

**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:** Variation to previously approved plans to erect multi-storey car park  
- Reduce building size and create external parking area enclosed with security fencing.

**LOCATION:** Phase 1a, Admiral Park Site, Elizabeth Avenue, St. Peter Port.

**APPLICANT:** J W Rihoy & Son

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:** 20/01/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 18/07/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

**Drawing Nos:** Lovell Ozanne & Partners Ltd. - R25-10333-S1-132, 133 & 134

**Application Ref:** FULL/2022/1366

**Property Ref:** A104690000

**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 permission hereby granted relates only to the variation specified above. In all other respects the development shall be carried out in full accordance with the permission dated 01/03/2019, issued under planning application reference FULL/2018/1867, and subject to the terms and conditions thereof.

Reason - To limit the effect of the permission to the specified variation/s only.

5.Prior to the commencement of any work in connection therewith a detailed lighting scheme for the surface parking area hereby approved, including lux levels and light spillage information, shall be 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 proposed lighting. This condition is imposed to make sure that external lighting is appropriate for the development and to ensure that the lighting does not result in unacceptable nuisance to the occupiers of surrounding residential properties.

**Expiry Date: This permission will cease to have effect on 19/01/2026 unless development is commenced by that date.**

#### **ADVICE AND OTHER REMARKS:-**

##### **Effect of planning permission:**

Section 18 of the Land Planning and Development (Guernsey) Law, 2005 ('the Law') defines the effect of the planning permission hereby granted, namely:

(1) Planning permission ceases to have effect unless the development permitted by it is commenced within a period of three years immediately following the date on which it is granted (or such shorter period as may be specified in the permission).

(2) Planning permission enures for the benefit of the land concerned and of every person for the time being having an interest in it.

(3) Any conditions subject to which planning permission is issued are enforceable in accordance with the provisions of Part V of the Law.

(4) Planning permission for the erection of a building is only permission to use it for the purpose specified in the permission or, subject to any restriction so specified, for any other purpose for which it is designed.

(5) Planning permission is only permission to carry out the development specified in it (subject to any conditions so specified), and does not imply the giving of any other approval or consent required under this Law or any other enactment or under any rule of law.

#### **Right of appeal against planning decisions:**

Your attention is drawn to the provisions of Section 68(1) of the Land Planning and Development (Guernsey) Law 2005, which provides a right of appeal, on the merits against a decision to grant planning permission subject to conditions (except a building condition), to the Planning Tribunal, which is independent of the States of Guernsey. An appeal to the Planning Tribunal under section 68 of the Law against this decision must be made before the expiry of the period of six months beginning with the date on which the Authority made this decision. The official Appeal Notice Forms are available on the States of Guernsey website at [www.gov.gg/planningpanel](http://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](mailto: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/2022/1366  
**Property Ref:** A104690000  
**Valid date:** 18/07/2022  
**Location:** Phase 1a Admiral Park Site Elizabeth Avenue Elizabeth Avenue  
St. Peter Port Guernsey  
**Proposal:** Variation to previously approved plans to erect multi-storey  
car park - Reduce building size and create external parking  
area enclosed with security fencing.  
**Applicant:** J W Rihoy & Son

**RECOMMENDATION** - Grant: Planning Permission with Conditions:

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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 permission hereby granted relates only to the variation specified above. In all other respects the development shall be carried out in full accordance with the permission dated 01/03/2019, issued under planning application reference FULL/2018/1867, and subject to the terms and conditions thereof.

Reason - To limit the effect of the permission to the specified variation/s only.

5. Prior to the commencement of any work in connection therewith a detailed lighting scheme for the surface parking area hereby approved, including lux levels and light spillage information, shall be 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 proposed lighting. This condition is imposed to make sure that external lighting is appropriate for the development and to ensure that the lighting does not result in unacceptable nuisance to the occupiers of surrounding residential properties.

## **OFFICER'S REPORT**

### **Site Description:**

The site is a mixed use development site at Admiral Park. The part of the site to which this application relates was originally called "Project Indigo" which comprises of a major development site of 1.3 ha (8.4 vergees) and is located to the north of Elizabeth Avenue, bordered to the west and north by the rear gardens of houses in Grand Bouet and the Clarkes Estate and to the east by the service road at the rear of Trafalgar Court.

The site is located within the Main Centre Outer Area and is designated as an Office Expansion Area under the Island Development Plan.

### **Relevant History:**

RES/2018/1867 - Reserved matters for OP/2016/0796 for the erection of residential, office, retail and leisure facilities at various sites. - Approved

OP/2016/0796 - Erection of residential, office, retail, leisure and day nursery facilities at various sites.

