

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: Erect three and three and a half storey building containing 17 flats and 2 ground floor retail/commercial/office units with associated vehicular access and parking.

LOCATION: Former C.I. Tyres site, La Charroterie, St. Peter Port.

APPLICANT: Mr S Holland

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: 26/01/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 25/10/2021 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Lovell Ozanne drawing no's: S37-10500-S1-01, 02, 03, 04, 05, 06, 07, 08, 09, 10 & 11
Lovell Ozanne & Partners 'Cliff face study document', received by the Authority on 11/01/2022

Application Ref: FULL/2021/2203

Property Ref: A405870000

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. No development shall begin on site until details of the site frontage area including the vehicular access, car parking and unloading bay along with associated seating, planters and public art proposals have been submitted to and agreed in writing by the Authority. The development shall be carried out only in accordance with the agreed details.

Reason - The information provided with the application does not include full details of the treatment of the site frontage. This condition is imposed to make sure that the details of the site frontage result in a satisfactory design having regard to the character of the area and traffic management and safety.

5. No development shall begin until a landscaping scheme, to include those details specified below, has been submitted to and agreed in writing by the Authority:

- i) the treatment proposed for all ground surfaces, including hard areas;
- ii) full details of tree and hedge planting;
- iii) planting schedules, noting the species, sizes, numbers and densities of plants;
- iv) finished levels or contours;
- v) any screen walls or similar structures;
- vi) any other structures to be erected or constructed;
- vii) functional services above and below ground; and
- viii) all existing trees, hedges and other landscape features, indicating clearly those to be removed.

Reason - To make sure that a satisfactory landscaping scheme for the development is agreed, in order to help assimilate the development into its surroundings.

6. Unless otherwise agreed in writing by the Authority beforehand,
(i) no works pursuant to this permission shall commence until there has been submitted to and approved in writing by the Authority: (A desktop study shall be the very minimum standard accepted. Pending the results of the desktop study, the applicant may have to satisfy the requirements of b and c below, however, this will all be confirmed in writing).

(i)(a) A desktop study documenting all the previous and existing land uses of the site and adjacent land in accordance with the guidance as set out in Contaminated Land Research Report Nos. 2 and 3 and BS10175:2001 - Investigation of Potentially Contaminated Sites - Code of Practice;

and unless otherwise agreed in writing by the Authority,

(i)(b) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS10175;

and, unless otherwise agreed in writing by the Authority,

(i)(c) a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such scheme shall include nomination of a competent person to oversee the implementation of the works.

(ii) The development hereby permitted shall not be occupied or brought into use until there has been submitted to the Authority verification by a competent person approved under the provisions of condition (i)c that any remediation scheme required and approved under the provisions of condition (i)c has been implemented fully in accordance with the approved details (unless varied with the written agreement of the Authority in advance of implementation). Unless otherwise agreed in writing by the Authority such verification shall comprise:

(ii) a) as built drawings of the implemented scheme;

(ii) b) photographs of the remediation works in progress;

(ii) c) certificates demonstrating that imported and/or material left in situ is free from contamination.

Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under condition (i) c.

Reason - In the interests of public health, safety and amenity having regard to the previous use/s of the site and the potential for contamination of the land.

7. The medieval stone, previously located within the roadside wall, and currently being stored by the applicant, shall be retained and re-used within the hereby approved

development. Details of its proposed re-use shall be submitted to and agreed in writing by the Authority, before construction work on the buildings is commenced. The development shall thereafter be carried out in accordance with the details so agreed.

Reason - To ensure the protection and appropriate re-use as part of the approved development of the medieval stone which is of archaeological and historic importance.

8. Before construction work on the buildings is commenced, and notwithstanding the submitted details, precise details of design features including fenestration, rooflights, window recesses, eaves detailing, dormer windows, boundary walls, railings, rainwater goods, refuse storage, external seating and EV charging points, all at appropriate scales, shall be submitted to and approved in writing by the Authority. The development shall be completed only in accordance with the agreed details.

Reason - To ensure that the detailed design of the development is satisfactory, in the interests of the character of the Conservation Area and the setting of adjacent protected buildings.

9. No materials to be used on the exterior of the buildings shall be placed on the site until such time as samples of those materials have been submitted to the Authority. Only materials agreed in writing by the Authority shall be used in carrying out the development.

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

10. The roof material shall be natural slate.

Reason - To ensure a satisfactory design and external appearance in the interests of the character of the Conservation Area and setting of adjacent protected buildings.

