

**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 illuminated sign to south-west and north-east elevations and double sided advertising flag to east of the building.

**LOCATION:** Mims Kiosk, Cobo Coast Road, Castel.

**APPLICANT:** Ms M Sarre

I refer to the application referred to below received as valid on 17/06/2024 regarding the above proposals as described more fully in the application and drawings referred to below.

**Date of refusal of permission:** 09/09/2024

**Drawing Nos:** The Drawing Room - 365 E1, E2, E3 & E4

**Application Ref:** FULL/2024/0914

**Property Ref:** D014400000

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 sign to the north-east gable of the kiosk and the advertising flag proposed under this application are disproportionate to the scale of the built form at this site, resulting in obtrusive and incongruous features within the coastal setting. The proposals would not represent a good standard of design which respects the visual character of the local environment, contrary to the requirements of Policy GP8 a)&c) (Design) and OC4c) (Retail Outside of the Centres) in the Island Development Plan.
2. There is insufficient information to determine whether the proposed illumination would meet the terms of Policy GP8 a)&c) (Design), GP9b) (Sustainable Development) or OC4c) (Retail Outside of the Centres) in 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/2024/0914  
**Property Ref:** D014400000  
**Valid date:** 17/06/2024  
**Location:** Mims Kiosk Cobo Coast Road Castel Guernsey GY5 7HH  
**Proposal:** Erect illuminated sign to south-west and north-east elevations and double sided advertising flag to east of the building.  
**Applicant:** Ms M Sarre

**RECOMMENDATION - Refusal with Reasons:**

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**REASONS FOR REFUSAL**

1. The sign to the north-east gable of the kiosk and the advertising flag proposed under this application are disproportionate to the scale of the built form at this site, resulting in obtrusive and incongruous features within the coastal setting. The proposals would not represent a good standard of design which respects the visual character of the local environment, contrary to the requirements of Policy GP8 a)&c) (Design) and OC4c) (Retail Outside of the Centres) in the Island Development Plan.
  2. There is insufficient information to determine whether the proposed illumination would meet the terms of Policy GP8 a)&c) (Design), GP9b) (Sustainable Development) or OC4c) (Retail Outside of the Centres) in the Island Development Plan.
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**OFFICER'S REPORT**

**Site Description:**

The application site comprises a single storey granite built coastal kiosk served by a limited seating area to the north and service area to the south. The seating area has recently been expanded to the east, however works to that area are not yet complete. The kiosk is surrounded by open grassland, separating the kiosk from the adjacent beach to the north, a public car park to the south-west and the Cobo Coast Road to the south. Public pathways border the site to the west (providing access from the coastal car park to the slipway on to Cobo beach) and north and separate the site from the public toilets to the north-west. A German bunker is located immediately to the south of the site, creating a raised mound in that location.

The land immediately surrounding the kiosk is identified as Coastal Grassland on the 2018 Habitat Survey, giving way to Amenity Grassland extending along the coast road to the east.

The site is located Outside of the Centres in the Island Development Plan.

### **Relevant History:**

No objection was raised in respect of the construction of a beach kiosk 24/10/79. Neither that proposal, nor any subsequent applications (other than those cited below), have sought the erection of signage on the building.

No objections were raised to erect a 6m flag pole to fly the Beach Award flag 12/01/1999. The flag pole was originally erected to the north of the building, but was relocated to the south-east of the building between 2016-2019. Whilst no consent was sought for this relocation, due to the length of time which has elapsed, the Authority could not take action in relation to the flag pole.

FULL/2015/0710 Relocate beach information sign to beach kiosk wall (south-west elevation) Approved 16/04/2015

FULL/2023/0640 Change of use of land to provide expanded seating area for kiosk, extend service area and enclose with fencing, install mobile food van, realign public path. Approved 31/07/2023, subject to conditions relating to:

- Design of the proposed planters;
- Provision and implementation of a landscaping scheme;
- Location and use of the mobile food van.