Approved 24/08/2016

**Existing Use(s):**

“Project Indigo” Previous uses prior to development proposals  
Parking (Use Class 22)  
Most recently used for offices (Use class 16) and gym  
(Use class 21)  
(Sydney Vane House)

**Brief Description of Development:**

The application seeks to vary the permission relating to the multi-storey car park granted permission as part of the “Project Indigo” development. The overall size/floor area of the proposed car park would be reduced and an area of surface car parking would be provided, enclosed by a 2.4m high fence. Parking provision in Phase 1A would reduce by 144 spaces.

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

Island Development Plan policies:

MC4(B): Office Development in Main Centre Outer Areas

GP8: Design

GP9: Sustainable Development

IP8: Public Car Parking

IP9: Highway Safety, Accessibility and Capacity

**Representations:**

None.

**Consultations:****Traffic and Highway Services**

Previously commented on the reserved matters application and specifically referred to the multi-storey car park in that response:

In general terms, the areas commented on relate to changes to the road layout, the addition / changes of pedestrian and cyclist facilitation and changes to the layouts of junctions. I have reviewed the information provided in relation to the layout, internal traffic management and day-to-day management of the Multi-Storey Car Park (MSCP) and am satisfied that the information supplied represents a workable parking solution, which is in-line with the scale / purpose of the development phase ‘Project Indigo’. I have also noted the suggestion for a more flexible use of some car parking spaces to service the hotel and offer no objection to this.

- **Surface Parking on boundary road:**

Although THS acknowledge that vehicle speeds on the boundary road will not be excessive, the design of the surface parking does require that any vegetation or planting carried out around the North East corner of the MSCP is kept to below 900mm. This is in order that a driver approaching the left-hand corner (just past the Trafalgar Court car park) has a clear view of any drivers reversing out from the surface parking onto the boundary road. It has also been noted that the parking spaces are angled such that they would encourage driving in and reversing out whereas angling them the opposite way round would encourage users to drive out forward facing which is recommended for road safety reasons.

Commented on the application as originally submitted:

THS does not consider that it has sufficient information to comment on the proposal from a traffic management perspective and would request that Planning seek further information to explain the rationale behind the proposal. It has been noted that in a previous application there was a fairly comprehensive case put forward to justify the level of parking 'needed' and THS would welcome an explanation of the significant reduction being proposed.

Commented on the additional information provided by the agent:

The general points Lovell Ozanne are making are accepted but THS was hopeful of something a bit more substantial in quantifying the reduction in spaces. So for example if tenants are known, the company's home working policies/current practice/promotion of active travel and how that translates to parking demand. If tenants aren't known then are they basing expected parking demand on recent experience/practice of similar firms? Can this be quantified? At the moment it might risk overspill of parking into other parts of the site if demand doesn't match supply.

A reduction in parking should not be discouraged but there is a balance to make sure whatever is proposed is realistic. THS therefore query whether an appropriate level of justification has been provided for the reduced amount of parking. The original ARUP report sought to explain the circa 700 space requirement and it seems a mismatch of level of information when they would like to reduce parking. Nonetheless, there is no reason to think that the developer would "shoot themselves in the foot" with properties that are not marketable.

### **Summary of Issues:**

The key issues in this case relate to the design and appearance of the proposed development as amended, its impact on the character and appearance of the area and on residential amenity and parking and highway safety matters.

## **Assessment against:**

### **1 - Purposes of the law.**

The objectives set out in Section 1(2) of The Land Planning and Development (Guernsey) Law, 2005, 'the Law', have been considered and this report forms part of the assessment, with policy issues set out in Section 2 below.

### **2 - Relevant policies of any Plan, Subject Plan or Local Planning Brief.**

The Island Development Plan (IDP) makes provision for both new large plate office floorspace and alterations to existing office accommodation.

#### **Design and sustainable development**

The design and appearance of the car park would remain unchanged as a result of these proposals, which see the footprint of the building reduced. The car park would remain utilitarian in its appearance which was considered to be befitting of its function and emphasised a hierarchy of building forms and uses across the "Project Indigo" site. There have been no changes in the policies against which the application should be assessed therefore the previous conclusions relating to the design and appearance of the development remain unchanged and the scheme accords with the aims of Policy GP8 and GP9 of the IDP.