11. No paved or metalled areas shall be constructed/surfaced until full details of the surfacing materials proposed to be used on any such areas have been submitted to and agreed in writing by the Authority, and no dwelling or other unit shall be occupied until the works have been completed in accordance with the details so agreed.

Reason - To ensure a satisfactory external appearance in the interests of visual amenity.

12. The ground floor units hereby approved shall be used only for retail or office purposes falling respectively within Use Classes 9, 10, 15 or 16 of the Land Planning and Development (Use Classes) Ordinance, 2017, or in any provision equivalent to that Use Class in any Ordinance revoking or re-enacting that Ordinance. The first use of a unit within one of those Use Classes shall designate the Use Class within which that unit will then be classified.

Reason - Permission has been granted on the basis that the use will be limited to that outlined above. Any other use is likely to raise different planning policy considerations.

13. Notwithstanding the information shown on the submitted plans, the extent of cliff-face re-grading and stabilisation works and associated removal of vegetation hereby approved shall not exceed that specified in the submitted Lovell Ozanne & Partners 'Cliff face study document', received by the Authority on 11/01/2022.

Reason - To define the maximum extent of the approved cliff-face re-grading and stabilisation works and associated removal of vegetation, for the avoidance of doubt.

14. All planting, seeding or turfing comprised in the details of landscaping agreed under Condition 5 above shall be carried out in the first planting and seeding seasons following the occupation of the building(s) or completion of the development, whichever is the sooner. Any trees or plants which die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Authority gives written approval to any variation.

Reason - To ensure that a satisfactory form of development is achieved in the interests of amenity.

15. No part of the development, hereby permitted, shall be occupied or used until provision for the storage/parking of bicycles has been made in full accordance with the hereby approved details. Those areas shall not thereafter be used for any purpose other than the storage/parking of bicycles.

Reason - To make sure that convenient provision is made for cyclists.

16. The car parking indicated on the approved plans shall be surfaced, marked out and made available for use prior to the dwellings and other units hereby approved being first occupied/brought into use. The parking shall be provided in accordance with the approved details as an integral part of the development of the site and shall not at any time be converted to any other use without the Authority's express prior written consent.

Reason - To ensure that satisfactory car parking is achieved.

17. All windows that are specified on the approved plans of the development to be obscure glazed shall be obscure glazed and shall be retained as such thereafter in perpetuity.

Reason - To protect the reasonable amenities of neighbouring residents.

18. All opaque privacy screens that are specified on the approved plans of the development shall be provided as an integral part of the development prior to the dwellings hereby approved being first occupied/brought into use and shall be retained

as such thereafter in perpetuity.

Reason - To protect the reasonable amenities of residential occupiers and neighbours.

19. No part of the development, hereby permitted, shall be occupied or used until details of any external lighting proposed for the site have been submitted to and agreed in writing by the Authority. Any lighting to be installed shall only be in accordance with the agreed details.

Reason - To make sure the level of lighting is not excessive in order to secure a sustainable form of development and one which does not unduly interfere with residential amenity or traffic and pedestrian safety.

20. Any central heating, air handling or other plant shall not be located anywhere on top of the roof, but shall be contained entirely within the exterior envelope of the building.

Reason - To ensure a satisfactory form of development in the interests of visual amenity.

21. The development hereby permitted shall be carried out in accordance with the Site Waste Management Plan submitted as part of this application, and no part of the development shall be occupied or brought into use until there has been submitted to the Authority a report providing verification that the development has been carried out fully in accordance with the agreed Site Waste Management Plan. Where there has been any variation from the Site Waste Management Plan as originally submitted, the report shall highlight and detail the reasons for this.

Reason: To ensure that the development is managed to minimise waste during the demolition of any existing buildings or structures or during construction, that existing materials are reused, recycled or disposed of either on or off site, and that residual waste will be dealt with appropriately, in accordance with the aims and objectives of Policy GP9.

Expiry Date: This permission will cease to have effect on 25/01/2025 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

The application site is located within an area of known archaeological importance and your attention is drawn to the provisions of the Island Development Plan, Annex VIII on Archaeological Assessment. It is desirable that access be granted to the States Archaeologist, Culture & Heritage Service, and that you contact them to gain advice or make arrangements for archaeological recording during any earth moving on the site. The Archaeology team can be contacted on 01481 709738, 01481 709739 or

mobiles 07781 102219 or 07781 131061.

The site is known to be or suspected to be contaminated. Please be aware that the responsibility for the safe development and secure occupancy of the site rests with the developer.

