact the Office of Environmental Health and Pollution Regulation to discuss food safety requirements prior to the commencement of works.

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

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.

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

The proposal would have no impact on Protected Buildings, Trees or on SSS's.

For the reasons set out within this report, it is recommended that the application be granted planning permission, subject to conditions.

Date: 04/09/25

