

## ONLINE VERSION

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 to office use (Administrative, financial and professional services - Use Class 15).

**LOCATION:** Retail Unit 4 Upper Ground Floor, Royal Terrace, Gategny Esplanade, St. Peter Port.

**APPLICANT:** Itchyfeet Recruitment Agency 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: 21/08/2018**

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 27/06/2018 and the drawings referred to below. This grant of permission is subject to the following conditions:-

**Application Ref:** FULL/2018/1646

**Property Ref:** A11120P006

**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. The premises shall be used only for providing professional or financial services to visiting members of the public in accordance with Use Class 15 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 - 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 20/08/2021 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](http://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](mailto: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/2018/1646  
**Property Ref:** A11120P006  
**Valid date:** 27/06/2018  
**Location:** Retail Unit 4 Upper Ground Floor Royal Terrace Glatigny  
Esplanade St. Peter Port Guernsey GY1 2HN  
**Proposal:** Change of use from retail use to office use (Administrative,  
financial and professional services - Use Class 15).  
**Applicant:** Itchyfeet Recruitment Agency Limited

**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.

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. The premises shall be used only for providing professional or financial services to visiting members of the public in accordance with Use Class 15 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 - 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**

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### **OFFICER'S REPORT**

#### **Site Description:**

The application relates to one of the shop units towards the rear of the mixed use development known as Royal Terrace, on Gategny Esplanade. The property contains residential units on the upper floors and also includes the Co-op and Urban Kitchen on the lower floor.

The site is within the Main Centre of St Peter Port, but is outside the Core Retail Area.

#### **Relevant History:**

2008 – PAPP/2007/2016 Residential Phase 2, Erect residential and retail units, approved

The permission included 48 apartments and 4 retail units. One is occupied by the Co-op, two were combined to form Urban Kitchen and the rear unit has remained vacant since built.

#### **Existing Use(s):**

Retail

#### **Brief Description of Development:**

This application is for a change of use of the vacant shop unit to a recruitment agency. The applicant states that their clients would be seeking employment in the finance and public services sectors, and that they would hope the use would increase footfall to the area, making it a more vibrant location.

The shop unit is to the rear, at the upper ground floor level, and is approx. 188 sq. m.

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

MC6 : Retail in Main Centres

MC4(A) : Office Development in Main Centres

**Representations:**

None

**Consultations:**

None

**Summary of Issues:**

Whether the retail use needs to be protected

Whether an office use is acceptable

**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).**

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.

Planning permission was granted in 2008 for Phase 2 of the Gategny redevelopment scheme, now named Royal Terrace. Phase 1 was the residential area now named Royal Gardens and there were two office developments, Royal Chambers and Royal Bank Place, forming the remainder of the redevelopment scheme.

The approved residential and retail scheme included 48 apartments and 4 retail units, one is the Co-op, two were combined to form Urban Kitchen and the last remains vacant.

This application now seeks permission to change the vacant shop unit to an office use, for a recruitment agency.

Island Development Plan policy MC6 states that, "Beyond the Core Retail Areas, change of use away from retail will be permitted where it supports the objective of ensuring the Main Centres remain attractive focal points for economic and social activity."

A recruitment agency is an office use, rather than a retail use, but would offer a service to visiting members of the public, and as such is likely to contribute to the Main Centre remaining a focal point for economic and social activity.

Policy MC4 supports proposals for new office development within the Main Centres.

The proposed change of use would have no implications for matters of design and appearance, unless signage was proposed, but this would require a separate planning permission, and in any case it should be possible to design satisfactory signage, if required.

There are two parking spaces within the underground car park related to this unit. The site is within the Main Centre where no parking is required to be provided, and the site is across the road from the North Beach car park. It is also assumed that many customers will arrive by foot from their work places.

It is recommended that permission is granted.

**Date:** 20/08/2018