

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 food trailer and tables.

LOCATION: Pedestrian Access, Near North Beach, St. Peter Port.

APPLICANT: Mr D McDonald

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: 13/06/2025

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 28/03/2025 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Block Plan date stamped 10.03.25, Details of trailer & picnic benches brochure

Application Ref: FULL/2025/0443

Property Ref: A41119002A

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 Authority shall be notified on the day in which the trailer hereby permitted has been first used/brought into use and the permission hereby granted shall cease and the trailer hereby approved shall be removed from the site in its entirety within 12 months of the date specified.

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 in this position could cause harm to the Conservation Area by virtue of its design.

5.The development hereby approved shall only be open to the public between the following hours 10:30hrs to 14:30hrs Tuesday to Sunday with the addition of 17:30 to 21:00hrs on Fridays and 08:30hrs to 14:30hrs on Saturdays. No customers shall use the premises outside of these hours.

Reason - To prevent harm or nuisance to the amenity of the surrounding area.

6.The tables and chairs used in connection with the trailer hereby approved shall be stored within the trailer when not in use.

Reason - To define the permission for the avoidance of any doubt and in the interest of visual amenity.

7.Notwithstanding the information submitted no advertisements shall be attached to the trailer hereby approved until precise details of those advertisements including their position, details of the materials and colours to be used have been submitted to and agreed in writing by the Authority. The works shall be carried out only in accordance with the agreed details.

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

Expiry Date: This permission will cease to have effect on 12/06/2028 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

Please contact the States Office of Environmental Health and Pollution Regulation (OEHPR) with regard to any water supply to the trailer. OEHPR can be contacted on 01481 221161.

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/2025/0443
Property Ref: A41119002A
Valid date: 28/03/2025
Location: Pedestrian Access Near North Beach Near North Beach St.
Peter Port Guernsey
Proposal: Install food trailer and tables.

Applicant: Mr D McDonald

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 Authority shall be notified on the day in which the trailer hereby permitted has been first used/brought into use and the permission hereby granted shall cease and

the trailer hereby approved shall be removed from the site in its entirety within 12 months of the date specified.

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 in this position could cause harm to the Conservation Area by virtue of its design.

5. The development hereby approved shall only be open to the public between the following hours 10:30hrs to 14:30hrs Tuesday to Sunday with the addition of 17:30 to 21:00hrs on Fridays and 08:30hrs to 14:30hrs on Saturdays. No customers shall use the premises outside of these hours.

Reason - To prevent harm or nuisance to the amenity of the surrounding area.

6. The tables and chairs used in connection with the trailer hereby approved shall be stored within the trailer when not in use.

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7. Notwithstanding the information submitted no advertisements shall be attached to the trailer hereby approved until precise details of those advertisements including their position, details of the materials and colours to be used have been submitted to and agreed in writing by the Authority. The works shall be carried out only in accordance with the agreed details.

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

INFORMATIVES

Please contact the States Office of Environmental Health and Pollution Regulation (OEHPR) with regard to any water supply to the trailer. OEHPR can be contacted on 01481 221161.

OFFICER'S REPORT

Site Description:

The application site comprises part of the public area/footpath between North Beach Car Park and the harbour to the QEII Marina to the north. The site is currently unused and is bounded to the south and west by a granite wall.

Surrounding the site the area comprises the public realm space/footpath and patanque courts to the northwest, the QEII Marina to the north, North Beach Car Park to the south and St Julians Avenue Roundabout to the west.

The site is situated within a Main Centre Inner Area, St Peter Port Conservation Area, and Harbour Action Area as designated in the Island Development Plan (IDP).

Relevant History:

The application has been the subject of pre-application discussions.

Existing Use(s):

Public area/footpath

Brief Description of Development:

Planning permission is sought to place a food trailer and a maximum of 3 foldable picnic benches on the land the subject of this application. The supporting information confirms that at the end of each day the picnic benches will be folded up and stored within the trailer.

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

Island Development Plan

- MC6: Retail in Main Centres;
- MC10: Harbour Action Area;
- GP4: Conservation Areas;
- GP8: Design

St Peter Port Harbour Action Area Local Planning Brief

Policies 3.1 and 3.3

Representations:

In total three representations have been received objecting to the proposal, two from a representative from St Peter Port Douzaine and one from a member of the public. The grounds for objection are summarised as follows:

- There is already an airstream trailer within 200m of the application site selling basic food;
- Tables and chairs operating from a raised platform with no railings in place will be a safety hazard;
- If the trailer is moveable why does it need hoisting onto the raised platform;
- Would applications of this nature require/benefit from a formal heritage/visual impact assessment;

- if so even if the land is owned by the States are these taken into account;
- this is one of several similar trailers planned for the harbour and cumulatively they could impact on the character and charm of the area;
- the plans do not show exactly how the site will be occupied by the trailer;
- the trailer would take up half of the depth of the platform leaving very little space to queue in front of the trailer without encroaching on the step down;
- clarification should be welcomed on how queuing will be managed;
- it may be better if the trailer and tables were situated at ground level rather than raised;
- no public safety railings will be fitted;
- the tables and chairs appear domestic rather than commercial, is it hygienic to store these benches in the trailer;
- concerns are raised with regard to water drainage and written approval should be achieved from Guernsey Water and Environmental Health;
- long term precedent and public realm impacts;
- the current site lacks the operational rigour required for this site.

