

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 illuminated signage to east 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: 01/11/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 29/08/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Smith Signs - v2-02.10.24.

Application Ref: FULL/2024/1494

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. The hours of operation for the exterior illuminated signage shall be limited to 19:00 hours - 01:00 hours Monday to Thursday and 17:00 hours - 01:00 hours Friday - Saturday. The signage shall be unilluminated from 01:00 hours on each Sunday, until the permitted hours begin on Monday.

The exterior illuminated signage shall be operated by a timer which is set to illuminate and extinguish lighting at the permitted times.

Reason - The premises are close to residential property and a limit on the use of the illuminated signage is needed to prevent a nuisance or annoyance to nearby residents, and to conserve the character and appearance of the Conservation Area (Policy GP4).

Expiry Date: This permission will cease to have effect on 01/11/2027 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/2024/1494
Property Ref: A112470000
Valid date: 29/08/2024
Location: Bad Habits 54 Lower Pollet St. Peter Port Guernsey GY1 1WF
Proposal: Install illuminated signage to east 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. The hours of operation for the exterior illuminated signage shall be limited to 19:00 hours - 01:00 hours Monday to Thursday and 17:00 hours - 01:00 hours Friday - Saturday. The signage shall be unilluminated from 01:00 hours on each Sunday, until the permitted hours begin on Monday.

The exterior illuminated signage shall be operated by a timer which is set to illuminate and extinguish lighting at the permitted times.

Reason - The premises are close to residential property and a limit on the use of the illuminated signage is needed to prevent a nuisance or annoyance to nearby residents, and to conserve the character and appearance of the Conservation Area (Policy GP4).

OFFICER'S REPORT

Site Description:

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 'Bad Habits', 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.

As part of that application FULL/2022/1939, it was set out in the officer's report that illumination of the former fascia signage for 'Luna Bar' was allowed at appeal (PAP/004/2012), therefore the principle for allowing illumination has already been established.

Relevant History:

FULL/2024/1485	Install replacement fascia to part of east front elevation.	Granted
FULL/2024/1070	Alterations to create inset balcony at 1st floor level, alterations to fenestration at 2nd floor level to east (front) elevation.	Refused
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.

Brief Description of Development:

Planning permission is sought to install illuminated signage to the east elevation.

The proposed signage 'Bad Habits' is to be installed on a replacement fascia board which was recently approved under application (FULL/2024/1485). It is important to note that permission has already been granted for the replacement fascia board which addresses the main reason for refusal (FULL/2022/1939).

The application was deferred to clarify the proposed development. The agent has provided further details of the proposed illuminated signage.

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

MC6: Retail in Main Centres

GP4: Conservation Areas

GP8: Design

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

Representations:

None.

Consultations:

The Office of Environmental Health and Pollution Regulation's comments:

I have reviewed the proposed plans to install illuminated signage to the east elevation at the above address. I note the additional information submitted, in which the applicant confirms the proposed times that the signage would be illuminated.

I have interrogated Cadastre Registry records and they show there are domestic properties on the first floor of the property directly opposite the proposed location of the illuminated signage. To protect the amenity of residents living nearby, I recommend that the following conditions are attached to any granted consent:

- The hours of operation for the exterior illuminated signage shall be limited to 19:00 hours – 01:00 hours Monday to Thursday and 17:00 hours – 01:00 hours Friday – Saturday. The signage shall be unilluminated from 01:00 hours on each Sunday, until the permitted hours begin on Monday.*
- The exterior illuminated signage shall be operated by a timer which is set to illuminate and extinguish lighting at the permitted times.*

I would be grateful if the above information is considered during the determination of this application.

Summary of Issues:

- Whether the proposal is acceptable in design terms and conserves or enhances the character and appearance of the Conservation Area.
- Whether the proposal would adversely affect the amenities of neighbouring residents.

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).**

The principle of illumination of a sign at this site was referred to in the officer's report for application FULL/2022/1939. It was noted that:

“Although a degree of illumination to an appropriately designed name sign could be acceptable in principle, the overall design and appearance of the shopfront and signage on Lower Pollet would justify refusal of the application given the location of the site within the Conservation Area. ”

The reason for refusal of that application has now been addressed through approval of application FULL/2024/1485.

Having regard to the existing character of this part of the Lower Pollet, and considering the details of the sign and the specific form of 'halo' illumination proposed, it is concluded that the proposal would not have a detrimental effect on the character or appearance of the Conservation Area or the character and visual amenities of the locality, sufficient to justify refusal of planning permission.

In this respect, the use and opening hours of the premises concerned, the previous appeal decision and the presence of other approved signage of similar form within the Conservation Area are all noted and have a bearing on the recommendation to support the proposal in this case.

Based on the above, the application is considered compliant with the relevant Island Development Plan policies, and accords with the purposes of the Law and the Material Planning Considerations.

It is therefore recommended that planning permission be granted, subject to the condition suggested by the Office of Environmental Health and Pollution Regulation which is required to respect the amenities of neighbouring residents and will also help to conserve the character and appearance of the Conservation Area.

Date: 29/10/2024

