

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 Estate Agent (Use Class 15).

LOCATION: 1 Westerbrook, Southside, St. Sampson.

APPLICANT: Mr & Mrs S & 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: 04/04/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 30/01/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Block Plan, Site Plan, Ground Floor Plan (all date stamped received 30th January 2023).

Application Ref: FULL/2023/0135

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).

Expiry Date: This permission will cease to have effect on 03/04/2026 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.

Please ensure that you notify the Authority of the date on which the change of use takes place. Once the change has been made the property will be classified as shown above.

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/2023/0135
Property Ref: B003160001
Valid date: 30/01/2023
Location: 1 Westerbrook Southside St. Sampson Guernsey GY2 4HQ
Proposal: Change of use from general retail (Use Class 10) to Estate Agent (Use Class 15).
Applicant: Mr & Mrs S & C Bacon

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).

INFORMATIVES

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

Please ensure that you notify the Authority of the date on which the change of use takes place. Once the change has been made the property will be classified as shown above.

OFFICER'S REPORT

Brief Description of the site:

The application site known as 1 Westerbrook comprises a traditional end of terrace property located to the south of South Quay, St. Sampson. The property is located

within a Conservation Area and Harbour Action Area as designated in the Island Development Plan.

Planning permission is sought to change the use of the premises from general retail (use class 10) to an estate agent (use class 15). No exterior changes are proposed as part of this application.

Relevant History:

FULL/2022/1398	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.	Granted
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Existing Use(s):

Retail –Wayfarers Travel

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:

MC4(A) Office Development in Main Centres
MC6 Retail in Main Centres
GP4 Conservation Areas
GP8 Design

Conclusion/Brief comment:

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 preceding text of Policy MC6 (paragraph 7.3.7 and 7.3.8) states that:

“Beyond the Core Retail Areas, but within the Main Centres, the Authority will support and encourage new retail development while also offering flexibility for existing retail uses to change to other uses where this supports the policy objective of ensuring the Main Centres are retained and enhanced as focal points for a range of uses that contribute positively to their vitality and viability.

The Strategic Land Use Plan identifies that land use policies should be developed that adopt a more flexible approach to retail activity within the fringe areas of the Main Centres, where the market can best determine future use whilst protecting key retail areas from dilution by non-retail activities”.

Policy MC4(A) states that:

“Proposals for new office development or the refurbishment, redevelopment, or extension of existing office stock within the Main Centres and the development of office accommodation above ground floor level within the Core Retail Areas will be supported.”

In this case, and in light of the policy context above, the application site is located outside of the Core Retail Area of the Bridge and therefore the loss of a retail unit (travel agent) in exchange for a similar use (estate agent) would have a negligible effect on the vitality of the Main Centre. Consequently, the Bridge would remain an attractive focal point for economic and social activity.

There are no physical changes to the application site therefore the character and appearance of the Conservation Area would not be affected.

It is recommended to attach an informative to the decision to notify the applicant that planning permission may be required for new signage to the front of the building, and to notify the Authority once the change of use has been implemented.

Based on the above, the application is considered compliant with the relevant Island Development Plan policies; it is therefore recommended that planning permission be granted, subject to conditions.

Recommendation:

Grant with Conditions



Date: 31/03/23