

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: Install sign and light to east (front) elevation (Protected Building) (Retrospective).

LOCATION: Sorrento Restaurant, 27 The Quay, St. Peter Port.

APPLICANT: Mr S Cacace

I refer to the application referred to below received as valid on 06/07/2023 regarding the above proposals as described more fully in the application and drawings referred to below.

Date of refusal of permission: 21/02/2024

Drawing Nos: Block Plan, Smith Signs' Supporting information, Fascia Specification & elevations

Application Ref: FULL/2023/1108

Property Ref: A300130003

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 siting and appearance of the proposed light unit above the existing first floor fascia does not represent a high standard of design and would have an adverse impact on the character and appearance of the Conservation Area. The proposed development would result in the introduction of high-level illuminated signage in a prominent and sensitive location within the Conservation Area and would detract from the night-time character of the Conservation Area and the Quay. The scheme is therefore contrary to Policies GP4, GP8a., GP9 b. and by extension MC6 of the Island Development Plan.

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/2023/1108
Property Ref: A300130003
Valid date: 06/07/2023
Location: Sorrento Restaurant 27 The Quay St. Peter Port Guernsey GY1 2LE
Proposal: Install sign and light to east (front) elevation (Protected Building) (Retrospective).
Applicant: Mr S Cacace

RECOMMENDATION - Refusal with Reasons:

REASONS FOR REFUSAL

1. The siting and appearance of the proposed light unit above the existing first floor fascia does not represent a high standard of design and would have an adverse impact on the character and appearance of the Conservation Area. The proposed development would result in the introduction of high-level illuminated signage in a prominent and sensitive location within the Conservation Area and would detract from the night-time character of the Conservation Area and the Quay. The scheme is therefore contrary to Policies GP4, GP8a., GP9 b. and by extension MC6 of the Island Development Plan.

OFFICER'S REPORT

Site Description:

The two-storey building known as 'Sorrento Restaurant' forming the lower part of Waterloo House, 27 The Quay, faces east directly onto the pavement with views across the marina between Albert and Victoria Piers. There are attached buildings to the north and west and the upper floors of Waterloo House face west onto the High Street. The property is in the St Peter Port Main Centre, Conservation Area and a Harbour Action Area as defined in the Island Development Plan. Waterloo House is also a Protected Building.

Relevant History:

FULL/2023/0758 - Erect raised decking area and balustrade to east elevation – refused

Appeal PAP.022/2013 against the refusal of planning permission to light the existing sign above first floor windows (described by the Tribunal as second floor level) at Mora Restaurant and Grill (now Sorrento) – appeal dismissed – the impact of the individual sign is marginal and finely balanced however, it would then be difficult to resist applications to illuminate other high level signs on pubs and restaurants that already

exist along the frontage which would then add an inappropriately commercial ambience to this prominent frontage and would neither conserve nor enhance the character and appearance of this part of the Conservation Area.

FULL/2015/1135 – proposed illuminated external lighting – refused – introduction of high level illuminated signage in a prominent and sensitive location within the Conservation Area and on a Protected Building. Policy in place at the time, including supporting text, resisted illuminated signage, such as this, and that as a general rule signs above first floor window cill level were considered unacceptable. The illuminated sign would have been harmful to the character of the Conservation Area and special interest of the Protected Building.

FULL/2013/1468 – install illuminated signage (protected building) – refused – illuminated signage resisted and the impact on the conservation area and protected building would be unacceptable being overly prominent, detrimental to the conservation area and protected building.

2011 – various pre-application discussions relating to illuminating the front of the building, erecting external lighting and erecting a hanging sign – reference made to scope for general, wash effect lighting across the building frontage. Concerns expressed regarding the introduction of illuminated signage having regard to the location of the site within a Conservation Area and being a Protected Building.

PAPP/2008/0769 – Install a 6.5m long trough light hood at high level – refused – the light hood, by virtue of its position and appearance, would have a detrimental effect on the appearance of the building and the special qualities, character and appearance of the Conservation Area and the distinctive character of the Quayside.

Other sites in close proximity

Balthazar - FULL/2022/2335 - Erect fascia sign and double-sided projecting sign at first floor level, install porcelain tiles at ground floor level to east (front) elevation (Protected Building) – granted with condition excluding three external hanging wall lights above the fascia sign

A general review of Quay-side properties between Church Square and the Ship and Crown indicates that although permission has been granted for new/replacement signage none have been illuminated and in several cases illumination has been expressly omitted by condition. In other cases an informative note has been placed on a planning permission to clarify that the signage is non-illuminated only.