### **Existing Use(s):**

Coastal kiosk

### **Brief Description of Development:**

Permission is sought for the erection of the following signs at the application site:

- 1300 x 1030mm sign to south-west elevation;
- 2455 x 1990mm sign to north-east elevation;
- Double sided 1830 x 1220mm flag to be flown from existing flag pole.

The two gable signs would be lit by downlights mounted on the building above the signage, the flag would be illuminated by an uplight also mounted on the building.

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

OC4 Retail Outside of the Centres  
GP8 Design  
GP9 Sustainable Development

Strategy for Nature (2020)

## **Representations:**

11 letters of representation received, raising the following points:

- The development at this site is moving away from a kiosk to a fast food take away;
- The large flag will have a detrimental impact upon the visual character and nature of this prominent coastal site;
- The signage would distract road users;
- The proposal will result in light pollution:
  - o Detracting from natural beauty of area and would have an unacceptable impact on the visual character of the locality, contrary to Policy OC4(c);
  - o Causing unnecessary disturbance to wildlife;
  - o Bad for the environment;
  - o Incongruous to the area, Guernsey should retain its natural tranquil environment and dark skies;
  - o There is no need for illumination if the premises are not open after dark and the kiosk already stands out enough;
  - o No hours of operation are stated for the lighting, at present the kiosk appears to close at 8pm but it is not clear if the lighting will remain on;
  - o The colour of the lighting is not specified, last winter bright pink lighting was installed that lit up the whole common and surrounding areas;
- The submitted plans show a retaining wall and planter around the kiosk, however this is not accurate as they were removed last year;
- The landscaping which was a condition of the previous application has not been undertaken and the area is an eyesore;
- One set of table and chairs are placed on the common, well outside of the curtilage of the tea room.

*La Societe Guernesiaise* comment as follows:

We wish to highlight the environmental impact of light pollution on many types of wildlife such as birds, bats and insects. Such pollution can be particularly problematic when introduced into a landscape such as this one, which is in a coastal location and adjacent to Le Guet. The Bailiwick Bat Survey has showed that Le Guet is of island importance for various bat species. Similarly the foreshore of Cobo Bay hosts a range of wildlife including Oystercatchers; this species and other shore birds feed during the night as well as in the daytime.

We would question why illuminated signs are required as the kiosk is not typically open during the hours of darkness. We would suggest that the applicant would be intending to leave them on overnight representing a new source of avoidable light pollution.

We would request that the application is refused.

## **Consultations:**

*The Office for Environmental Health and Pollution Regulation* comments as follows:

I have reviewed the proposed plans for installation of two illuminated signs and an illuminated flag at the above site. I confirm that I do not wish to raise any objections to the proposals.

However, I would advise that the applicant ensures that the light proposed for the illuminated flag is not pointed towards any nearby residential properties to minimise the risk of nuisance occurring.

**Summary of Issues:**

The impact on the character and appearance of the area arising from the scale of the sign proposed to the north-east gable of the kiosk and the scale and design of the proposed flag, together with the potential impacts of illumination of the proposed signs.

**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 OC4 supports proposals to extend, alter or redevelop existing retail premises which support the recreational enjoyment of a coastal location where there would not be an unacceptable impact on the visual character and amenity of the locality (OC4b)&c)).

In addition the proposal must meet the terms of Policies GP8; achieving a good standard of design (GP8a) and respecting the character of the local built environment or the open landscape character (GP8c), and GP9; avoiding unacceptable impacts on the amenities of neighbouring properties (GP9b). Proposals must also take into account the Strategy for Nature and the material considerations set out within Section 13 to Part IV of The Land Planning and Development (General Provisions) Ordinance, 2007, the following of which are considered to be relevant in this instance:

- (a) the likely effect of the development on the natural beauty and landscape quality of the locality in question,
- (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, and
- (i) the likely effect of the development on the reasonable enjoyment of neighbouring properties.

The kiosk which forms the subject of this application is set on an area of coastal grassland to the north-west of the coast road, sitting amongst German fortifications

which form areas of slightly raised land to the south, west and north. Those areas generally screen the kiosk in longer views from the south and south-west, and from the beach to the north. The kiosk is however exposed to views from the east and north-east, from the adjacent grassland and in longer views across that grassland from the adjacent roads. In those views the kiosk is viewed in isolation against the areas of raised land, separately from the residential development to the south and south-east and with glimpses of the headland development behind.

