

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: Demolish buildings and walls and erect fencing and gates around site in preparation for redevelopment of site.

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

APPLICANT: C.I. Co-Operative Society & Omnibus Investment Holdings

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: 21/05/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 13/09/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: DRP Architecture: 3157/00-DR-100A, -110A & -111A, Demolition, Construction Environmental Management Plan (date stamped received 01/09/2023), Species Protection Plan for the Built Environment at Leale's Yard (date stamped received 01/09/2023),

Application Ref: FULL/2023/1549

Property Ref: C007500000 + B003470000 + B.348 + B.375 + C751

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 demolition of any of the buildings on site shall not commence until there has been submitted to and agreed in writing by the Authority a revised Demolition and Construction Environmental Management Plan (DCEMP) and Site Waste Management Plan (SWMP) for the works on site. The demolition of the buildings shall be carried out in accordance with the agreed details unless the Authority agrees to any variation in writing.

Reason - To make sure that the works hereby approved are undertaken in an acceptable manner and to avoid any unnecessary harm on the amenities of surrounding properties and the surrounding environment.

5. The demolition of buildings 1, 2, 3, 11, 12 and 15 as shown on drawing ref: 3157 00-DR-100 Rev A, shall not begin until a contract for the carrying out of the works of re-development of the site has been made in accordance with a subsequent reserved matters application. Such a contract shall provide for the re-development works (the subject of subsequent reserved matters application(s)) to start no later than three months following the beginning of the demolition of these buildings specified by this condition unless an alternative timeframe is agreed in writing by the Authority.

Reason - To make sure that redevelopment of the site follows relatively soon after the demolition of these buildings, to avoid the creation of an unsightly gap in the street, to the detriment of the appearance and character of the Conservation Area.

6. (i) No development shall commence on site (including demolition and site works) until there has been submitted to and approved in writing by the Authority:

(a) A desktop study documenting all the previous and existing land uses of the site and adjacent land in accordance with national guidance as set out in Land Contamination Risk Management (LCRM) and BS10175:2001+A2:2017 - Investigation of Potentially Contaminated Sites - Code of Practice; and unless otherwise agreed in writing by the Authority,

(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,

(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) If determined to be required, 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 subsection (i)c of this condition, that any remediation scheme required and approved under the provisions of subsection (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:

(a) as built drawings of the implemented scheme;

(b) photographs of the remediation works in progress;

(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 subsection (i)c of this condition.

Reason - To make sure that the site, is free from contamination, in the interests of public health and safety.

7. 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 demolition.

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

8. No vegetation shall be cleared as part of these works unless otherwise agreed in writing by the Authority.

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

9. Vehicle and plant access shall be restricted to existing vehicle routes unless otherwise agreed in writing by the Authority.

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

Expiry Date: This permission will cease to have effect on 21/05/2027 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

1. With regard to condition 4 of the permission the revised DCEMP and SWMP shall take into account and provide information to address the comments raised by States Office of Environmental Health and Pollution Regulation (OEHPR) as detailed in the planning application report for this application and in their consultation response.

2. Please note with reference to condition 6, 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) of that condition, however, this will all be confirmed in writing.

The phased risk assessment should be carried out also in accordance with the procedural guidance and UK policy.

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. It is strongly recommended that in submitting details in accordance with condition 6 that the applicant has reference to Land Contamination risk management available at <https://www.gov.uk/guidance/land-contamination-risk-management>.

If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted to Planning Services a method statement to identify, risk assess and address the unidentified contaminants, and obtained written agreement for the works to continue. Any subsequent works shall be carried out only in accordance with the conclusions and recommendations contained in the agreed report.

3. 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. If any items or features of archaeological interest are discovered during the course of works it is desirable that contact is made with the States Archaeologist. The Archaeology team can be contacted on 01481 220729 or 01481 220722 , or mobiles 07781 102219 or 07911 721210.

