

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 advertising awning with associated lighting, replacement first floor fascia sign and menu boards and signage at ground floor level to east (front) elevation (retrospective) (Protected Building).

LOCATION: Sorrento, Waterloo House, 27 The Quay, St. Peter Port.

APPLICANT: SESACA Ltd

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: 27/01/2025

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 09/12/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Torode Architects - 6345-01A & Smith Signs - 2 Awning, 3 Menu cases, 4 Blackboard

Application Ref: FULL/2024/1958

Property Ref: A300130003

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.

Expiry Date: This permission will cease to have effect on 27/01/2028 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/2024/1958
Property Ref: A300130003
Valid date: 09/12/2024
Location: Sorrento Waterloo House 27 The Quay St. Peter Port Guernsey
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Proposal: Install replacement advertising awning with associated lighting,
replacement first floor fascia sign and menu boards and signage
at ground floor level to east (front) elevation (retrospective)
(Protected Building).
Applicant: SESACA Ltd

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.

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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.

OFFICER'S REPORT

Site Description:

The two-storey building known as 'Sorrento Restaurant' forming the lower part of Waterloo House, 27 The Quay, faces east directly onto the pavement with views across the marina between Albert and Victoria Piers. There are attached buildings to the north and west and the upper floors of Waterloo House face west onto the High Street. The property is in the St Peter Port Main Centre, Conservation Area and a Harbour Action Area as defined in the Island Development Plan. Waterloo House is also a Protected Building.

Relevant History:

FULL/2023/1108 - Install sign and light to east (front) elevation (Protected Building) (Retrospective) – refused. The siting and appearance of the proposed lighting unit above the first floor fascia does not represent a high standard of design and would have an adverse impact on the Conservation Area. The introduction of high level illuminated signage in a prominent and sensitive location in the Conservation would detract from the night time character of the Quay and Conservation Area contrary to Policies GP4, GP8a., GP9 b. and by extension MC6 of the Island Development Plan.

FULL/2023/0758 - Erect raised decking area and balustrade to east elevation – refused

Appeal PAP.022/2013 against the refusal of planning permission to light the existing sign above first floor windows (described by the Tribunal as second floor level) at Mora Restaurant and Grill (now Sorrento) – appeal dismissed – the impact of the individual sign is marginal and finely balanced however, it would then be difficult to resist applications to illuminate other high level signs on pubs and restaurants that already exist along the frontage which would then add an inappropriately commercial ambience to this prominent frontage and would neither conserve nor enhance the character and appearance of this part of the Conservation Area.

FULL/2015/1135 – proposed illuminated external lighting – refused – introduction of high level illuminated signage in a prominent and sensitive location within the Conservation Area and on a Protected Building. Policy in place at the time, including supporting text, resisted illuminated signage, such as this, and that as a general rule signs above first floor window cill level were considered unacceptable. The

illuminated sign would have been harmful to the character of the Conservation Area and special interest of the Protected Building.

FULL/2013/1468 – install illuminated signage (protected building) – refused – illuminated signage resisted and the impact on the conservation area and protected building would be unacceptable being overly prominent, detrimental to the conservation area and protected building.

2011 – various pre-application discussions relating to illuminating the front of the building, erecting external lighting and erecting a hanging sign – reference made to scope for general, wash effect lighting across the building frontage. Concerns expressed regarding the introduction of illuminated signage having regard to the location of the site within a Conservation Area and being a Protected Building.

PAPP/2008/0769 – Install a 6.5m long trough light hood at high level – refused – the light hood, by virtue of its position and appearance, would have a detrimental effect on the appearance of the building and the special qualities, character and appearance of the Conservation Area and the distinctive character of the Quayside.

Other sites in close proximity

Balthazar - FULL/2022/2335 - Erect fascia sign and double-sided projecting sign at first floor level, install porcelain tiles at ground floor level to east (front) elevation (Protected Building) – granted with condition excluding three external hanging wall lights above the fascia sign

Ship and Crown – FULL/2024/1965 - Install illuminated sign, illumination fixings and non-illuminated signage, install illuminated projecting fixing and double sided sign to east (front) elevation (retrospective) – under consideration

A general review of Quay-side properties between Church Square and the Ship and Crown indicates that although permission has been granted for new/replacement signage none have been illuminated and in several cases illumination has been expressly omitted by condition. In other cases an informative note has been placed on a planning permission to clarify that the signage is non-illuminated only.

