

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 shed to north boundary, erect 4 seating structures to west of site, gate and fencing (Retrospective) (Site of Special Significance) (revised scheme).

LOCATION: Moulin Huet Tea Room, Rue Du Moulin Huet, St. Martin.

APPLICANT: CB Catering 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: 27/06/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 29/05/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: CCD Architects 3819 PL01A & Retrospective Planning Application Report

Application Ref: FULL/2024/0892

Property Ref: J01365A000

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. The lowering of the trellising and removal of the gateway pergolas must be carried out within 21 days of the date of this approval.

Reason - To secure the satisfactory appearance of the completed development.

Expiry Date: This permission will cease to have effect on 27/06/2027 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/2024/0892
Property Ref: J01365A000
Valid date: 29/05/2024
Location: Moulin Huet Tea Room Rue Du Moulin Huet St. Martin
Guernsey GY4 6EJ
Proposal: Erect shed to north boundary, erect 4 seating structures to
west of site, gate and fencing (Retrospective) (Site of Special
Significance) (revised scheme).
Applicant: CB Catering 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 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. The lowering of the trellising and removal of the gateway pergolas must be carried out within 21 days of the date of this approval.

Reason - To secure the satisfactory appearance of the completed development.

OFFICER'S REPORT

Site Description:

The site known as 'Moulin Huet Tea rooms' is located at the bottom of the road to Moulin Huet, south of the footpath leading to the beach. The land slopes from the northwest down to the southeast. The whole area is a Site of Special Significance and the property is located Outside of the Centres as defined in the Island Development Plan.

Relevant History:

FULL/2024/0469 – Erect shed to north boundary, erect 4 covered seating structures to west of site, and erect gated archway and fencing (Retrospective) (Site of Special Significance) – Refused May 2024.

Existing Use(s):

Retail use class 11: food.

Brief Description of Development:

This is a revised retrospective application to erect a shed to the west (rear) of the existing tearoom to house gardening equipment, erect 4 timber covered seating structures in the lower garden area to the southwest of the tearoom, and erect two gates at the pedestrian access points and a low trellis fence along the majority of the northeast/east boundaries, adjacent to the public footpath and along the southeast boundary adjacent to the public cliff path.

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

OC9: Leisure and Recreation Outside of the Centres
GP1: Landscape Character and Open Land
GP2: Sites of Special Significance
GP8: Design

Representations:

There has been one letter of representation and the issues are:

- La Societe Guernesiais has received emails regarding this location's ongoing/proposed works. As this site is situated on our south cliffs and is in an area designated as SSS we are very concerned about lighting levels emanating from the tea rooms. As you are aware the recently renovated cottage was required to follow stringent environmental conditions before any work could commence. These conditions included controls on permitted light levels. These restrictions were necessary to safeguard the important bat populations, and to reduce light pollution which is of growing concern to us

on an island-wide basis. As ACLMS has commented on this application in the past, I would suggest that they be contacted about the requirements under the Strategy for Nature. Quite clearly, it would be inconsistent to insist on strict environmental measures at one site but allow a property 20 metres away to do the opposite.

Consultations:

Agriculture, Countryside and Land Management Services (ACLMS) (AS PER FULL/2024/0467)

'We note that the site of the proposed development is designated as a Site of Special Significance (SSS), and forms part of the South Coast Cliffs SSS. The development appears to be entirely contained within the area currently used as curtilage by the tearooms and appears to be comprised of amenity grassland, a habitat of low conservation value. The proposals, therefore, are unlikely to cause any significant impact on the special interest of the SSS.'

We note that the application does not include additional external lighting. Given the potential for external lighting to cause light pollution within the SSS, Planning Services may wish to consider highlighting this through a suitably worded condition. We also note that the application does not include a landscaping scheme. Should one be required as a condition to this application we would be pleased to review it to ensure that it does not contain any invasive non-native species which may impact on the special interest of the SSS.'

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.

The difference between this application and the previously refused application is the reduction in height of the boundary trellising and the omission of the ornate timber archways over the pedestrian gateways, which means the main reason for the previous refusal has been mitigated.

The construction of the timber shed to the rear of the tea rooms is not considered to have any adverse effects on the character and appearance of the surrounding area or on the site of special significance.

The installation of the four timber picnic tables with covered shade are also considered to be appropriate additions to the tea room garden, giving the clients more choice when it comes to seating. The natural timber material means they blend onto the area, especially as the hillside rises up behind them. They would not have any detrimental impacts on the surrounding area or on the site of special significance.

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: 25/06/2024