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/2021/2203
Property Ref: A405870000
Valid date: 25/10/2021
Location: Former C.I. Tyres site La Charroterie St. Peter Port Guernsey GY1 1EJ
Proposal: Erect three and three and a half storey building containing 17 flats and 2 ground floor retail/commercial/office units with associated vehicular access and parking.
Applicant: Mr S Holland

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. No development shall begin on site until details of the site frontage area including the vehicular access, car parking and unloading bay along with associated seating,

planters and public art proposals have been submitted to and agreed in writing by the Authority. The development shall be carried out only in accordance with the agreed details.

Reason - The information provided with the application does not include full details of the treatment of the site frontage. This condition is imposed to make sure that the details of the site frontage result in a satisfactory design having regard to the character of the area and traffic management and safety.

5. No development shall begin until a landscaping scheme, to include those details specified below, has been submitted to and agreed in writing by the Authority:

- i) the treatment proposed for all ground surfaces, including hard areas;
- ii) full details of tree and hedge planting;
- iii) planting schedules, noting the species, sizes, numbers and densities of plants;
- iv) finished levels or contours;
- v) any screen walls or similar structures;
- vi) any other structures to be erected or constructed;
- vii) functional services above and below ground; and
- viii) all existing trees, hedges and other landscape features, indicating clearly those to be removed.

Reason - To make sure that a satisfactory landscaping scheme for the development is agreed, in order to help assimilate the development into its surroundings.

6. Unless otherwise agreed in writing by the Authority beforehand,

(i) no works pursuant to this permission shall commence until there has been submitted to and approved in writing by the Authority: (A desktop study shall be the very minimum standard accepted. Pending the results of the desktop study, the applicant may have to satisfy the requirements of b and c below, however, this will all be confirmed in writing).

(i)(a) A desktop study documenting all the previous and existing land uses of the site and adjacent land in accordance with the guidance as set out in Contaminated Land Research Report Nos. 2 and 3 and BS10175:2001 - Investigation of Potentially Contaminated Sites - Code of Practice;

and unless otherwise agreed in writing by the Authority,

(i)(b) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS10175;

and, unless otherwise agreed in writing by the Authority,

(i)(c) a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such scheme shall include nomination of a

competent person to oversee the implementation of the works.

(ii) The development hereby permitted shall not be occupied or brought into use until there has been submitted to the Authority verification by a competent person approved under the provisions of condition (i)c that any remediation scheme required and approved under the provisions of condition (i)c has been implemented fully in accordance with the approved details (unless varied with the written agreement of the Authority in advance of implementation). Unless otherwise agreed in writing by the Authority such verification shall comprise:

- (ii) a) as built drawings of the implemented scheme;
- (ii) b) photographs of the remediation works in progress;
- (ii) c) certificates demonstrating that imported and/or material left in situ is free from contamination.

Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under condition (i) c.

Reason - In the interests of public health, safety and amenity having regard to the previous use/s of the site and the potential for contamination of the land.

7. The medieval stone, previously located within the roadside wall, and currently being stored by the applicant, shall be retained and re-used within the hereby approved development. Details of its proposed re-use shall be submitted to and agreed in writing by the Authority, before construction work on the buildings is commenced. The development shall thereafter be carried out in accordance with the details so agreed.

Reason - To ensure the protection and appropriate re-use as part of the approved development of the medieval stone which is of archaeological and historic importance.

8. Before construction work on the buildings is commenced, and notwithstanding the submitted details, precise details of design features including fenestration, rooflights, window recesses, eaves detailing, dormer windows, boundary walls, railings, rainwater goods, refuse storage, external seating and EV charging points, all at appropriate scales, shall be submitted to and approved in writing by the Authority. The development shall be completed only in accordance with the agreed details.

Reason - To ensure that the detailed design of the development is satisfactory, in the interests of the character of the Conservation Area and the setting of adjacent protected buildings.

9. No materials to be used on the exterior of the buildings shall be placed on the site until such time as samples of those materials have been submitted to the Authority. Only materials agreed in writing by the Authority shall be used in carrying out the development.

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

10. The roof material shall be natural slate.

Reason - To ensure a satisfactory design and external appearance in the interests of the character of the Conservation Area and setting of adjacent protected buildings.

11. No paved or metalled areas shall be constructed/surfaced until full details of the surfacing materials proposed to be used on any such areas have been submitted to and agreed in writing by the Authority, and no dwelling or other unit shall be occupied until the works have been completed in accordance with the details so agreed.