Existing Use(s):

11 food

Brief Description of Development:

The application relates to the installation of a replacement advertising awning with associated lighting, the installation of a first floor fascia sign with applied lettering (28mm projection) above the first-floor balcony and windows associated with the restaurant that operates from the ground and first floor, facing The Quay. Menu boards and a blackboard sign are also proposed at ground floor level to east (front)

elevation. The application is retrospective and the awning, signs and lighting have all been installed.

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

MC6: Retail in Main Centres
MC10: Harbour Action Areas
GP4: Conservation Areas
GP5: Protected Buildings
GP8: Design
GP9: Sustainable Development
Annex VIII: Conservation Areas
St Peter Port Conservation Area Appraisal

Representations:

None.

Consultations:

None.

Summary of Issues:

The key issues in this case relate to the impact of the proposed awning, signage and illumination on the character and appearance of the Conservation Area and the effect of the works on the fabric and special interest of the Protected Building.

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 proposals would not prejudice the outcome of a Local Planning Brief for the Harbour Action Area and its implementation. The IDP offers general support for alterations to existing retail premises through Policy MC6.

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** [emphasis added].

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. The application primarily falls to be considered against IDP Policy GP4: Conservation Areas, GP8: Design and GP9: Sustainable Development (including impacts on Conservation Areas). Policy GP5 is also relevant in relation to the effect of the development on the setting of the protected building and physical impact of attaching the sign and lighting to the building.

The Quay is a transitional zone between the historic core of St Peter Port and the harbours and was part of the first land reclamation carried out to form the now Victoria Marina. The site forms part of the Hillside Town, which is formed of four tiers. The Quay is within Tier 1, which is distinct when viewed from the east with the harbours/marinas forming the foreground to the Hillside Town. The Hillside Town is recognised as being of exceptional townscape interest by people who live in and visit Guernsey and its unique development and the high-quality historic streets and buildings give this Conservation Area a high architectural and historic interest.

The Conservation Area Appraisal sets out that *“the very high historic interest, special character and appearance of the Hillside Town ... needs to be carefully considered alongside the aspirations of property owners ... if harm must occur then the benefits of the development must outweigh the harm ... inappropriate small-scale ... alterations to a building can individually and cumulatively harm the character and appearance of the Hillside Town.”*

As was acknowledged by the Planning Tribunal in 2016 the character of The Quay is partly determined by the high-level signs that are a distinctive part of this waterfront façade and the replacement fascia sign above the first floor balcony represents a sufficiently high standard of design so as to accord with Policies MC6, GP4, GP8 and GP9 of the IDP.

The buildings accommodate a range of uses and this is reflected in the treatment of shopfronts, display windows and signage. At night, external illumination is generally confined to ground floor level, except Albion House, Le Nautique restaurant, the application property (Sorrento) and the Ship and Crown (current retrospective application). Street lighting is by lamp standards with festoon lighting strung between them along the length of The Quay and North Esplanade which serves to further illuminate the buildings facing the harbour. The application building, east façade, has been subject to modern alterations and signage to enable the building to function as a restaurant.

As acknowledged as part of the 2016 appeal for illumination to this building the Tribunal noted that lighting can have a *“profound impact on the character of an area at night-time”*. That previous proposed lighting scheme related to a ‘halo’ effect around the individual letters of the sign, the more recently refused scheme related to a strip light attached to the building (painted a pale colour) above the darker fascia sign level and directed down onto the sign below. At the appeal the Tribunal assessed the *“prevailing night-time character of the frontage along The Quay [as being] relatively low-key activity, where unoccupied commercial premises are*

interspersed occasionally with pubs and restaurants, and illuminated signs and other lighting is predominantly concentrated at street level and the floor above."

The lighting to the underside of the proposed awning would sit at street level, it does not provide illumination of signage, permission is required for this lighting however, given the location of the site within a Conservation Area (the Land Planning and Development Law, 2005, Section 13 (1) (3) (a)). The awning, and the associated lighting, represent a high standard of design that would preserve the character and appearance of the Conservation Area in line with Policies GP4, GP8 and GP9 of the IDP. The blackboard sign is also considered to comply with the aims of all relevant policies in the IDP.

Physically attaching the awning and signs to the protected building does not result in harm to its special interest and given that the fascia sign is a replacement of another sign in this location the light now proposed is not considered to represent harm to the fabric or setting of the Protected Building in accordance with Policy GP5 and the Law.

In view of the above it is recommended permission is granted.

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: 27/01/2025