Existing Use(s):

Brief Description of Development:

The application relates to the installation of a fascia sign with applied lettering (28mm projection) above the first-floor balcony and windows associated with the restaurant that operates from the ground and first floor, facing The Quay. The scheme also incorporates a strip light with lighting hood projecting 245mm from the face of the building, attached to the top of the fascia and directed back onto the lettering below. The application is retrospective because the sign and lighting have been installed.

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

MC6: Retail in Main Centres
MC10: Harbour Action Areas
GP4: Conservation Areas
GP5: Protected Buildings
GP8: Design
GP9: Sustainable Development
Annex VIII: Conservation Areas
St Peter Port Conservation Area Appraisal

Representations:

None.

Consultations:

None.

Summary of Issues:

The key issues in this case relate to the impact of the proposed signage and illumination on the character and appearance of the Conservation Area and the effect of the works on the fabric and special interest of the Protected Building.

Assessment against:

1 - Purposes of the law.

The objectives set out in Section 1(2) of The Land Planning and Development (Guernsey) Law, 2005, 'the Law', have been considered and this report forms part of the assessment, with policy issues set out in Section 2 below.

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

The application relates to an illuminated fascia sign above the first-floor windows/balcony facing east onto The Quay. The proposed signage would not prejudice the outcome of a Local Planning Brief for the Harbour Action Area and its

implementation. The IDP offers general support for alterations to existing retail premises through Policy MC6.

The purposes of the Land Planning and Development (Guernsey) Law, 2005, are to protect and enhance, and to facilitate the sustainable development of, the physical environment of Guernsey.

Section 34 of the Law explains the general functions of authorities in respect of protected buildings. This states that:

It is the duty of any department of the States when exercising its functions under this Law –

(a) to secure so far as possible that the special historic, architectural, traditional or other special characteristics of buildings listed on the protected buildings list (“protected buildings”) are preserved, and

(b) in particular, in exercising its functions with respect to a protected building or any other building or land in the vicinity of a protected building, to pay special attention to the desirability of preserving the protected building’s special characteristics **and setting** [emphasis added].

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’.

The purposes of the Law are reflected in the Island Development Plan, the principal aim of which is to help maintain and create a socially inclusive, healthy and economically strong Island, while balancing these objectives with the protection and enhancement of Guernsey’s built and natural environment and the need to use land wisely. Relevant policies will be addressed below in assessing the key issues.

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,

Section 15 clarifies that the considerations referred to in paragraphs (b) and (c) of section 14 also apply to protected buildings.

Signage is important in commercial areas, being informative and contributing to interest and vitality in the street scene. Nonetheless, inappropriately situated signage, signs that are poorly designed or a proliferation of signs can have a detrimental impact on the locality. The application primarily falls to be considered against IDP Policy GP4: Conservation Areas, GP8: Design and GP9: Sustainable Development (including impacts on Conservation Areas). Policy GP5 is also relevant in relation to the effect of the development on the setting of the protected building and physical impact of attaching the sign and lighting to the building.

It is useful to review previous applications/appeals for this site (see 'relevant history' section above), when for example:

- In 2008 when the light hood was refused permission the application report noted that even subtle lighting has been resisted in this area along with reference to the need to conserve the distinctive character and important public views along with there being no other examples of signage lighting on this section of the frontage.
- In 2013 when permission was sought for illumination to be installed to serve existing signage the application report noted that *"although the applicant has submitted photographs, there are no other illuminated signs on this section of shops and restaurants. Indeed, over time, some previously illuminated signs at high level along this waterfront have been replaced with non-illuminated signs in accordance with the general policy approach towards protection and enhancement of this important part of the Conservation Area"*.
- The application report for the 2015 application for illuminated signage highlighted that the illumination of the individual, powder coated aluminium lettering would represent a further alteration to the protected building which would further erode its special interest (i.e. traditional appearance). The adverse impact was not justified as being necessary to sustain the special interest of the building or its viability as a restaurant.

The Quay is a transitional zone between the historic core of St Peter Port and the harbours and was part of the first land reclamation carried out to form the now Victoria Marina. The site forms part of the Hillside Town, which is formed of four tiers. The Quay is within Tier 1, which is distinct when viewed from the east with the harbours/marinas forming the foreground to the Hillside Town. The Hillside Town is recognised as being of exceptional townscape interest by people who live in and visit Guernsey and its unique development and the high-quality historic streets and buildings give this Conservation Area a high architectural and historic interest.

