

THE LAND PLANNING AND DEVELOPMENT (GUERNSEY) LAW, 2005

AND SECTION 19 OF THE LAND PLANNING AND DEVELOPMENT (GENERAL PROVISIONS) ORDINANCE, 2007

NOTIFICATION OF REFUSAL OF PLANNING PERMISSION

PROPOSALS: Alterations to shop front and erect illuminated signage to east and north elevation (Protected Building).

LOCATION: Fusion Nightclub & Luna Bar, Lower Pollet, St. Peter Port.

APPLICANT: Hutch Ltd

I refer to the application referred to below received as valid on 12/10/2022 regarding the above proposals as described more fully in the application and drawings referred to below.

Date of refusal of permission: 22/11/2023

Drawing Nos: Studio 038/ SS 15E & 16D.

Application Ref: FULL/2022/1939

Property Ref: A112450000+A112460000

The Development & Planning Authority has decided to refuse your application under the provisions of section 16 of the Land Planning and Development (Guernsey) Law, 2005 for the following reasons:-

1. The site is located within a Conservation Area. Island Development Plan Policy GP4: Conservation Areas states that proposals for development within a Conservation Area will be supported where the development conserves and, where possible, enhances the special character, architectural or historic interest and appearance of the Conservation Area. Policy GP8: Design states that within Conservation Areas, development will be expected to achieve a particularly high standard of design which should respect the character of the environment concerned.

In this case, the proposed alterations and signage to the shopfront on the Lower Pollet do not represent a coherent design and result in an unsatisfactory appearance. In addition, the application is in part retrospective and this demonstrates that the proposed scheme cannot be implemented as shown on the submission drawing, with the fascia sign installed overlapping the shopfront windows due to the presence of elements not shown on the drawing.

Overall, the proposal does not achieve a particularly high standard of design which is required in such a sensitive area under Policy GP8 and would detract from the special character and appearance of the Conservation Area contrary to Policy GP4.

OTHER REMARKS:-

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, against a decision to refuse an application for planning permission or outline planning permission to the Planning Tribunal on the merits. 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.

Copy of representations made

In reaching this decision the Development & Planning 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 to the Authority under section 11 will be included with this decision in accordance with section 19 of the Ordinance.

A J ROWLES

Director of Planning
Planning Service



PLANNING APPLICATION REPORT

Application No: FULL/2022/1939
Property Ref: A112450000+A112460000
Valid date: 12/10/2022
Location: Fusion Nightclub & Luna Bar Lower Pollet St. Peter Port
Guernsey GY1 1WF
Proposal: Alterations to shop front and erect illuminated signage to east
and north elevation (Protected Building).
Applicant: Hutch Ltd

RECOMMENDATION - Refusal with Reasons:

REASONS FOR REFUSAL

1. The site is located within a Conservation Area. Island Development Plan Policy GP4: Conservation Areas states that proposals for development within a Conservation Area will be supported where the development conserves and, where possible, enhances the special character, architectural or historic interest and appearance of the Conservation Area. Policy GP8: Design states that within Conservation Areas, development will be expected to achieve a particularly high standard of design which should respect the character of the environment concerned.

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OFFICER'S REPORT

Site Description:

The application site is located within the Main Centre Inner Area, Conservation Area, Regeneration Area, and is adjacent to the Harbour Action Area as designated on the Island Development Plan (IDP) Proposals Map.

The application relates to a night club formerly known as 'Fusion', now 'Canvas', which is accessed from Le Truchot, and a bar formerly known as 'Luna', now Bad Habits, and

accessed from the Lower Pollet. The two premises are physically linked internally and under the same ownership.

A retrospective application to install signage at Luna Bar and Fusion nightclub was refused in 2011. On subsequent appeal (PAP/004/2012), part of the appeal was allowed, and part dismissed, with illuminated signage allowed for Luna Bar, and refused for Fusion nightclub.

As set out in the appeal decision, the Tribunal described the character of Lower Pollet as:

“... narrow, winding and busy shopping street, rising gradually towards the south. Although vehicles are permitted, the area has a very high level of pedestrians. The buildings are generally two and three storeys in height, and display a diversity of architectural forms and details. Many of the buildings are relatively modern, though some clearly have historic origins. The street contains a mixture of uses and activities, including retail premises, commercial offices, residential uses and cafes, restaurants and bars.”

This description of this area of Town remains broadly the same today. The Lower Pollet is part of the main shopping area of Town which features numerous fascia signs above retail premises. The street scene includes commercial establishments including cafes, bars and restaurants. Some of the fascia signs are illuminated by a more traditional form of external lighting, such as downlights/spotlights, and generally this is restricted to those premises open at night.

