

**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:** Removal of roofs to existing buildings.

**LOCATION:** Leale's Yard, Bridge Avenue, Vale.

**APPLICANT:** The Channel Islands Co-Operative Society Ltd

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:** 22/11/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 13/07/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

**Drawing Nos:** DRP 3157 00-DR- 03, 04, 05, 06, 07, 08, 09, 10, 11, 12, 13, 14, 15, 17 & 18.

**Application Ref:** FULL/2022/1471

**Property Ref:** C007500000+B003470000+B003480000+B003750000

**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 works hereby approved shall not be undertaken other than in accordance with the ecological mitigation strategy set out in the report "Species Protection Plan for the Built Environment at Leale's Yard" (NE/ES/LY.02) and its recommendations in respect of the timing, methods and mitigations for roof removal.

Reason - To make sure that important features of ecological interest are protected and satisfactory mitigation is completed.

5. No vegetation shall be cleared as part of these works.

Reason - To make sure that important features of ecological interest are protected.

6. Vehicle and plant access shall be restricted to existing vehicle routes.

Reason - To make sure that important features of ecological interest are protected.

**Expiry Date: This permission will cease to have effect on 21/11/2025 unless development is commenced by that date.**

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

Your attention is drawn to The Animal Welfare (Guernsey) Ordinance, 2012 and the need to comply with its provisions.

#### **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/2022/1471  
**Property Ref:** C007500000+B003470000+B003480000+B003750000  
**Valid date:** 13/07/2022  
**Location:** Leale's Yard Bridge Avenue Vale Guernsey GY3 5TB  
**Proposal:** Removal of roofs to existing buildings.  
**Applicant:** The Channel Islands Co-Operative Society Ltd

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

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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 works hereby approved shall not be undertaken other than in accordance with the ecological mitigation strategy set out in the report "Species Protection Plan for the Built Environment at Leale's Yard" (NE/ES/LY.02) and its recommendations in respect of the timing, methods and mitigations for roof removal.

Reason - To make sure that important features of ecological interest are protected and satisfactory mitigation is completed.

5. No vegetation shall be cleared as part of these works.

Reason - To make sure that important features of ecological interest are protected.

6. Vehicle and plant access shall be restricted to existing vehicle routes.

Reason - To make sure that important features of ecological interest are protected.

## **INFORMATIVES**

Your attention is drawn to The Animal Welfare (Guernsey) Ordinance, 2012 and the need to comply with its provisions.

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## **OFFICER'S REPORT**

### **Brief Description:**

Removal of roofs to existing buildings.

The application site is within the Bridge Main Centre Inner Area and forms a large part of the Leale's Yard Regeneration Area, for which a Development Framework (DF) was adopted and published by the Development & Planning Authority (D&PA) in May 2020. The site also includes part of the Core Retail Area on the Bridge frontage and part of the St Sampson Harbour Action Area, all as defined in the Island Development Plan (IDP).

### **Relevant History:**

OP/2022/0761 - Outline Planning Application for the demolition of all buildings on site and the mixed use redevelopment of Leale's Yard involving the formation of new vehicular accesses to the Bridge and Nocq Road, the provision of 338 residential units, circa 5,800sqm of retail floor space, circa 8,000sqm of commercial floorspace, a multi-storey car park and associated landscaping, service roads and infrastructure (Environmental Impact Assessment Development). Outline Planning Permission with Conditions granted, subject to the entry by the Owners (and all persons with an interest in the land) into a binding planning covenant agreement in a form satisfactory to the Development & Planning Authority, on 16/11/2022.

### **Existing Use(s):**

The application site is predominantly vacant land and includes former industrial buildings along with vacant shops on the Bridge frontage and a residential property on Nocq Road.

**Assessment:** *(Tick as appropriate)*

|                     |                                     |                              |                                     |
|---------------------|-------------------------------------|------------------------------|-------------------------------------|
| no representation   | <input checked="" type="checkbox"/> | visual amenity acceptable    | <input checked="" type="checkbox"/> |
| accords with policy | <input checked="" type="checkbox"/> | no material neighbour impact | <input checked="" type="checkbox"/> |
| within curtilage    | <input checked="" type="checkbox"/> | traffic not affected         | <input checked="" type="checkbox"/> |
| design acceptable   | <input checked="" type="checkbox"/> |                              |                                     |

**Policies considered most relevant:**

MC10: Harbour Action Areas

MC11: Regeneration Areas

GP4: Conservation Areas

GP8: Design

GP9: Sustainable development

Strategy for Nature Supplementary Planning Guidance

**Comments received:**

Agriculture Countryside and Land Management

I have reviewed the planning application detailed below and in your email from the 16<sup>th</sup> August (FULL/2022/1471). I have considered this application as separate from the Outline Planning Application (OP/2022/0761), which I am aware will consider the appropriate mitigations for construction and operational phases of the proposed development. I have, however, taken into account the baseline ecological conditions as outlined in the Environmental Statement and Preliminary Roost Appraisal.

Due to the confirmed presence of bat roosts and regionally important slow worm populations I would make the following recommendations:

1. No vegetation should be cleared as part of these works.
2. Vehicle and plant access should be restricted to existing vehicle routes.
3. Following discussions with the principal ecologists for the developer, I understand that surveys have been conducted which strive to confirm presence of bat roosts and define their character (i.e. size, purpose, conservation importance). The results of these surveys will then be used to compile a mitigation strategy, which will include recommended mitigation for a demolition stage. It is recommended that Planning give consideration to listing the completion and acceptance of this report as a condition which would need to be approved prior to any demolition works taking place. We would happily discuss the report with yourselves once received and suggest that the SVO are consulted at that point too.

## Agriculture Countryside and Land Management – further comments

The report “Species Protection Plan for the Built Environment at Leale’s Yard” (NE/ES/LY.02) makes particular reference to the timing, methods and mitigations for roof removal. We are content that this report contains sufficient detail and would be comfortable with a condition to state that works must be undertaken in accordance with that strategy, rather than requiring an additional ecological mitigation strategy.

### **Conclusion/Brief comment:**

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.

The proposal constitutes enabling works in connection with the development of the site for which outline planning permission was granted on 16/11/2022, subject to conditions and the entry by the Owners (and all persons with an interest in the land) into a binding planning covenant agreement in a form satisfactory to the Development & Planning Authority.

Given the existing condition of the site and buildings, the proposal is likely to have a neutral effect on the character and appearance of the Conservation Area, in accordance with Policy GP4.

Agriculture Countryside and Land Management (ACLMS) have been consulted on the application and their comments are set out above. In particular, the timing of the work must take into account existing bat roosts and potential use by nesting birds. The report “Species Protection Plan for the Built Environment at Leale’s Yard” (NE/ES/LY.02) makes particular reference to the timing, methods and mitigations for roof removal. ACLMS are content that this report contains sufficient detail and would be comfortable with a condition to state that works must be undertaken in accordance with that strategy.

Subject to conditions, the application is acceptable in relation to the above policies and other material planning considerations.

### **Recommendation:**

Grant with Conditions



**Date:** 22/11/2022