Consultations:

Office of Environmental Health and Pollution Regulation

By letter dated 01st June 2025 stated the following:

"I have reviewed the proposed plans for a food trailer to be located at the North West path access to the above mentioned address which were received by email on 28th March 2025 and I do not wish to raise any objections to the proposals.

I would however urge the applicant to contact the Office of Environmental Health and Pollution Regulation to discuss the water supply to the trailer.

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

Summary of Issues:

- Impact on the character and appearance of the surrounding Conservation Area;
- Impact on neighbouring amenities;
- Impact on highway safety.

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).

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 create a retail facility and is in principle supported under Policy MC6, subject to complying with all other relevant planning policies.

The site is within a Conservation Area. It is a requirement under the Land Planning and Development (Guernsey) Law, 2005, when considering applications affecting Conservation Areas, to secure so far as possible that the special historic, architectural, traditional or other special characteristics are preserved. This is reflected in Policy GP4 which supports development that conserves, and where possible, enhances the special character, architectural or historic interest and appearance of the particular Conservation Area.

Within Conservation Areas Policy GP8 seeks to ensure that new development achieves a particularly high standard of design whilst making effective and efficient use of land and respecting the character of the local built environment or the open landscape concerned. Development should also give consideration to the amenities of occupiers and surrounding neighbours, provide soft and hard landscaping where this reinforces local character or mitigates the development.

The proposed food trailer will be situated on a slightly raised platform with a granite wall immediately behind (circa 1.6m in height) which will shield the trailer from the North Beach and Port access road immediately behind. The trailer will be an airstream type trailer of a similar specification to the trailer outside of the weighbridge circa 100m south of the application site on the opposite side of the public toilet building. The proposed trailer will measure 5.5m in length (which includes the trailer hitch), with the main body of the trailer measuring 3.9m in length by 2.1m in width with a height of 2.7m. In addition to the trailer 3 picnic benches will also be used during opening hours for customer to sit at, these will be situated to the east of the trailer on the raised platform. The benches will be stored away each night within the trailer when not in use. The applicant has confirmed that the opening times will be Tuesday to Sunday 10:30am until 14:30pm, Friday 5:30pm to 09:00pm and Saturday morning 08:30am to 2:30pm.

The comments from the representations received have been noted with particular regard to the impact of the proposal on the visual character and appearance of the surrounding area and that it will set a precedent in the area for others to follow. The design of the airstream trailer is reflective which contrasts to the material palette found in the surrounding area, and 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. However, Policy GP4 does allow for

traditional or contemporary design approaches, and on balance situated behind an existing wall and projecting only a metre above the wall the proposal will be largely screened from viewpoints to the south and west. To the north and from the harbour although this may appear prominent, given its limited scale, any harm to the Conservation Area is not considered to be so substantial to warrant the refusal of planning permission. Given the scale of the proposal and that it will be largely hidden from certain views by the wall, a visual impact or heritage assessment is not considered to be required in this instance. That said given that a trailer is not a permanent feature and if left unmaintained could cause harm to the character of the Conservation Area, it is recommended that should permission be granted it is on a temporary 12 month basis so that the application and any impact on the character of the surrounding area can be reassessed at that time. Furthermore, as no details of any advertisements to be attached to the trailer have been provided and to ensure satisfactory external appearance, it is recommended that a condition is included on any permission for details of the advertisements to be approved by the Authority before they are displayed.

With regards to highway safety, the wall to the rear of the trail will provide a safe barrier to protect the trailer and customers from the port and car park access road. Although concerns are raised from representors relating to queuing public and the need for a strategy to manage this and also the safety of the customers due to the raised platform, these are all outside of planning control. Given the limited height of the curb it would also be outside of Building Control and the requirement for a safety rail or similar would be both unreasonable and unjustifiable. Should any such requirements be required then these would need to be controlled or stipulated within the terms/conditions of the lease, again a matter outside of planning control. With regard to deliveries, there is ample parking at the car park, where items could be unloaded and either carried or moved by trolley to the trailer. No parking or stopping is allowed on the carpark/port access road and again this would be a matter for highways to control should it occur. Considering the above, the proposal would not cause harm to highway safety.

With regard to hygiene, waste water and the general operation of the property, the States Office of Environmental Health and Pollution Regulation (OEHPR) raised not objection, but did request that they be contacted with regards to the supply of water, which can be included as an informative on any permission. In the absence of any objection from OEHPR the refusal of planning permission based on the impacts on the surrounding area/amenities due to odour, noise disturbance etc. would not be justifiable.

The proposal complies with the relevant policies of the approved Harbour Action Area as referred to above and therefore complies with policy MC10 of the IDP.

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. 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: 06/06/2025