Reason - To ensure a satisfactory external appearance in the interests of visual amenity.

12. The ground floor units hereby approved shall be used only for retail or office purposes falling respectively within Use Classes 9, 10, 15 or 16 of the Land Planning and Development (Use Classes) Ordinance, 2017, or in any provision equivalent to that Use Class in any Ordinance revoking or re-enacting that Ordinance. The first use of a unit within one of those Use Classes shall designate the Use Class within which that unit will then be classified.

Reason - Permission has been granted on the basis that the use will be limited to that outlined above. Any other use is likely to raise different planning policy considerations.

13. Notwithstanding the information shown on the submitted plans, the extent of cliff-face re-grading and stabilisation works and associated removal of vegetation hereby approved shall not exceed that specified in the submitted Lovell Ozanne & Partners 'Cliff face study document', received by the Authority on 11/01/2022.

Reason - To define the maximum extent of the approved cliff-face re-grading and stabilisation works and associated removal of vegetation, for the avoidance of doubt.

14. All planting, seeding or turfing comprised in the details of landscaping agreed under Condition 5 above shall be carried out in the first planting and seeding seasons following the occupation of the building(s) or completion of the development, whichever is the sooner. Any trees or plants which die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Authority gives written approval to any variation.

Reason - To ensure that a satisfactory form of development is achieved in the interests of amenity.

15. No part of the development, hereby permitted, shall be occupied or used until provision for the storage/parking of bicycles has been made in full accordance with

the hereby approved details. Those areas shall not thereafter be used for any purpose other than the storage/parking of bicycles.

Reason - To make sure that convenient provision is made for cyclists.

16. The car parking indicated on the approved plans shall be surfaced, marked out and made available for use prior to the dwellings and other units hereby approved being first occupied/brought into use. The parking shall be provided in accordance with the approved details as an integral part of the development of the site and shall not at any time be converted to any other use without the Authority's express prior written consent.

Reason - To ensure that satisfactory car parking is achieved.

17. All windows that are specified on the approved plans of the development to be obscure glazed shall be obscure glazed and shall be retained as such thereafter in perpetuity.

Reason - To protect the reasonable amenities of neighbouring residents.

18. All opaque privacy screens that are specified on the approved plans of the development shall be provided as an integral part of the development prior to the dwellings hereby approved being first occupied/brought into use and shall be retained as such thereafter in perpetuity.

Reason - To protect the reasonable amenities of residential occupiers and neighbours.

19. No part of the development, hereby permitted, shall be occupied or used until details of any external lighting proposed for the site have been submitted to and agreed in writing by the Authority. Any lighting to be installed shall only be in accordance with the agreed details.

Reason - To make sure the level of lighting is not excessive in order to secure a sustainable form of development and one which does not unduly interfere with residential amenity or traffic and pedestrian safety.

20. Any central heating, air handling or other plant shall not be located anywhere on top of the roof, but shall be contained entirely within the exterior envelope of the building.

Reason - To ensure a satisfactory form of development in the interests of visual amenity.

21. The development hereby permitted shall be carried out in accordance with the Site Waste Management Plan submitted as part of this application, and no part of the development shall be occupied or brought into use until there has been submitted to the Authority a report providing verification that the development has been carried

out fully in accordance with the agreed Site Waste Management Plan. Where there has been any variation from the Site Waste Management Plan as originally submitted, the report shall highlight and detail the reasons for this.

Reason: To ensure that the development is managed to minimise waste during the demolition of any existing buildings or structures or during construction, that existing materials are reused, recycled or disposed of either on or off site, and that residual waste will be dealt with appropriately, in accordance with the aims and objectives of Policy GP9.

INFORMATIVES

The application site is located within an area of known archaeological importance and your attention is drawn to the provisions of the Island Development Plan, Annex VIII on Archaeological Assessment. It is desirable that access be granted to the States Archaeologist, Culture & Heritage Service, and that you contact them to gain advice or make arrangements for archaeological recording during any earth moving on the site. The Archaeology team can be contacted on 01481 709738, 01481 709739 or mobiles 07781 102219 or 07781 131061.

The site is known to be or suspected to be contaminated. Please be aware that the responsibility for the safe development and secure occupancy of the site rests with the developer.

OFFICER'S REPORT

Site Description:

The application site comprises the former C.I. Tyres site on the southern side of La Charroterie, and previously contained various single and two storey buildings and sheds, with a granite wall and wooden gates to the roadside. The site is located within the Main Centre Inner Area and Town Conservation Area under the Island Development Plan.

