

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 25 flats, associated vehicular access and parking (revised scheme).

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

APPLICANT: Guernsey Housing Association

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: 19/10/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 16/09/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Lovell Ozanne: S37-10628-S1-02, S37-S1-10628-03B, -04B, -05B, -06B, -07B, -08, -09, -10B & -11.
Lovell Ozanne & Partners 'Cliff face study document', received by the Authority on 19/10/2022.

Application Ref: FULL/2022/1732

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, means of enclosure and landscaping 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, 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. No development shall begin on site until precise details of the form, design and appearance of means of enclosure to and within the external amenity area/s at roof level 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 proposed feature(s). This condition is imposed to make sure that the building is of satisfactory design and does not have any adverse impact on the character of the area.

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 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. 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 19/10/2022.

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.

13. 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.

14. 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.

15. The car parking indicated on the approved plans shall be surfaced, marked out and made available for use prior to the dwellings 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.

16. 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.

17. 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.

18. 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.

19. 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.

20. 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.

21. The housing to be erected under the terms of this permission shall be used only as Affordable Housing consistent with Island Development Plan Policy GP11.

Reason - Because without such restriction on the use of the site to ensure the provision of Affordable Housing, the proposals would conflict with Policy GP11 of the Island Development Plan.

Expiry Date: This permission will cease to have effect on 18/10/2025 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/2022/1732
Property Ref: A405870000
Valid date: 16/09/2022
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 25 flats, associated vehicular access and parking (revised scheme).
Applicant: Guernsey Housing Association

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, means of enclosure and landscaping 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;

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(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;
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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.

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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.

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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.

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

12. 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 19/10/2022.

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.

13. 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.

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Reason - To ensure that satisfactory car parking is achieved.

16. 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.

17. 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.

18. 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.

19. 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.

20. 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.

21. The housing to be erected under the terms of this permission shall be used only as Affordable Housing consistent with Island Development Plan Policy GP11.

Reason - Because without such restriction on the use of the site to ensure the

provision of Affordable Housing, the proposals would conflict with Policy GP11 of the Island Development Plan.

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

Brief Description:

Erect three and three and a half storey building containing 25 flats, associated vehicular access and parking (revised scheme).

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

FULL/2021/2203 - 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. Granted 26/01/2022

Existing Use(s):

Nil-use (site cleared awaiting redevelopment)

Assessment: *(Tick as appropriate)*

no representation	☒	visual amenity acceptable	☒
accords with policy	☒	no material neighbour impact	☒
within curtilage	☒	traffic not affected	☒
design acceptable	☒		

Policies considered most relevant:

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

MC2 – Housing in Main Centres and Main Centre Outer Areas

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

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 site is located within the Main Centre Inner Area and Town Conservation Area under the Island Development Plan. Permission was granted in January 2022 to 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.

The current, revised proposal is for a building of similar scale, massing and footprint, containing 25 flats, all of which comprise affordable housing. The principal changes from the previously approved scheme are as follows:-

- Boundaries updated
- Internal layouts altered to create 25 one and two bed units
- Ground floor altered to replace approved retail/commercial units with residential accommodation and ancillary spaces (increased bike stores, bin stores, etc)
- Alterations to fenestration and balconies
- Alterations to front courtyard landscaping and off-street parking removed from this area
- Roof materials updated
- Rear parking layout altered

The proposed development remains acceptable in design terms, is appropriate to the Conservation Area and setting of the adjacent Protected Buildings, and incorporates adequate amenities and parking provision. A site waste management plan and a sustainability statement have been provided. In the light of the extensive planning history of this site and most recent decision in January 2022 (FULL/2021/2203) for a similar form of development, a Development Framework would serve no useful purpose at this stage and exceptionally the normal policy requirement for such can be waived as a minor departure from the IDP.

Overall, the proposal is acceptable subject to conditions which generally accord with those previously attached to FULL/2021/2203, along with a condition limiting the residential use to Affordable Housing to ensure compliance with Policy GP11.

Recommendation:

Grant with Conditions



Date: 19/10/2022

