

**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:** Alterations to shop front to front (north) elevation at ground floor level, insert roof light to front (north) elevation, create balcony to rear (south) elevation and alterations to all fenestration.

**LOCATION:** Flat 6, Westerbrook, South Quay, St. Sampson.

**APPLICANT:** Mr S & Mrs C Bacon

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:** 29/09/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 21/07/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

**Drawing Nos:** Jason Hobbs Architectural Services Ltd - 6290/A/1

**Application Ref:** FULL/2022/1398

**Property Ref:** B003160001

**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 28/09/2025 unless development is commenced by that date.**

#### **ADVICE AND OTHER REMARKS:-**

##### **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/2022/1398  
**Property Ref:** B003160001  
**Valid date:** 21/07/2022  
**Location:** Flat 6 Westerbrook South Quay St. Sampson Guernsey GY2 4QH  
**Proposal:** Alterations to shop front to front (north) elevation at ground floor level, insert roof light to front (north) elevation, create balcony to rear (south) elevation and alterations to all fenestration.

**Applicant:** Mr S & Mrs C Bacon

**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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## OFFICER'S REPORT

### Brief Description of the site:

The property is one part of a block known as 'Westerbrook', it comprises a ground floor shop with two storey flat above. It is an end of terrace building which faces north directly onto South Quay. The attached buildings (also part of Westerbrook) are to the east there is a narrow lane leading to parking to the west and a rear yard and another Westerbrook block to the south. The property is located in the St Sampson Main Centre, Conservation Area, and Harbour Action Area as defined in the Island Development Plan.

### Relevant History:

There is no relevant history pertaining to this application.

### Existing Use(s):

Residential use class 2: flat  
Retail use class 10: general retail.

### Assessment: *(Tick as appropriate)*

|                     |                                     |                              |                                     |
|---------------------|-------------------------------------|------------------------------|-------------------------------------|
| no representation   | <input checked="" type="checkbox"/> | visual amenity acceptable    | <input checked="" type="checkbox"/> |
| accords with policy | <input checked="" type="checkbox"/> | no material neighbour impact | <input checked="" type="checkbox"/> |
| within curtilage    | <input checked="" type="checkbox"/> | traffic not affected         | <input checked="" type="checkbox"/> |
| design acceptable   | <input checked="" type="checkbox"/> |                              |                                     |

### Policies considered most relevant:

MC6: Retail in Main Centres  
MC10: Harbour Action Areas  
GP4: Conservation Areas  
GP8: Design  
GP9: Sustainable Development  
GP13: Householder Development

**Conclusion/Brief comment:**

This application is to alter the north facing ground floor shop front, by replacing the door and window, install a rooflight on the east side of the north facing roof slope, install a first floor balcony to the south elevation and some alterations to the fenestration.

The existing shop front timber windows and door are not possessed of any significant architectural or historic merit, and it is not considered that their replacement with uPVC would detract unduly from the character of either the host building or the Conservation Area.

The addition of a small rooflight on the front facing roof slope is not thought to impact on the special quality of the surrounding Conservation Area. The proposals on the north elevation will not have any effect on neighbour amenity.

The rear south facing balcony would have views over an enclosed courtyard, which is a public space rather than private amenity space. The car park to the west would also be overlooked, but the applicant has shown a 1.8m opaque privacy screen along this elevation of the balcony, even though the car park is not deemed private amenity space, the screen will give the balcony users more privacy.

In conclusion the proposals are not thought to impact on the character of the area nor will they have any detrimental effects on neighbour amenity.

Policy GP9, Sustainable Development, seeks to ensure all new development takes into account the use of energy and resources and any adverse impacts on the environment. There has been sufficient information provided with the application to comply with the requirements of this policy.

The proposals are considered to conform to the above policies of the Island Development Plan and grant of permission is recommended, subject to conditions.

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.

**Recommendation:**

Grant with Conditions



**Date:** 28/09/2022