Part of the site to the rear is designated as part of a wider area of Important Open Land and Area of Biodiversity Importance. There is also a Tree Protection Order (PT78) covering much of the hillside behind. The buildings on either side are Protected Buildings.

Relevant History:

PAPP/2009/0989 – Demolish existing buildings and erect twenty 1 and 2 bedroom flats with associated car parking. Refused 30/11/2009.

FULL/2010/1578 – Demolish existing buildings and erect twenty 1 and 2 bedroom flats with associated parking (revised). Refused 23/09/2010.

OP/2012/1267 - Demolish existing buildings and erect block of 16 apartments and block of 3 terraced dwellings; create amenity space and car parking areas (outline application). Approved 20/06/2012.

FULL/2014/3491 - Demolish existing sheds and erect 20 new apartments and 3 new dwellings with underground parking. Approved 08/09/2015

This permission was implemented on site through the demolition and clearance of the former buildings.

FULL/2020/2025 - Erect 19 flats and 3 dwellings with underground parking (revised scheme). Approved 19/01/2021

Existing Use(s):

Nil-use (site cleared awaiting redevelopment)

Brief Description of Development:

The application is to erect a three and three and a half storey building containing 17 flats and two ground floor retail/commercial/office units with associated vehicular access and parking, including two public EV car sharing spaces at the front of the site. External materials for the buildings include painted render and black brick facades and natural slate roofs with zinc clad dormers.

The proposals include re-grading to reduce its angle and stabilising the cliff face to the rear of the site and the removal of some existing trees/vegetation in this area.

The proposals are supported by a detailed Planning Design Statement prepared by the project Architects and a tree survey and management plan prepared by Tree Dimensions Arboricultural Advisory and Consultancy.

Additional information in support of the proposals comprising a 'Cliff face study document' and a Geotechnical Inspection Report by Frederick Sherrell Limited was received on 11/01/2022.

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

MC1 – Important Open Land in Main Centres and Main Centre Outer Areas

MC2 – Housing in Main Centres and Main Centre Outer Areas

MC4(A) – Office Development in Main Centres

MC6 – Retail in Main Centres

GP1 – Landscape Character and Open Land

GP3 – Areas of Biodiversity Importance

GP4 – Conservation Areas

GP5 – Protected Buildings

GP7 – Archaeological Remains

GP8 – Design
GP9 – Sustainable Development
GP11 – Affordable Housing
GP17 – Public Safety and Hazardous Development
GP18 – Public Realm and Public Art
IP6 – Transport Infrastructure and Support Facilities
IP7 – Private and Communal Car Parking
IP9 – Highway Safety, Accessibility and Capacity

Representations:

None.

Consultations:

Constables of St Peter Port – no comments.

Traffic & Highway Services - no comments received.

Summary of Issues:

- Principle of proposed development
- Massing, design and appearance
- Landscape and trees
- Impact on Conservation Area and setting of Protected Buildings
- Amenity
- Traffic and parking
- Archaeology

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).**

Principle of proposed development

The site is located within the Main Centre Inner Area and Town Conservation Area under the Island Development Plan. Permission was previously granted to demolish existing sheds and erect 20 new apartments and 3 new dwellings with underground parking, and this permission was implemented on site through the demolition and clearance of the former buildings.

The principle of new housing on the site remains acceptable in accordance with Policy MC2 – Housing in Main Centres and Main Centre Outer Areas. The mix of unit sizes proposed (1, 2 and 3 bed flats) reflects the current identified need (primarily 2

and 3-bedroom dwellings). There is no requirement for an affordable housing contribution in this instance given the number of residential units to be created.

The proposed commercial office and retail uses are acceptable in principle in accordance with Policies MC4(A) – Office Development in Main Centres and MC6 – Retail in Main Centres, respectively. The use of these units for acceptable retail and office purposes can be controlled by planning condition.

Massing, design and appearance

The scale and massing of the proposed development is in keeping with its surroundings. The positioning of the proposed buildings respects the existing building line along La Charroterie.

The design achieves a high standard in accordance with Policy GP8 – Design. Mobility and accessibility are demonstrated to have been considered in the design of the scheme. Further details of the most important architectural features and of the proposed external materials can be secured by planning condition.

The application contains proportionate information to demonstrate compliance with Policy GP9 – Sustainable Development. The application includes a site waste management plan. Solar panels are proposed to south and west facing roof slopes.

