

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 a movable catering trailer (for temporary period of 1 year).

LOCATION: Waffle House, Land adjacent to The Weighbridge, North Esplanade, St. Peter Port.

APPLICANT: Mr & Mrs Silvester

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: 25/05/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 10/10/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: CCD Architects: 3745-PL02, 03, 04, 05 & 06

Application Ref: FULL/2022/1986

Property Ref: A411190002

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.After 1 year from the date in which the trailer is brought to site, the permission for this development shall cease and the trailer hereby approved shall be removed from the site in its entirety.

Reason- The permission is granted for a limited period of one year only due to the nature of the proposal and in order to clearly define the permission. Installing a trailer on a permanent basis within this prominent location would cause harm to the Conservation Area by virtue of its design.

5.For the avoidance of doubt, the trailer hereby approved shall only be used ancillary to the business known as the 'Waffle House' located within the Weighbridge building to the north of the trailer.

Reason - to ensure that the use of the trailer is associated with the existing business and for no other purposes as this would require separate permission and require further consideration.

Expiry Date: This permission will cease to have effect on 24/05/2026 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/2022/1986
Property Ref: A411190002
Valid date: 10/10/2022
Location: Waffle House Land adjacent to The Weighbridge North
Esplanade St. Peter Port Guernsey
Proposal: Install a movable catering trailer (for temporary period of 1
year).
Applicant: Mr & Mrs Silvester

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. After 1 year from the date in which the trailer is brought to site, the permission for this development shall cease and the trailer hereby approved shall be removed from the site in its entirety.

Reason- The permission is granted for a limited period of one year only due to the nature of the proposal and in order to clearly define the permission. Installing a trailer on a permanent basis within this prominent location would cause harm to the Conservation Area by virtue of its design.

5. For the avoidance of doubt, the trailer hereby approved shall only be used ancillary to the business known as the 'Waffle House' located within the Weighbridge building to the north of the trailer.

Reason - to ensure that the use of the trailer is associated with the existing business and for no other purposes as this would require separate permission and require further consideration.

OFFICER'S REPORT

Brief Description of the site:

The application site relates to an area of hard standing to the south of St. Julian's Weighbridge.

Planning permission is sought to install a movable (airstream) catering trailer for a temporary period of 2 years. The trailer will be used for selling food and drink associated with the Waffle House. The Waffle House is sited within the Weighbridge, which itself is recognised as a protected building. The site is located within a Conservation Area and Harbour Action Area as designated in the Island Development Plan.

As set out in the applicant's letter dated 7th October 2022, the trailer is to be operational between the hours of 07:00 and 00:00 to enable the trailer to cater for special events which would include operating in the evenings on certain occasions.

The trailer measures approximately 4m length x 2.1m wide x 2.1m high. The trailer will be positioned in a way that is in line with the roadside (west) elevation of the Weighbridge and does not extend beyond the contrasting granite paving slabs which demarcates the south boundary of the site.

It is understood that the trailer is required for a temporary period in order to consider a more permanent solution (FULL/2022/2116), in order to improve the services and facilities of the Waffle House.

Relevant History:

FULL/2022/2116	Erect building/covered dining area to south elevation and relocate horse trough to north elevation.	Approved 25/02/2023
PREA/2022/1012	Erect a covered dining area.	Pre-application enquiry
FULL/2023/0391	Rescind Condition 4 of FULL/2020/0156 to retain refillable water station.	Granted
FULL/2020/0156	Install freestanding water refill unit.	Granted
FULL/2017/0343	Change of use of premises to Retail Use Class 12 to operate a food takeaway business, and internal alterations. (Protected Building).	Granted

Existing Use(s):

Hard standing to the south of the Weighbridge.
St. Julian's Weighbridge – Waffle House - Hot food takeaway business.

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:

MC6 Retail in Main Centres
GP4 Conservation Areas
GP5 Protected Buildings
GP8 Design
GP9 Sustainable Development
GP18 Public Realm and Public Art

Consultation:**The Office of Environmental Health and Pollution Regulation:**

"I have reviewed the proposed plans for the temporary siting of a mobile food van which were received by e-mail and I do not wish to raise any objections to the proposals."

Conclusion/Brief comment:

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.

Policy MC6 states that *“Within the Main Centres, new convenience and comparison retail provision will be supported and encouraged. Proposals to extend, alter or redevelop existing retail premises will also be supported providing they accord with all other relevant policies of the Island Development Plan.”*

The proposal seeks to extend the retail facilities of the Waffle House and is in principle supported under Policy MC6, subject to complying with all other relevant planning policies.

It is a requirement under the Land Planning and Development (Guernsey) Law, 2005, when considering applications affecting protected buildings, to secure so far as possible that the special historic, architectural, traditional or other special characteristics (including setting) are preserved. This duty is reflected in Policy GP5 of the Island Development Plan.

Policy GP4 (Conservation Areas) states that proposals for development within a Conservation Area will be supported where the development conserves and, where possible, enhances the special character, architectural or historic interest and appearance of the particular Conservation Area. Furthermore, it is a requirement under the Land Planning and Development (Guernsey) Law, 2005, when considering applications affecting Conservation Areas that special attention shall be paid to the desirability of preserving and enhancing the character and appearance of that Area.

The design of the airstream trailer is reflective which contrasts to the material palate found in the surrounding area, this means that the proposed trailer is likely to be visually prominent within the Conservation Area. The trailer is also located within a prominent location adjacent to the main road and pedestrian walkway from the main car park, and immediately adjacent to the protected building, in front of the principle elevation and does not relate well to the classic Victorian architecture of the protected building.

On balance, although concern has been raised regarding the visual impact of the proposal, inappropriate design, and prominence which detracts from the Conservation Area and Protected Building, Policy GP4 allows for traditional or contemporary or design approaches, which means that it is not considered to cause significant harm to the Conservation Area in terms of design and materials.

Moreover, the trailer is not a permanent, fixed structure, and is proposed only for a temporary time period. The application for a permanent extension to serve the Waffle House (FULL/2022/2116) has been recently approved on the same site and provides a more appropriate form of development. This means that the proposal

would not have a permanent effect on the character or appearance of the Conservation Area, and while its present may detract from the protected building to a moderate degree, it would not have a significant detrimental effect on the setting of the Protected Building.

In addition, the proposal also serves to enhance and expand an existing café use, which supports the vitality of the town centre and is a key objective of the IDP, this assists in outweighing some harm to the protected building to a moderate degree.

It is considered reasonable and necessary to attach planning conditions to the decision to ensure that the permission is only limited for a temporary period of one year due to assess the impact of the development and due to the proposed temporary nature of the development and also to ensure that it is used for ancillary purposes to serve the Waffle House.

In light of Environmental Health's comments, the proposal is unlikely to lead to any adverse effect on the amenities of neighbouring residents.

Sufficient information has been submitted that has taken into account the criteria of Policy GP9 (Sustainable Development).

Based on the above, the application is considered compliant with the relevant Island Development Plan policies, and accords with the purpose of the Law and material considerations; it is therefore recommended that planning permission be granted, subject to conditions.

Recommendation:

Grant with Conditions



Date: 24/04/23