

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 9 signs (retrospective).

LOCATION: Le Houmet (Houmet Tavern), Route du Picquerel, Vale.

APPLICANT: Liberation Group

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: 20/10/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 14/06/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Mark Frampton 2020/586/01;
Concorde BGW Group 4192-03-01; Annotated photograph and
sign specifications (date stamped 06 May 2022).

Application Ref: FULL/2022/1052

Property Ref: C02591D000+C02591E000

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 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.

3. Sign 5 hereby approved shall be positioned outside of the sightlines from the site access points.

Reason - In the interests of road safety.

Expiry Date: This permission will cease to have effect on 19/10/2025 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/2022/1052
Property Ref: C02591D000+C02591E000
Valid date: 14/06/2022
Location: Le Houmet (Houmet Tavern) Route du Picquerel Vale
Guernsey GY6 8JR
Proposal: Erect 9 signs (retrospective).

Applicant: Liberation Group

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 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.

3. Sign 5 hereby approved shall be positioned outside of the sightlines from the site access points.

Reason - In the interests of road safety.

OFFICER'S REPORT

Site Description:

The site formerly known as 'Le Houmet Tavern' (now the Puffin and Oyster) is a single storey restaurant and pub, which is set back from Route du Picquerel, which runs around the northeast, north and northwest boundary of the car park in front of the building. The building faces east with gable facing the carpark to the northeast. There are neighbouring residential properties to the west and south/southeast. The property is located Outside of the Centres as defined in the Island Development Plan.

Relevant History:

FULL/2022/1349 - Variation to works previously approved under FULL/2020/1986 - omit ramp and erect steps to external terrace, alteration to decking and change steps to main access to north east elevation (retrospective) Pending.

FULL/2020/1896 - Erect raised decking area with ramped access, demolish external steps and alterations to fenestration, erect cold store to west (rear) elevation and bin store to north-east (front) elevation – Approved September 2021.

Existing Use(s):

Retail use class 11: food.

Brief Description of Development:

This is a retrospective application to erect 11 signs in and around the entrance of the building.

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

OC4: Retail Outside of the Centres
GP1: Landscape Character and Open Land
GP8: Design
GP9: Sustainable Development

Representations:

There have been two letters of representation and the issues are:

- The new signage significantly obstructs the view on leaving the car park area, there is concern about them being a safety hazard for all entering and leaving the car park area.
- The current planning application does not appear to specify appropriate planning for this roadside signage. In addition you will note that the former planning compliant temporary A frame signage has been replaced by higher

more visually obstructive permanent signage. Replacement, if approved should have been like for like and full planning applied and granted for a permanent sign.

- The signage is not within keeping of the beautiful surroundings of this part of the Guernsey coastline, should the new signage be granted approval by the planning department I would strongly request that the signage should be relocated back from the road to allow unhindered view and access for oncoming traffic.
- Neighbours are on the understanding that the car park and surrounding land is not under the ownership of the applicant.
- In the application the agent on behalf of the applicant has ticked that he has the written consent of the owner of any part of the land to make this application. Therefore the applicant must be able to provide the evidence that the applicant is the rightful owner.
- The three signs referred to as signs' 07' stating that 'the car park is for patrons only'
- is contentious. This area is used for beach goers, dog walkers and visitors to neighbouring properties. Therefore there are objections to the erection of signs 07.
- We object to sign 01 as this is too ostentatious for the area. It is obvious from the permanent and already erected signs 05 and the location of the premises in clear view from the road that the premises are there and no additional substantial signage as 01 is needed.

Consultations:

None

Summary of Issues:

- Design of the development.
- Impact of the development on the character and appearance of the area.
- Impact of the development on neighbouring properties.

Assessment against:

1 - Purposes of the law.

The objectives of the Law, as set out in Section 1(2), have been considered and this forms part of the assessment of policy issues as set out in 2 below.

2 - Relevant policies of any Plan, Subject Plan or Local Planning Brief.

Initially there were proposed to be three large signs along the roadside and at entrances to the car park. Two of the signs were retrospective and, as initially positioned, located within sightlines from the exits, and were causing highway safety issues for vehicles trying to exit the site. Subsequent to the submission of the application, these have been moved further back into the site, outside of the sightlines from the exits, and no longer raise road safety concerns.

The area is however coastal rural and should remain that way to preserve the character of the area. The installation of three large signs along the roadside was considered to comprise unnecessary proliferation and the application was deferred to address this. The totem pole sign and one of the two existing signs at the entrances have now been omitted. The remaining sign is appropriate for identification of the building and does not have an adverse impact on the character of the area.

There have also been concerns about the actual ownership of the car park and area between the building and the road. The neighbours, who share a right of way across the land to their driveway, said it was not known who owned the land. The deferral requested the agent to provide evidence that ownership was known and that they had permission.

The agent provided a copy of a Conveyance registered in 1993 which shows that the Liberation Group does have ownership of the land; *'My client (Liberation Group) has now supplied me with the enclosed Conveyance and plan registered at the Greffe 25th February 1993 being concerned with the subject area of land to the north and northeast of the Puffin & Oyster premises. Now, the land in question (certainly at the time of the conveyance nearly 30 years ago) was not registered by the States Cadastre as being in any specific ownership – this appears to be the current situation. However, the vendors claimed 'prescriptive ownership' of said land and they conveyed away "All such right title and interest present and future vested of contingent" to the purchaser. The conveyance document further states: "That the purchaser shall enter into possession of the premises hereby conveyed from this day...". So, in principle I am appointed to act on behalf of the Liberation Group who is the (at least) de facto owner of the land on which the proposed signage has been erected, there being none other.'*

With the ownership concern addressed, the issues in relation to the signs around the perimeter of the car park are reduced to impacts on the character of the area. Given the limited size and design of these signs, any such impact would not be significant.

The other signage in and around the entrance of the building are thought to be appropriate in size and layout and do not impact the character of the area, nor do they effect any neighbour amenity.

Confirmation has been received that the development proposed has been designed to take into account matters of energy efficiency and current Building Regulations in accordance with Policy GP9.

The proposals are considered to conform to the above policies of the Island Development Plan and grant of permission is recommended, subject to conditions.

3 - General material considerations set out in the General Provisions Ordinance.

All material considerations as set out in the Land Planning and Development (Guernsey) Law, 2005 and the Land and Planning (General Provisions) Ordinance 2007 have been taken into account in the assessment of this application. Where relevant the issues are considered in section 2 above.

4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).

The proposal would have no impact on Protected Buildings, Trees or Monuments or on SSS's.

Date: 20/10/2022