Public seating is included to the front of the building, contributing to the public realm. The application indicates a willingness to include public art, details of which can be secured by planning condition. The proposals accord with Policy GP18 – Public Realm and Public Art.

Landscape and trees

The cliff face to the rear (south) of the site is within the Main Centre Outer Area and is designated as Important Open Land and an Area of Biodiversity Importance in the IDP. A Tree Protection Order (PT78) covers much of the hillside behind the site, starting approximately co-incident with the top edge of the rock face, and is an area of semi-natural broad-leaved woodland including various species such as Beech, Ash, Lime and Sycamore.

The proposals include re-grading to reduce its angle and stabilising the cliff face to the rear of the site and the removal of some existing trees/vegetation to facilitate this work. Further clarification regarding this aspect of the proposals has been provided by the applicant during consideration of the application, in particular through submission of a 'Cliff face study document', prepared by the project Architects and received on 11/01/2022.

Having regard to the information provided concerning stabilisation of the cliff face and management of the woodland landscape, it is concluded that the proposals demonstrate that the biodiversity interest of the site has been considered and that by virtue of the nature and scope of the work as proposed, which focuses on the lower areas of the cliff where stabilisation of the rock face is clearly required, the

biodiversity interest of the area has been protected in accordance with Policy GP3 – Areas of Biodiversity Importance.

The proposed limited removal of trees within this specific area would not have an adverse impact on the amenity of the area. Overall, the proposals would not have any significant impact on the open character, visual quality or landscape character of the area and are acceptable in accordance with Policy MC1 – Important Open Land in Main Centres and Main Centre Outer Areas and accord with the legal provisions relating to TPOs.

The extent of re-grading and stabilisation work and associated removal of vegetation can be controlled by planning condition, as can details of proposed landscaping and lighting.

Impact on Conservation Area and setting of Protected Buildings

The proposals are acceptable in terms of their design quality and landscape impact, as referred to above. There would be no adverse effect on the character or appearance of the Conservation Area. The proposals would occupy an existing gap in the street scene which detracts from the Conservation Area. The proposals accord with Policy GP4 – Conservation Areas.

The height, massing and positioning of the proposed buildings, including the degree of separation, respects the setting of the adjacent Protected Buildings, Gwenwood to the west and Chateau de la Montagne to the east. The proposals accord with Policy GP5 – Protected Buildings.

Amenity

The proposals provide adequate levels of amenity for occupiers of the proposed residential units and neighbours of the site and accord with Policy GP8 – Design in this respect. Balconies and a substantial rooftop external amenity area are included in the scheme.

The proposals include obscure glazed windows to side elevations facing the site boundaries and opaque privacy screens to balconies, positioned to prevent direct overlooking of adjoining units and neighbours. The provision and retention of these elements can be controlled by planning conditions.

Traffic and parking

The proposed car parking does not exceed the applicable maximum car parking standards and accords with Policy IP7 – Private and Communal Car Parking. Adequate secure bicycle parking/storage is included. The proposals include electric vehicle and bicycle charging points and contribution to an EV and cycle sharing scheme which the application confirms will be available to the public. The proposals accord with the principles of Policy IP6 – Transport Infrastructure and Support Facilities. The implementation of the parking and bicycle storage/parking facilities can be controlled by planning conditions. It would not however be reasonable to

impose a condition to require that the proposed facilities be made public in this instance.

Permission was previously granted to demolish existing sheds and erect 20 new apartments and 3 new dwellings with underground parking, and this permission was implemented on site through the demolition and clearance of the former buildings. Having regard to this decision and to previous expert advice received from Traffic & Highway Services in respect of that and other previous proposals for development of the site, it is concluded that the proposed access arrangements are acceptable in accordance with Policy IP9 – Highway Safety, Accessibility and Capacity. No further comments have been received from Traffic & Highway Services in relation to this application. Given this absence of further comment and the current somewhat indicative nature of the proposals for the site frontage, it is however prudent to reserve the precise details of this frontage area by planning condition for further detailed consideration prior to building work commencing, to ensure that the final design is wholly satisfactory.

Archaeology

The site is within an area of known archaeological importance with potential to have buried remains. A suitable informative note should be included on any permission.

The demolished buildings on the site included a medieval stone which has been retained safely by the applicant. This should be re-used if possible within the re-development and a suitable planning condition included on any permission to this effect, as on previous permissions.

Other matters

The site could potentially be contaminated as a result of its previous use. Suitable conditions should be included primarily in the interests of public health, also as on previous permissions.

Date: 26/01/2022

