

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: Install fascia signs, wall and hanging signs, internal alterations (vinyl signs and LED lighting) to south elevation (Protected Building).

LOCATION: Nelson Place, 9 Smith Street, St. Peter Port.

APPLICANT: Superdrug Stores PLC

I refer to the application referred to below received as valid on 28/10/2024 regarding the above proposals as described more fully in the application and drawings referred to below.

Date of refusal of permission: 12/12/2024

Drawing Nos: A7 Design Ltd - 24-1569 PD/01 & PD/02.

Application Ref: FULL/2024/1810

Property Ref: A113480000

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 proposed single, large fascia sign to Nelson Place, if permitted, would result in the obscuring of a feature of the protected building. This approach would be detrimental to the character and appearance of the protected building as the works would be harmful to its architectural composition, by covering the ground floor pilasters. The proposal is therefore contrary to Policy GP5 of the Island Development Plan.

2. 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 proposal, by virtue of the proliferation of wall signs across the site frontage, to either side of the recessed doorways to both shopfronts, 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/2024/1810
Property Ref: A113480000
Valid date: 28/10/2024
Location: Nelson Place 9 Smith Street St. Peter Port Guernsey GY1 2JG
Proposal: Install fascia signs, wall and hanging signs, internal alterations (vinyl signs and LED lighting) to south elevation (Protected Building).
Applicant: Superdrug Stores PLC

RECOMMENDATION - Refusal with Reasons:

REASONS FOR REFUSAL

1. The proposed single, large fascia sign to Nelson Place, if permitted, would result in the obscuring of a feature of the protected building. This approach would be detrimental to the character and appearance of the protected building as the works would be harmful to its architectural composition, by covering the ground floor pilasters. The proposal is therefore contrary to Policy GP5 of the Island Development Plan.
 2. 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 proposal, by virtue of the proliferation of wall signs across the site frontage, to either side of the recessed doorways to both shopfronts, 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.
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OFFICER'S REPORT

Site Description:

Nelson Place is the former Post Office on the north side of Smith Street, running back to Forest Lane. The property is a two-storey building with a double frontage onto Smith Street. Modern shopfronts exist at street level with decorative façades.

The existing façade of the building is a coherent architectural composition. A shopfront has been designed as part of this composition with a fascia at first floor level between the pilasters (and contains the lettering 'Post Office'), a detail that is replicated at second floor level (and contains the lettering 'Nelson Place').

The site is located in the Main Centre Inner Boundary, Archaeological Area and Conservation Area as designated in the Island Development Plan. Nelson Place is a Protected Building.

Relevant History:

FULL/2017/1921 - Change of use of upper floors to provide 4 residential units (Protected Building) – granted (including subsequent variation applications)

FULL/2017/2321 - Refurbishment of building and replace roof, fascias and gutters. (Protected Building) – granted

Pre-application advice was sought in this case.

Existing Use(s):

Retail
2 Flats

Brief Description of Development:

The application relates to the installation of two new fascia signs, four wall signs to either side of each of the entrance doors to the shop and a double-sided hanging sign to existing hanging sign bracket.

Advertising vinyls are proposed to be applied internally to shop windows along with LED lighting around the interior perimeter of the window apertures. The existing frontage, which is cream painted with blue stall risers below the shop windows is to be repainted in black as are the existing doors and associated side panels.

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

Island Development Plan policies:

MC6: Retail in Main Centres
GP4: Conservation Areas
GP5: Protected Buildings
GP8: Design
GP9: Sustainable Development

Representations:

None.

Consultations:

None.

Summary of Issues:

The key issues in this case relate to the effect of the signage on the special interest of the protected building and 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 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 34 of the Law explains the general functions of authorities in respect of protected buildings. This states that:

It is the duty of any department of the States when exercising its functions under this Law –

(a) to secure so far as possible that the special historic, architectural, traditional or other special characteristics of buildings listed on the protected buildings list ("protected buildings") are preserved, and

(b) in particular, in exercising its functions with respect to a protected building or any other building or land in the vicinity of a protected building, to pay special attention to the desirability of preserving the protected building's special characteristics and setting.

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,

Section 15 clarifies that the considerations referred to in paragraphs (b) and (c) of section 14 also apply to protected buildings.

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.

Although the obscuring of the 'Post Office' lettering is accepted, given that it would be retained behind the fascia sign, the single fascia sign to Nelson Place would harm the architectural composition of the building by covering the pilasters, which as noted above, is part of the architectural composition of the building and is featured at both ground and first floor level.

Policy GP5 will be met where there is no adverse effect on the overall special interest of a protected building. However, should the works be able to be demonstrated to be a reasonable aspiration of the property owner that outweighs the harm to the protected building then the requirements of GP5 can be considered to have been met. In this case however, the proposed signage would not represent a reasonable aspiration of the property owner and does not accord with Policy GP5. These works would also result in harm to the character and appearance of the Conservation Area.

The internal LED lighting relates to works to a protected building but based on the information supplied would not result in harm to the fabric of the building in line with Policy GP5.

The proposed hanging sign is considered acceptable and would not be harmful to the protected building or Conservation Area.

The vinyls to be applied to the interior of the shop windows are also exempt (less than 25% of the overall area of glazing).

One of the issues in this case is the proliferation of signage proposed, with multiple signs proposed across the building frontage, in addition to wall, hanging and fascia signs. The window vinyls contribute to the matter of proliferation but are exempt and cannot be controlled. The four wall signs require permission and are considered excessive in

addition to the more traditional signs proposed (fascia and hanging signs). The level of signage proposed is considered excessive and harmful to the character and appearance of the Conservation Area contrary to Policies GP4, GP8 and GP9 of the IDP.

In view of the above, it is recommended permission is refused on the basis of the harm caused by the overall proliferation of signage and the fascia sign proposed which does not respect the architectural composition of the building by obscuring pilasters to the main shopfront at Nelson Place.

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 or sites.

Date: 12/12/2024

