

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: Retrospective alterations to shop front and erect signage to east and illuminated signage to north elevation (Revised Scheme). (Protected Building).

LOCATION: Canvas Bar & Nightclub (Formerly Fusion), Lower Pollet, St. Peter Port.

APPLICANT: Hutch 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: 01/05/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 15/02/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Studio: 038/SD01A, SS15F & SS16E.

Application Ref: FULL/2024/0298

Property Ref: A112450000 + A112460000

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 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 01/05/2027 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 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/2024/0298
Property Ref: A112450000 + A112460000
Valid date: 15/02/2024
Location: Canvas Bar & Nightclub (Formerly Fusion) Lower Pollet St. Peter Port Guernsey
Proposal: Retrospective alterations to shop front and erect signage to east and illuminated signage to north elevation (Revised Scheme). (Protected Building).
Applicant: Hutch Limited

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 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.

OFFICER'S REPORT

Brief Description of the site:

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, and more recently in 2023 (FULL/2022/1939).

The reason for refusal was based on the fact that:

‘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’.

A revised application has been submitted which seeks retrospective permission with regards to altering the shop front and erecting signage to the east of the building (fronting onto Le Pollet), and installing illuminated signage to north elevation (fronting onto Le Truchot). The Bad Habits sign located on the east elevation of the building has been omitted from this application.

Relevant History:

PREA/2024/0329	Install cladding and signage to exterior of building, new balcony at second floor level and internal alterations.	Pre-application enquiry
FULL/2022/1939	Alterations to shop front and erect illuminated signage to east and north elevation (Protected Building).	Refused
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.

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:

MC6: Retail in Main Centres

GP4: Conservation Areas

GP8: Design

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

Consultation - The Office of Environmental Health and Pollution Regulation:

"I have reviewed the proposed plans for the installation of illuminated signage at the above site. I confirm that I do not wish to raise any objections to the proposals.

Please do not hesitate to contact me at the above address should you require any additional information regarding this matter."

Conclusion/Brief comment:

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 taken into account in the assessment of this application.

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.

Le Truchot:

As set out in the officer's report with regards to application FULL/2022/1939 it was noted that:

'The proposed Canvas sign (along Le Truchot) 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.'

Based on the information submitted as part of this application, the illuminated sign along Le Truchot would comply with the relevant planning policies. Due to the limited size of the illuminated sign, together with the low level of light omitted (based on the photographs submitted), and no specific mention from the Office of Environmental Health and Pollution Regulation with regards to the impact on neighbouring properties, it is not considered necessary to restrict the hours of illumination in this instance. The alterations to the entrance of Canvas (north elevation) are also acceptable under Policy.

Lower Pollet:

The Canvas signage along the Le Pollet consists of individual lettering that has been painted onto the fascia board. The fascia board in which the Canvas signage has been painted onto is noticeably smaller than the existing Bad Habits sign which extends below the fascia board, and was one of the reasons for refusal.

In this case, no internal or halo illumination is proposed for the Canvas sign. Consequently, the signage adopts a high enough standard of design to conserve the character and appearance of the Conservation Area. The alterations to the entrance to Canvas (east elevation) are also acceptable under Policy.

Recommendation:

Grant with Conditions



Date: 29/04/24

