

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: Erect sign and illuminated sign to south elevation (retrospective).

LOCATION: Morrisons Daily, Le Bouet, St. Peter Port.

APPLICANT: Mr C Tyldsley

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: 20/03/2025

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 20/01/2025 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Ashleigh: Pages 3 - 5 194419 (REV D)

Application Ref: FULL/2025/0016

Property Ref: A105400000

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 as hereby approved shall be limited to 06:00 to 22:00 hours each day.

Reason - The premises are close to residential property and a limit on the use is needed to prevent a nuisance or annoyance to nearby residents.

5.For the avoidance of any doubt the illuminated signage as hereby permitted shall have a maximum light level of 75ca/sqm as per the approved drawings.

Reason - The premises are close to residential properties and a limit on the use is needed to prevent a nuisance or annoyance to nearby residents.

Expiry Date: This permission will cease to have effect on 19/03/2028 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/2025/0016
Property Ref: A105400000
Valid date: 20/01/2025
Location: Morrisons Daily Le Bouet St. Peter Port Guernsey GY1 2SE
Proposal: Erect sign and illuminated sign to south elevation (retrospective).

Applicant: Mr C Tyldsley

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 as hereby approved shall be limited to 06:00 to 22:00 hours each day.

Reason - The premises are close to residential property and a limit on the use is needed to prevent a nuisance or annoyance to nearby residents.

5. For the avoidance of any doubt the illuminated signage as hereby permitted shall have a maximum light level of 75ca/sqm as per the approved drawings.

Reason - The premises are close to residential properties and a limit on the use is needed to prevent a nuisance or annoyance to nearby residents.

OFFICER'S REPORT

Brief Description of the site:

The site in which the now 'Morrisons Daily' (formerly an Iceland) is located is south of Le Grand Bouet and north of Elizabeth Avenue, with vehicular access from the south. The shop front also faces south. There are residential neighbours to the east, north and west, and car parking across the road to the south. The property is located in the St Peter Port Main Centre Outer Area as defined in the Island Development Plan.

Relevant History:

There is no relevant history pertaining to this application.

Existing Use(s):

Retail use class 9: convenience 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:

MC7: Retail in Main Centre Outer Areas

GP8: Design

GP9: Sustainable Development

Consultations:

The Office of Environmental Health and Pollution Regulation.

'I have concerns that the illuminated signage may have an impact on the amenity of residents living close to the site. I would therefore recommend that the following conditions are attached to any consent granted for this application:

- The hours of operation for the exterior illuminated signage shall be limited to 06:00 to 22:00 each day.*
- The exterior illuminated signage shall be operated by a timer which is set to illuminate and extinguish lighting at the permitted times.*

Please do not hesitate to contact me at the above address should you require any additional information regarding this matter.'

Conclusion/Brief comment:

This is a retrospective application to erect a sign and an illuminated sign to the south elevation of the shop.

Initially the candelas per square metre were 250cd/sqm, which was considered for too light for the island and the locality, the application was deferred and the lighting has been reduced down to 75cd/sqm, which is more acceptable for the locality on the island.

Policy MC7 states that limited works to alter, extend or redevelop existing convenience retail premises, will be supported where they accord with all the relevant policies of the Island Development Plan.

The proposals are to up-date the shop entrance with some new signage. The signs are to be illuminated, but in consultation with Environmental Health, conditions will be attached to ensure that the illuminated signs are only switched on at specific times to ensure that the amenities of neighbouring properties are protected. With the conditions in place the proposals are not considered to have any detrimental impacts on any residential neighbours.

The method by which the timing of that lighting should be controlled however goes beyond what could reasonably fall within the control of planning law and a condition suggesting such would be both unreasonable and unenforceable in planning terms.

The proposals are not considered to impact on the character and appearance of the surrounding area and therefore are considered to conform to the above policies of the Island Development Plan and grant of permission is recommended, subject to conditions.

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.

Recommendation:

Grant with Conditions



Date: 20/03/2025

