

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, 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: 10/07/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 30/05/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: CCD Architects: 3745-PL02, PL03, PL04, PL05, PL06

Application Ref: FULL/2024/0905

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 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. After 1 year from the date of this decision, 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 to give sufficient time to carry out a more permanent solution to operate the business from St. Julian's Weighbridge (FULL/2022/2116). The timeframe is required 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.

4. 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 10/07/2027 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/2024/0905
Property Ref: A411190002
Valid date: 30/05/2024
Location: Waffle House The Weighbridge North Esplanade St. Peter
Port Guernsey GY1 1WG
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 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.

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3. After 1 year from the date of this decision, 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 to give sufficient time to carry out a more permanent solution to operate the business from St. Julian's Weighbridge (FULL/2022/2116). The timeframe is required 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.

4. 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

Site Description:

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

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.

Relevant History:

FULL/2022/1986	Install a movable catering trailer (for temporary period of 1 year).	Approved
FULL/2022/2116	Erect building/covered dining area to south elevation and relocate horse trough to north elevation.	Approved
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.

Brief Description of Development:

Planning permission was granted planning permission in 2023 (FULL/2022/1986) to install a movable (airstream) catering trailer for a temporary period of 1 year. The application was originally submitted for 2 years, although it was reduced to 1 year as part of the planning process.

Planning permission is now sought to renew the temporary permission for a further year. It is noted in the agent's letter of 15th May 2024 that applicant would like to extend the period until internal works commence on the Weighbridge building.

It is noted that the trailer would continue to operate in the same manner as approved.

The trailer is used for selling food and drink associated with the Waffle House.

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 including 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.

A Statement of Significance has also been submitted by the agent.

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

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

Representations:

The Authority has received a letter of representation from one party objecting to the proposal. Grounds for objection principally relate to the following issues:-

- Impact on visual amenity, tourism.
- Unnecessary form of development, adequate kitchen in the Waffle House building.

Consultations:

The Office of Environmental Health and Pollution Regulation:

“I have reviewed the proposed plans for the mobile food trailer to be located at the above mentioned property which were received by email on 10th June 2024 and I do not wish to raise any objections to the proposals.”

Summary of Issues:

- Whether the development would have a detrimental effect on the setting of the protected building.
- Whether the proposal would affect the character and appearance of the Conservation Area.

Assessment against:

- 1 - Purposes of the law.**
- 2 - Relevant policies of any Plan, Subject Plan or Local Planning Brief.**
- 3 - General material considerations set out in the General Provisions Ordinance.**
- 4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).**

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.

The summary of issues as set out above have been considered as part of the former permission (FULL/2022/1986).

As part of the Planning Officer's site visit, it was observed that the catering trailer was not in use and was parked adjacent to the Weighbridge building, although the business was operating from the Weighbridge which demonstrates an ancillary relationship. It is however appreciated that this is only a snapshot in time to assess its overall use. So far, there is no reason to raise concerns over its ancillary relationship to the Weighbridge building.

Given that the original application (FULL/2022/1986) did request a temporary permission for 2 years in order to carry out works to the Weighbridge building, it is considered reasonable to extend the period of permission for another year to facilitate the commencement of works, despite some reservations of the lack of implementation.

Without sufficient progress being made to implement permission (FULL/2022/1986) and to operate the business from the Weighbridge building, it is unlikely at this stage, without any overwhelming evidence, that a further extension of time would be granted to install a temporary catering trailer in this prominent location.

The comments from the representation have been considered as part of this application, most of which have been addressed as part of the Officer's report of the original permission (FULL/2022/1986).

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.

Date: 05/07/24