The Tribunal described the character of Le Truchot as:

“Le Truchot is a wide carriageway carrying heavy traffic flows and is dominated by modern office development. The nightclub entrance is located at the eastern end of Le Truchot, close to the junction with the Lower Pollet, and is located in a modern, two-storey building of utilitarian appearance. Few of the office buildings in this part of Le Truchot have visible signage. Where it occurs this is normally traditional in appearance, and is restricted to small descriptive plates at eye level, or building names at a higher level that are modest in size and non-illuminated.”

This description of this area of Town also remains broadly the same today. It is also noted that Le Truchot has no commercial shopping activity and is predominantly characterised by offices. The presence of signage and advertising is limited and designs are restrained and not illuminated.

Relevant History:

PAP/004/2012	Appeal relating to illuminated signage – FULL/2011/2103	Part allowed, part dismissed
FULL/2011/2103	Erect signage at Luna Bar and Fusion Nightclub (Retrospective)	Refused

Existing Use(s):

Bar - Retail.

Nightclub – Sui Generis.

Brief Description of Development:

Planning permission is sought to:

- Alter the building façade to the east of the site at ground floor level,
- Install illuminated signage to the east and north elevations of the building which front onto both Lower Pollet and Le Truchot, respectively.

The agent provided photographs of both illuminated signs during opening hours which provides context and confirms the extent of illumination in relation to the surrounding area.

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

MC6: Retail in Main Centres

GP4: Conservation Areas

GP8: Design

St Peter Port Conservation Area Appraisal – Character Areas - Old Town

Representations:

None.

Consultations:

The Office of Environmental Health and Pollution Regulation's comments:

"I confirm that I do not wish to make any recommendations or raise any objections to the proposals."

Summary of Issues:

- Whether the proposals are acceptable in design terms and conserve or enhance the character and appearance of the Conservation Area.

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).

Policy context:

The Island Development Plan was adopted in 2016. The current application is assessed under the relevant IDP policies.

All material considerations as set out in the Land Planning and Development (Guernsey) Law, 2005 and the Land Planning and Development (General Provisions) Ordinance, 2007 have been considered in the assessment of this application.

Section 38 of the Law explains the general functions of authorities in respect of conservation areas. This states that:

In the exercise, with respect to any building or other land in a conservation area, of any powers under this Law or any other enactment, special attention shall be paid to the desirability of preserving and enhancing the character and appearance of that area.

In respect of these statutory duties, the word 'preserve' is taken in its ordinary meaning as set out in Chamber's dictionary, which is 'to keep safe from harm or loss'.

IDP Policy GP4: Conservation Areas states that proposals for development within a Conservation Area will be supported where the development conserves and, where possible, enhances the special character, architectural or historic interest and appearance of the particular Conservation Area.

Section 13 to Part IV of The Land Planning and Development (General Provisions) Ordinance, 2007, sets out a number of general material considerations, the following of which are considered to be relevant in this instance:

- (b) the character and quality of the natural and built environment which is likely to be created by the development,
- (c) the appropriateness of the development in relation to its surroundings in terms of its design, layout, scale, siting and the materials to be used,
- (d) the likely effect of the development on the character and amenity of the locality in question,

IDP Policy GP8: Design states that:

"Some parts of the Island are more sensitive to building design than others. Within Conservation Areas and where development relates to protected buildings or protected monuments and their settings, development will be expected to achieve a particularly high standard of design which should respect the character of the particular environment concerned. This may result in either a contemporary or traditional approach to design but, whatever the chosen approach, new development in such circumstances should consider, without necessarily replicating, the scale, mass, detail and special interest of the surrounding built form to complement the local character."

The St Peter Port Conservation Area Appraisal for the Old Town (which includes the Lower Pollet) has been published which notes some of the Strengths, Issues and Opportunities of the Old Town. Discreet signage contributes to the character of the Old Town, although the insertion of inappropriate signage to both protected and non-protected buildings and structures can represent unsympathetic alterations and are considered as 'Detractors' of the Conservation Area. It is recognised as an 'opportunity' within the Character Appraisal to ensure that alterations conserve and enhance the public realm, including signage.

Lower Pollet:

Although a degree of illumination to an appropriately designed name sign could be acceptable in principle, the overall design and appearance of the shopfront and signage on Lower Pollet would justify refusal of the application given the location of the site within the Conservation Area.

The proposals do not represent a coherent design and result in an unsatisfactory appearance including when compared with previously approved proposals for this and other premises in the Lower Pollet.

In addition, the application is in part retrospective as the fascia sign has been erected, however this demonstrates that the proposed scheme cannot be implemented as shown on the submission drawing, with the sign installed overlapping the shopfront windows below due to the presence of a flashing along the top of the shopfront which is not shown on the drawing.

Overall, the proposal does not achieve a particularly high standard of design which is required in such a sensitive area under Policy GP8 and would detract from the special character and appearance of the Conservation Area contrary to Policy GP4.

Le Truchot:

The proposed Canvas sign is relatively small and discreet and achieves a high enough standard of design to conserve the character and appearance of the Conservation Area. However, given the issues described above it is recommended that the application as a whole is refused.

Date: 21/11/2023