The Conservation Area Appraisal sets out that *"the very high historic interest, special character and appearance of the Hillside Town ... needs to be carefully considered alongside the aspirations of property owners ... if harm must occur then the benefits of*

the development must outweigh the harm ... inappropriate small-scale ... alterations to a building can individually and cumulatively harm the character and appearance of the Hillside Town."

As was acknowledged by the Planning Tribunal in 2016 the character of The Quay is partly determined by the high-level signs that are a distinctive part of this waterfront façade and the replacement fascia sign above the first floor balcony represents a sufficiently high standard of design so as to accord with Policies MC6, GP4, GP8 and GP9 of the IDP.

The buildings accommodate a range of uses and this is reflected in the treatment of shopfronts, display windows and signage. At night, external illumination is generally confined to ground floor level, except Albion House, Le Nautique restaurant, the application property (Sorrento) and the Ship and Crown. Street lighting is by lamp standards with festoon lighting strung between them along the length of The Quay and North Esplanade which serves to further illuminate the buildings facing the harbour. The application building, east façade, has been subject to modern alterations and signage to enable the building to function as a restaurant and the illuminated signage is already in situ.

As acknowledged as part of the 2016 appeal for illumination to this building the Tribunal noted that lighting can have a *"profound impact on the character of an area at night-time"*. That previous proposed lighting scheme related to a 'halo' effect around the individual letters of the sign whereas the current proposal relates to a strip light attached to the building (painted a pale colour) above the darker fascia sign level and directed down onto the sign below. The effect of the lighting in this case therefore, does not only relate to its effect at night time but the visual impact of the lighting unit during the daytime too.

At the time of the appeal in 2016 the Tribunal noted what it described as *"fortuitous"* lighting of signage, which might include wash lighting which happens to also fall across an existing sign. The signage at Le Nautique was referenced as being unauthorised and that it would not set a precedent for other proposals, with no guarantee given by the Environment Department at the time that support would be given for the replacement of the unauthorised trough lights. With the exception of the unauthorised lighting referenced at the appeal the Tribunal assessed the *"prevailing night-time character of the frontage along The Quay [as being] relatively low-key activity, where unoccupied commercial premises are interspersed occasionally with pubs and restaurants, and illuminated signs and other lighting is predominantly concentrated at street level and the floor above."*

The conclusion reached by the Tribunal was balanced but, nonetheless, it was concluded that the level of harm to the Conservation Area would be unacceptable because of the night time illumination.

Considering the above, the current lighting unit, mounted above the level of the fascia sign and on the pale, painted render does not represent a high standard of design and does not preserve nor enhance the character and appearance of the Conservation Area,

contrary to Policy GP8 a., GP4 and GP9 b. of the IDP. Furthermore, the proposed effect of the night-time lighting situated above the first-floor balcony/windows and fascia sign would detract from the character of the Conservation Area and Quay. The proposals are therefore considered contrary to Policy GP4 and GP9 b. of the IDP.

Physically attaching the sign and lighting to the protected building does not result in harm to its special interest and given that the fascia sign is a replacement of another sign in this location the light now proposed, under a hood, is not considered to represent harm to the fabric or setting of the Protected Building in accordance with Policy GP5 and the Law.

Although an argument was put forward in relation to the need for the lighting to serve the balcony area its limited size does not readily lend itself to use by diners and little evidence was provided with the submission. Furthermore, this would not outweigh the harm caused to the Conservation Area or lend weight to the proposals when other means of lighting this small area could be found.

In view of the effect of the signage on the Conservation Area it is recommended that permission is refused for the proposed illuminated sign.

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

In addition to the consideration of policy issues, Section 13 of the Land Planning and Development (General Provisions) Ordinance, 2007 identifies other material planning considerations which could be relevant. These include; the appropriateness of the development in relation to its surroundings in terms of design, layout, scale, siting and materials; the likely effect on the character and amenity of the locality; any possible fall-back position by way of extant planning permissions or exempt development; the likely effect on the reasonable enjoyment of neighbouring properties. These issues where relevant are considered above.

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

The proposal would have no adverse impact on protected trees or sites.

Date: 21/02/2024

