

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 extractor vent and install vent to existing window to north elevation (Protected Building).

LOCATION: The Weighbridge, North Esplanade, St. Peter Port.

APPLICANT: Silvester Group

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: 08/08/2025

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 03/06/2025 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: CCD Architects - 3761-PL01, PL02, PL03, PL05, PL06

Application Ref: FULL/2025/0785

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.Noise associated with plant and machinery incorporated within the development shall be controlled such that the Rating Level, measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 5 dB(A) below the existing LA90 background noise level, including low frequency tones. Rating Level and existing background noise levels shall be determined as per the guidance provided in BS 4142:2014+A1:2019.

Reason - to protect the amenities of nearby residents.

5.The extract flue (south elevation) and air vent (north elevation), however named, shall be removed from the site when they are no longer needed or required, and the roof surface and window shall be repaired and made good.

Reason - to ensure that the catering equipment approved is removed once it is no longer needed or required as part of the hot food take-away business.

Expiry Date: This permission will cease to have effect on 07/08/2028 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

Please note that provided the nature of the business remains within Retail Use Class 12 (hot food take-away), then planning permission will not be required for a change of use of the premises. Please note that should new signage/advertisement be required, then this may require a separate grant of planning permission.

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/2025/0785
Property Ref: A411190002
Valid date: 03/06/2025
Location: The Weighbridge North Esplanade St. Peter Port Guernsey
GY1 1WG
Proposal: Install extractor vent and install vent to existing window to
north elevation (Protected Building).

Applicant: Silvester Group

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. Noise associated with plant and machinery incorporated within the development

shall be controlled such that the Rating Level, measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 5 dB(A) below the existing LA90 background noise level, including low frequency tones. Rating Level and existing background noise levels shall be determined as per the guidance provided in BS 4142:2014+A1:2019.

Reason - to protect the amenities of nearby residents.

5. The extract flue (south elevation) and air vent (north elevation), however named, shall be removed from the site when they are no longer needed or required, and the roof surface and window shall be repaired and made good.

Reason - to ensure that the catering equipment approved is removed once it is no longer needed or required as part of the hot food take-away business.

INFORMATIVES

Please note that provided the nature of the business remains within Retail Use Class 12 (hot food take-away), then planning permission will not be required for a change of use of the premises. Please note that should new signage/advertisement be required, then this may require a separate grant of planning permission.

OFFICER'S REPORT

Site Description:

The application site comprises a protected building, namely St. Julian's Weighbridge. The whole of the building is protected, including the horse trough to the south elevation.

The Waffle House is a hot food takeaway (retail) business which operates within the building. An area of hard standing exists to the south of the Weighbridge which is identified as forming as part of the application site (FULL/2024/0905, FULL/2022/1986)

Temporary permission has been granted to install a movable catering trailer to the south of the Weighbridge.

The building is located in the Main Centre Inner Area, Conservation Area and Harbour Action Area as designated in the Island Development Plan.

Relevant History:

PREA/2025/0318	Convert premises to a fish and chip shop. (Protected Building).	Pre-application enquiry
FULL/2024/0905	Install a movable catering trailer (for temporary period of 1 year).	Granted
FULL/2022/2116	Erect building/covered dining area to south elevation and relocate horse trough to north elevation.	Granted
FULL/2022/1986	Install a movable catering trailer (for temporary period of 1 year).	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):

Retail - hot food takeaway

Brief Description of Development:

Planning permission is sought to install extractor vent to the roof, and to install a vent to an existing window on the north elevation. The roof flue is 355mm in diameter, with the cowl being 505mm wide and 205mm high. The total height of the extract vent will be 900mm high. Both the flue and cowl will be finished in lead. The flue will be fitted behind (north) of the clock tower.

A small air vent will be installed in the kitchen window (north elevation).

The agent has provided a Heritage Impact Assessment in support of the application.

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

GP4 Conservation Areas
GP5 Protected Buildings
GP8 Design
GP9 Sustainable development
MC6 Retail in Main Centres

Representations:

None.

Consultations:

The Office of Environmental Health and Pollution Regulation's comments:

"I have reviewed the proposed plans including the installation of an extract ventilation system which were received by email on 4th June 2025, apologies for the significant delay in responding. Whilst it is noted that there are limited residential receptors in the vicinity of the premises to ensure that concerns in relation to nuisance are mitigated I would recommend that the following condition is attached to the consent:

- *Noise associated with plant and machinery incorporated within the development shall be controlled such that the Rating Level, measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 5 dB(A) below the existing LA90 background noise level, including low frequency tones. Rating Level and existing background noise levels shall be determined as per the guidance provided in BS 4142:2014+A1:2019."*

Summary of Issues:

- Whether the alterations would have a detrimental effect on the fabric of the protected building.
- Whether the proposal would affect the character and appearance of the Conservation Area.
- Whether the proposal would have any detrimental impacts on the amenities afforded to the occupiers of neighbouring properties.

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 Retail in Main Centres states that *"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."*

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 IDP.

Under Section 38 of The Land Planning and Development (Guernsey) Law, 2005 the Authority has a duty to pay *“special attention to the desirability of preserving and enhancing the character and appearance”* of Conservation Areas. This duty is encapsulated in Policy GP4 (Conservation Areas) which 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.”*

The agent has demonstrated an understanding of the significance of the protected building in accordance with Policy GP5. The agent has also set out a Heritage Impact Assessment which sets out the alterations proposed against the harm to the special interest to the protected building. The agent has set out that the:

“Proposed vent has been positioned behind the clock tower to minimise its visibility and to avoid any irreversible damage to the fabric of the building. The alterations are justified to make the building commercially viable (and that) the alterations to the roof slates would be reversible, in that they could be repaired without significant impact.

Furthermore, the extract duct is made of lead which is a traditional material which will relate well to the sensitive nature of the building and the Conservation Area.

The new supply vent into the existing window on the north elevation will have a limited adverse effect, although is reversible and therefore would not cause unacceptable impact to the protected building. The agent has noted that it is required for the safe functioning of the building.

Internally, *“the new boxing around the extract vent could be installed without damaging the existing walls and cornice moulding to avoid any irreversible damage to the internal fabric.”*

On this basis, the proposed alterations are justified and would not cause unacceptable harm to the fabric of the building such as to justify refusal. Consequently, the reasonable aspirations of the property owner outweigh the harm caused to the protected building (Policy GP5), and would have limited harm to the Conservation Area (Policy GP4). For the purposes of Policy GP5 and GP4, the development preserves the special interest of the protected building and conserves the character and appearance of the Conservation Area.

It is considered reasonable and necessary to condition that the extract vent, however named, together with the supply vent are removed when it is no longer needed or required, and that the roof surface is made good to match the remainder of the roof. A condition to this effect should be attached to the decision.

Whilst not made explicit as part of this application, any change to the business use from the premises to an alternative hot food take away business would not require planning permission, although any alteration to signage may do. An informative should be attached to the decision.

The application is compliant with Policy MC10 (Harbour Action Areas) as the development is of a minor nature, and is in accordance with the Local Planning Brief.

The development is not considered to adversely effect on the amenities of nearby residents. In light of the Office of Environmental Health and Pollution Regulation's comments it is reasonable to attach a planning condition to reduce the effect of the development on the amenities of nearby residents.

Based on the above, the application is considered compliant with the relevant Island Development Plan policies.

Date: 06/08/25

