

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: Install replacement fascia to part of east front elevation.

LOCATION: Bad Habits, 54 Lower Pollet, St. Peter Port.

APPLICANT: Mr A Lock

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: 08/10/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 28/08/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Smith Signs Ltd - 16113 - New Fascia V1 & Site Plan & Block Layout Plan (date stamped received 28/08/24).

Application Ref: FULL/2024/1485

Property Ref: A112470000

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 shall be begun within 3 years from the date of grant of this permission.

Reason - This condition reflects section 18(1) of the Land Planning and Development (Guernsey) Law, 2005 which states that planning permission ceases to have effect unless development is commenced within 3 years of the date of grant (or such shorter period as may be specified in the permission).

3. 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.

4. Notwithstanding the information submitted, the existing fascia board shall be removed from the site within 2 months of the date of this decision, and the approved fascia board and timber divide, shall be installed and painted in grey, in accordance with the approved drawings (ref:16113 - New Fascia).

Reason - The existing fascia board and signage has been installed without planning permission. The replacement fascia board shall be installed within a reasonable timeframe to achieve a high standard of design for the purposes of Policy GP8 (Design), and to conserve the character and appearance of the Conservation Area for the purposes of Policy GP4 and the Law (2005).

Expiry Date: This permission will cease to have effect on 08/10/2027 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/2024/1485
Property Ref: A112470000
Valid date: 28/08/2024
Location: Bad Habits 54 Lower Pollet St. Peter Port Guernsey GY1 1WF
Proposal: Install replacement fascia to part of east front elevation.

Applicant: Mr A Lock

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 shall be begun within 3 years from the date of grant of this permission.

Reason - This condition reflects section 18(1) of the Land Planning and Development (Guernsey) Law, 2005 which states that planning permission ceases to have effect unless development is commenced within 3 years of the date of grant (or such shorter period as may be specified in the permission).

3. 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.

4. Notwithstanding the information submitted, the existing fascia board shall be removed from the site within 2 months of the date of this decision, and the approved fascia board and timber divide, shall be installed and painted in grey, in accordance with the approved drawings (ref:16113 - New Fascia).

Reason - The existing fascia board and signage has been installed without planning permission. The replacement fascia board shall be installed within a reasonable timeframe to achieve a high standard of design for the purposes of Policy GP8 (Design), and to conserve the character and appearance of the Conservation Area for the purposes of Policy GP4 and the 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 ground floor bar located to the west of Lower Pollet.

Planning permission was refused in 2023 to alter the shop front and install illuminated signage to east and north elevation (FULL/2022/1939). The reasons for refusal were based on the following points:

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.

Planning permission is now sought to remove the existing fascia board and install a replacement fascia board, in attempt to overcome part of the reasons for refusal.

Relevant History:

FULL/2024/1494	Install illuminated signage to east elevation.	Pending
FULL/2024/1070	Alterations to create inset balcony at 1st floor level, alterations to fenestration at 2nd floor level to east (front) elevation.	Pending
FULL/2024/0298	Retrospective alterations to shop front and erect signage to east and illuminated signage to north elevation (Revised Scheme). (Protected Building).	Granted
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.

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

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 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.

Furthermore, it is a requirement under the Land Planning and Development (Guernsey) Law, 2005, when considering applications affecting Conservation Areas that special attention shall be paid to the desirability of preserving and enhancing the character and appearance of that Area.

In light of the information submitted and the reasons for refusal as part of application FULL/2022/1939, it is proposed to remove the existing fascia board which projects below the adjoining fascia board and overhanging the shopfront windows. The proposed fascia board will be comprised of new 18mm ply board which will be fitted flush with the existing Canvas fascia board, and painted in grey, as noted on drawing (ref 16113- -new Fascia).

The submitted details will ensure that the proposal will result in a 'high' standard of design for the purposes of Policy GP8 and GP4. It is necessary and reasonable to attach a planning condition to ensure that the works are carried out within a reasonable timeframe.

Based on the above, the application is considered compliant with the relevant Island Development Plan policies, and accords with the purpose of the Law and the Material Planning Considerations. It is therefore recommended that planning permission be granted, subject to conditions.

Recommendation:

Grant with Conditions



Date: 03/10/24