As acknowledged elsewhere, the original scheme made provision for up to 700 parking spaces in the "Project Indigo" site and at that time this level of parking was considered critical to the viability of the development as a whole. Following the deferral of this application however, further information has been provided about the changes in demand, the effects of the Covid-19 pandemic which has led to new ways of working and a change in tenant for this phase of development. This has resulted in a marked reduction in the need for parking, positive for the project, site and environment as alternative modes of transport are being utilised along with home working.

Although there would be an increase in surface parking which could be argued to not represent the most efficient and effective use of land overall, the development will reduce the scale and mass of the building, reduce car parking and encourage tenants to travel by alternative modes of transport and recognises changes that have occurred since the application was originally granted permission. The scheme therefore complies with Policies IP7, GP8 and GP9 of the Plan.

#### **Impact on character and appearance of the area**

The revised multi-storey car park building proposal on the "Project Indigo" would still reflect the scale and general form surrounding existing and approved developments and is in line with parameter plans approved under the Outline permission and

complies with the requirements of Policy GP8 in relation to the character of the local built environment.

#### Impact on neighbouring properties

The impact of the development on surrounding residential occupiers was considered fully as part of the earlier application. It was acknowledged that the introduction of multi-storey buildings on the “Project Indigo” site where none existed would impact on the outlook from neighbouring properties. The relationship of the multi-storey car park to residential properties to the west will not alter as a result of the proposed reduction on the size of the building. Outlook and sunlight/daylight from properties to the north will alter given the proposed reduction in the multi-storey building but the impact will be less due to the reduction in built footprint.

The matter of potential overlooking and loss of privacy was also addressed as part of the original scheme having regard to the undeveloped nature of the site at that time. It was concluded that the occupants of the neighbouring properties may perceive this overlooking as detracting from the reasonable enjoyment of their property but noted that buffer tree planting was proposed around the north and west boundaries of the “Project Indigo” site, where the multi-storey car park would be set back between 12-20m from the boundary with properties on Clarkes Estate, Le Grand Bouet and First Tower Lane. The proposed amendment to the scheme will not increase overlooking and loss of privacy due to the reduction in built footprint now proposed. The surface car parking will have significantly less impact on the privacy of surrounding residents especially having regard to the planting required under the terms of the previous permission.

With regard to light pollution the reserved matters application concluded that the multi-storey car park at the “Project Indigo” site would introduce illumination at upper floor levels where none exists at present, and acknowledged that this would be most apparent during the darker months of the year when viewed from neighbouring properties on Clarkes Estate, Le Grand Bouet and First Tower Lane. The reduction in the footprint of the multi-storey carpark will have a corresponding reduction in the level of lighting above ground level. It is acknowledged however, that the surface car parking will require appropriate lighting for its safe use and operation. Nonetheless, overall the potential impact of light pollution on the area will not differ significantly from the approved scheme in which buffer landscaping was concluded to provide a degree of mitigation. The condition previously imposed relating to details of the internal and upper deck illumination for the car park and how that would be managed would remain in force should this application be granted. The condition was considered reasonable in order to minimise any adverse impact on neighbouring properties. A further condition can be added to this permission relating to lighting for surface car parking.

Noise arising from the use of the car park has already been concluded to not have an unacceptable detrimental impact on residential amenity. A reduction in the size of

the building, resulting in fewer car parking spaces will therefore reduce the potential for noise nuisance to occur.

In light of the above the application is considered to comply with the aims and objectives of Policy GP8 as it relates to the amenity of neighbours of the development.

The level of accessible parking spaces proposed as part of the reserved matters scheme fell short of what was deemed necessary given the mixed use nature of the site, with a significant leisure and recreation development. Although the overall number of parking spaces would be reduced as part of this development the level of accessible spaces would remain at 25 in line with the planning condition imposed on the reserved matters permission.

The principle of additional public car parking has been established through the outline and reserved matters application. The variations proposed would see a net increase in parking spaces available for the public as part of a major, comprehensive development scheme and the scheme remains satisfactory in relation to Policy IP8.

In view of the above, it is recommended planning permission is granted for the proposed variation.

### **3 - General material considerations set out in the General Provisions Ordinance.**

In addition to the consideration of policy issues, Section 13 of the Land Planning and Development (General Provisions) Ordinance, 2007 identifies other material planning considerations which could be relevant. These include; the appropriateness of the development in relation to its surroundings in terms of design, layout, scale, siting and materials; the likely effect on the character and amenity of the locality; any possible fall-back position by way of extant planning permissions or exempt development; the likely effect on the reasonable enjoyment of neighbouring properties. These issues where relevant are considered above.

### **4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).**

The proposal would have no adverse impact on protected trees, buildings or sites.

**Date:** 19 January 2023

