

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: Erect signage at high-level to east wall of building.

LOCATION: Mill House, St. George's Esplanade, St. Peter Port.

APPLICANT: Mr D Overbury

I refer to the application referred to below received as valid on 19/03/2024 regarding the above proposals as described more fully in the application and drawings referred to below.

Date of refusal of permission: 24/04/2024

Drawing Nos: Mill House Block Plan, photomontage and signage details
YESSS Guernsey New Branch, all dated 5th March 2024.

Application Ref: FULL/2024/0427

Property Ref: A107270000

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 lies within a Conservation Area in which it is the duty of the Authority to pay special attention to the desirability of preserving or enhancing its character and appearance. The proposed sign, by virtue of its size across the entire gable of Mill House and its high level position in this prominent location, upon the side gable of the building would appear unduly obtrusive and incongruous to the detriment of the visual amenities and character and appearance of the Conservation Area. The scheme is therefore contrary to Policies GP4, GP8a. and GP9 b. 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/2024/0427
Property Ref: A107270000
Valid date: 19/03/2024
Location: Mill House St. George's Esplanade St. Peter Port Guernsey GY1 2BG
Proposal: Erect signage at high-level to east wall of building.
Applicant: Mr D Overbury

RECOMMENDATION - Refusal with Reasons:

REASONS FOR REFUSAL

1. The site lies within a Conservation Area in which it is the duty of the Authority to pay special attention to the desirability of preserving or enhancing its character and appearance. The proposed sign, by virtue of its size across the entire gable of Mill House and its high level position in this prominent location, upon the side gable of the building would appear unduly obtrusive and incongruous to the detriment of the visual amenities and character and appearance of the Conservation Area. The scheme is therefore contrary to Policies GP4, GP8a. and GP9 b. of the Island Development Plan.

OFFICER'S REPORT

Site Description:

The site is occupied by a large industrial style building situated to the west of St George's Esplanade. The property is set back from the highway with an area of parking provided to the front, set behind a high roadside wall and gates.

The site is currently occupied by Q3 and signage associated with this building is situated above the roller shutter door and first floor windows of the building, set back from the road with a further sign installed to the roadside wall. Signage has been installed to a building south of Arndale House between the ground and upper floor fenestration to both the front and side elevations.

The properties to either side of the gated access are domestic in appearance, although Arndale House was last known to be in office use. Nonetheless, neither property has any form of signage installed. A restaurant is situated beyond the site to the north and has signage installed on the shopfront fascia lit from above by swan neck lamps.

The site is located in the Main Centre Outer Area and Conservation Area as designated in the Island Development Plan.

Relevant History:

FULL/2024/0375 - Variation to previously approved plans to erect signage to north (front) elevation - relocate sign to top of wall – under consideration

FULL/2023/1987 - Install water pump station control panel kiosk to north-east boundary wall – granted

FULL/2023/1533 - Change of use from Storage and Distribution (Use Class 22) to Storage and Distribution, showroom and offices – granted

FULL/2023/0851 - Erect signage to north (front) elevation - granted

Existing Use(s):

Q3 – warehouse

Permission granted for a mixed use of storage and distribution, retail trade counter/show room areas with ancillary offices (YESS Electrical)

Brief Description of Development:

Planning permission was granted under application reference FULL/2023/0851 for the erection of a sign to the roadside wall at the site however, planning permission has been granted for a water pump station control panel kiosk adjacent to this boundary wall which would obscure/not permit the installation of the approved sign.

The application therefore proposes to erect a sign on the side/southeast elevation of the adjoining building, within the same ownership. The proposed sign, 6550mm x 900mm would span the gable at eaves level.

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

GP4: Conservation Areas

GP8: Design

GP9: Sustainable development

MC4(B): Office Development in Main Centre Outer Areas

MC5(B): Industry, Storage and Distribution Uses in Main Centres and Main Centre Outer Areas- outside of the Key Industrial Areas and Key Industrial Expansion Areas

MC7: Retail in Main Centre Outer Areas

Representations:

None.

Consultations:

None.

Summary of Issues:

The key issue in this case relates to the impact of the design and appearance of the sign and its elevated position in a prominent location high on a gable wall, on the character and appearance of the Conservation Area.

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 principle of alterations associated with a storage and distribution use is supported by the Island Development Plan. Retail and office policies also support alterations associated with these uses. Policy MC5(B) sets out that alterations may be supported where they would not have an unacceptable adverse impact on the amenities of the surrounding uses.

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 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,

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).

The size and scale of the proposed sign, proliferation of information and its elevated position high on the gable of Mill House would not represent a good standard of design. The signage would appear both obtrusive and incongruous in the street scene and would be harmful to the visual amenities of the locality and character and appearance of the Conservation Area contrary to Policies GP4, GP8a. and GP9 b. of the Island Development Plan.

Without prejudice to the assessment of a formal application, it would be open to the applicant to submit a revised planning application for the erection of a smaller sign on the gate serving the Mill House site which, when open, is situated against the wall of the domestic scale property that falls within the application site for the commercial premises, Mill House, currently occupied by Q3 but anticipated to be taken over by YESS Electrical. A revised application submitted within six months of the date of decision on the current application would not attract a further application fee.

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, buildings or sites.

Date: 24/04/2024