It is generally accepted as a reasonable aspiration for a business to have identifying signage, and Policy OC4 allows for such provision in this case, subject to meeting the terms and policies set out above. Other commercial properties in this area are all signed, however those premises are set within the built form along the east side of the coast road, and therefore benefit from a different context to the kiosk, and the signage on those properties is of a more simple form, and proportional to the associated buildings.

The sign proposed under this application to the south-west gable is proportionate to the gable and appropriately identifies the business. This sign would be of limited visual impact, and would not impact on the character of the wider area.

The north-east gable is however prominent in views from the adjacent common land and road, and the sign proposed to that elevation is disproportionate to the size of the gable, resulting in an obtrusive and incongruous feature in the area. The sign goes beyond what is reasonably required to identify the business and would not represent a good standard of design which respects the visual character of the local environment, contrary to the requirements of Policy GP8 a)&c) and OC4c).

In respect of the flagpole, it is noted that a 6m flagpole was previously accepted at this site, along with the erection of similar poles at other coastal kiosks at the same time. Although the flagpole has subsequently been re-positioned on site, the re-positioning in itself would not result in any significant impacts.

Flagpoles are common features to coastal kiosks across the Island, and the flag is often used to identify whether the associated kiosk is open. Flags are however generally limited to national flags only, with consent withheld for any form of advertisement.

The flag proposed under this application not only comprises an advertisement, but is extremely large in size relative to the size of the flagpole, the building and the surrounding area. The erection of a sign to the north-east gable, or the presence of the authorised pizza van when in situ, would be sufficient to advertise the premises and the erection of a flag as proposed would be unnecessary additional advertising which would further detract from the visual character of the area, contrary to the requirements of Policy GP8 and OC4 as set out above.

The application refers to illumination of the proposed signs and flag. Whilst there appear to be two downlighters and an uplighter attached to the building, no details have been provided of the proposed illumination and the level of illumination at the site has been raised as a concern within the letters of representation.

In respect of the amenity of nearby residential properties, those properties are located on the opposite side of the busy coast road, at a distance of over 30m. The relationship of those properties to the application site may mitigate any impacts arising from the proposed illumination, a point reinforced by the comments received from the Office for Environmental Health and Pollution Regulation, however this cannot be confirmed without full details of the proposed lighting.

The comments from the Office for Environmental Health and Pollution Regulation however relate to potential impacts of illumination on residential amenity only, and not to the potential impacts on the character of the area or wildlife arising from that illumination, such matters being outside of the remit of that Service. It is noted that the immediate area of the kiosk has little illumination, and the installation of lighting could result in significant changes to the character of the area, as well as potential impacts on wildlife. Whilst there may be scope for low level illumination highlighting the signage, for restricted time periods, without details of the lighting, the level of impact cannot be properly assessed. It is however considered that such illumination of the signage would be sufficient to identify the premises and the provision of an additional uplighter to highlight the flag would comprise unnecessary and inappropriate development, of greater impact than simple illumination of the signage.

Other comments made in the letters of representation relate to works undertaken in respect of application ref FULL/2023/0640, e.g. use of the premises and implementation of landscaping, and are being addressed separately. These matters are not material to the consideration of the current application.

The application site comprises a coastal kiosk, set in a relatively isolated position on coastal grassland. Whilst it is appreciated that a level of signage is a reasonable aspiration for such a business, the scale of the sign proposed to the north-east elevation and the use of an advertising flag, particularly at the scale proposed, is considered excessive for the identification of the business and to the detriment of the character of this area. Furthermore, the introduction of lighting at this site has the potential for adverse impact on both the character of the area and wildlife and there is insufficient information to enable assessment of this impact. The proposal would not therefore meet the terms of Policy OC4 and GP8, as set out above, and fails to take into account the material considerations of the Law. Consequently, it is recommended that the application be refused.

**Date:** 09/09/2024