

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 moveable catering trailer, hardstanding and table and chairs for temporary period.

LOCATION: Land adjacent to Vivier bunker, Castle Pier, St. Peter Port.

APPLICANT: Mr & Mrs Pesrin

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: 23/07/2025

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 30/05/2025 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Block Plan & Location Plan, Specifications of Trailer, Decking, Tables, Chairs & Planters (date stamped 22.05.25)

Application Ref: FULL/2025/0711

Property Ref: A411190009

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. For the avoidance of doubt, no permission is granted for the loading bay.
Reason: This has not been considered as part of the application as its location is inappropriate.

5.The development hereby approved shall only be open to the public between the following hours 11:00hrs to 18:00hrs Monday to Sunday. No customers shall use the premises outside of these hours.

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

6.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.

7.The use of the approved food trailer shall cease on the 31st October 2025, and the trailer, hardstanding and associated furniture shall be removed from the site entirely within 2 weeks of the date specified.

Reason- The permission is granted for a limited period 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.

Expiry Date: This permission will cease to have effect on 22/07/2028 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/2025/0711
Property Ref: A411190009
Valid date: 30/05/2025
Location: Land adjacent to Vivier bunker Castle Pier St. Peter Port
Guernsey GY1 1AU
Proposal: Install moveable catering trailer, hardstanding and table and
chairs for temporary period.

Applicant: Mr & Mrs Pesrin

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.

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

6. 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.

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Reason- The permission is granted for a limited period 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.

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

Brief Description of the site:

The application site comprises part of the public area/grass verge adjacent to the Vivier bunker, on Castle Pier. The site is currently unused and is bounded to the east by Vivier bunker and surrounded by car parking to the north, west and south.

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). The site is also close to several Protected Buildings and Protected Monuments, including Castle Cornet and The Slaughterhouse.

Relevant History:

N/A

Existing Use(s):

Public Areas

Assessment: (Tick as appropriate)

no representation
accords with policy
within curtilage
design acceptable

✓
✓
✓
✓

visual amenity acceptable
no material neighbour impact
traffic not affected

✓
✓
✓

Consultations:

Office of Environmental Health and Pollution Regulation

By letter dated 05th June 2025 stated the following:

"I have reviewed the proposed plans for a food trailer to be located at the land adjacent to the Vivier Bunker which were received by email on 4th June 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."

Traffic and Highways Services

In the first instance, this road is under the control of Guernsey Harbours which by extension might be the States Property Unit, so the use of the bays and any changes/additions to them would have to be addressed with them.

In relation to the application in general, THS would comment that in relation to where the food trailer would be located, we would have some road safety concerns around the expected increase in pedestrian and traffic movements, as there is no existing pedestrian infrastructure at this site (i.e pedestrian footways or crossings) to mitigate potential risks.

Guernsey Ports

The harbour operations team would suggest the Loading Bay is on the seaside due to the narrowness of the road.

Policies considered most relevant:

- 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

Conclusion/Brief comment:

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

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 and Policy GP5 which supports development that conserves, and where possible, enhances the special character, architectural or historic interest and appearance of the particular Protected Building and Conservation Area. GP6 is also relevant as part of Castle Cornet is a Protected Monument and the proposal needs to be assessed in connection with the setting of the Protected Buildings and Monument in the vicinity.

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 adjacent to the existing landscaped area to the west of Vivier bunker with a temporary area of timber decking (6x by 10m) laid on the grass immediately adjacent to the trailer. The trailer itself is an airstream type trailer of a similar specification to the existing trailer outside of the weighbridge, and measures 5.5m in length (which includes the trailer hitch), with the main body of the trailer measuring 3.9m in length by 2.2m in width with a height of 2.45m. In addition to the trailer 10x cream coloured temporary outdoor tables and 20 x matching chairs

are proposed on this area of decking and grass area adjacent to the decking, to be used during opening hours for customer to sit at. Six planters are also proposed.

The applicant has confirmed that the opening times will be Monday to Sunday 11am until 7pm, and in operation from March until the 31st October 2025 to be renewed on an annual basis. The application was not validated until the 30th May, and so temporary permission would now be granted from the date of approval until the 31st October, a new application would be required for March – October 2026.

The comments from the consultations received have been noted with particular regard to the comments regarding the lack of pedestrian crossings, but it is not considered necessary for a short temporary permission but may be necessary should the application become permanent or annual, and would be a matter for highways to control. With regards to the comments around the loading bay, this has now been removed from the proposal and condition 4 has been used to draw attention to this. Considering the above, the proposal would not raise sufficient concern to warrant the refusal of the application in terms of highway safety or traffic management.

With regard to hygiene, waste water and the general operation of the property, the States Office of Environmental Health and Pollution Regulation (OEHPR) raised no 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 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 fairly prominent location when accessing the main areas of car park, pedestrian and vehicular access to the Model Yacht Pond and retail facility, sailing club, kiosk and tourist attraction of Castle Cornet.

However, Policy GP4 does allow for traditional or contemporary design approaches, and on balance situated adjacent to the bunker and within the area of landscaping/grassed verge the proposal will have an acceptable visual impact. In wider views from the town, towards Castle Cornet, the proposal is unlikely to appear prominent due to its small scale, and reflective material, with numerous parked vehicles, boats and railing in-between and adjacent.

Given its limited scale, any harm to the Conservation Area, or the setting of the nearby Protected Buildings/Monuments is not considered to be so substantial to warrant the refusal of planning permission. In addition, the trailer is not a permanent form of development, and it is recommended that should permission be granted it is on a temporary basis so that the application and any impact on the character of the surrounding area can be reassessed at the time of the new submission. 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.

The temporary nature of the proposal complies with the relevant policies of the approved Harbour Action Area and the Local Planning Brief 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.

Recommendation:

Grant with Conditions



Date: 22/07/2025