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/2023/1549
Property Ref: C007500000 + B003470000 + B.348 + B.375 + C751
Valid date: 13/09/2023
Location: Leale's Yard Bridge Avenue Vale Guernsey
Proposal: Demolish buildings and walls and erect fencing and gates around site in preparation for redevelopment of site.

Applicant: C.I. Co-Operative Society & Omnibus Investment Holdings

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.

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Construction Environmental Management Plan (DCEMP) and Site Waste Management Plan (SWMP) for the works on site. The demolition of the buildings shall be carried out in accordance with the agreed details unless the Authority agrees to any variation in writing.

Reason - To make sure that the works hereby approved are undertaken in an acceptable manner and to avoid any unnecessary harm on the amenities of surrounding properties and the surrounding environment.

5. The demolition of buildings 1, 2, 3, 11, 12 and 15 as shown on drawing ref: 3157 00-DR-100 Rev A, shall not begin until a contract for the carrying out of the works of re-development of the site has been made in accordance with a subsequent reserved matters application. Such a contract shall provide for the re-development works (the subject of subsequent reserved matters application(s)) to start no later than three months following the beginning of the demolition of these buildings specified by this condition unless an alternative timeframe is agreed in writing by the Authority.

Reason - To make sure that redevelopment of the site follows relatively soon after the demolition of these buildings, to avoid the creation of an unsightly gap in the street, to the detriment of the appearance and character of the Conservation Area.

6. (i) No development shall commence on site (including demolition and site works) until there has been submitted to and approved in writing by the Authority:

(a) A desktop study documenting all the previous and existing land uses of the site and adjacent land in accordance with national guidance as set out in Land Contamination Risk Management (LCRM) and BS10175:2001+A2:2017 - Investigation of Potentially Contaminated Sites - Code of Practice; and unless otherwise agreed in writing by the Authority,

(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,

(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) If determined to be required, 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 subsection (i)c of this condition, that any remediation scheme required and approved under the provisions of subsection (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:

- (a) as built drawings of the implemented scheme;
- (b) photographs of the remediation works in progress;
- (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 subsection (i)c of this condition.

Reason - To make sure that the site, is free from contamination, in the interests of public health and safety.

7. 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 demolition.

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

8. No vegetation shall be cleared as part of these works unless otherwise agreed in writing by the Authority.

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

9. Vehicle and plant access shall be restricted to existing vehicle routes unless otherwise agreed in writing by the Authority.

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

INFORMATIVES

1. With regard to condition 4 of the permission the revised DCEMP and SWMP shall take into account and provide information to address the comments raised by States Office of Environmental Health and Pollution Regulation (OEHPR) as detailed in the planning application report for this application and in their consultation response.

2. Please note with reference to condition 6, 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) of that condition, however, this will all be confirmed in writing.

The phased risk assessment should be carried out also in accordance with the procedural guidance and UK policy.

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. It is strongly recommended that in submitting details in accordance with condition 6 that the applicant has reference to Land Contamination risk management available at <https://www.gov.uk/guidance/land-contamination-risk-management>.

If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted to Planning Services a method statement to identify, risk assess and address the unidentified contaminants, and obtained written agreement for the works to continue. Any subsequent works shall be carried out only in accordance with the conclusions and recommendations contained in the agreed report.

3. 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. If any items or features of archaeological interest are discovered during the course of works it is desirable that contact is made with the States Archaeologist. The Archaeology team can be contacted on 01481 220729 or 01481 220722 , or mobiles 07781 102219 or 07911 721210.

OFFICER'S REPORT

Site Description:

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).	Granted 16/11/2022
FULL/2022/1471	Removal of roofs to existing buildings.	Granted 22/11/2022
OP/2016/0552	Outline planning application for the mixed-use re-development of part of the Leale's Yard site involving the creation of 303 new residential units and 1,074m2 of commercial/retail/community space; together with creation of associated parking and ancillary/public realm areas.	Granted 24/08/2016
FULL/2016/0541	Demolition of existing buildings on the Bridge/derelict buildings within the site; and the development of two buildings together comprising 109 new residential units and 1,049m2 of ground floor commercial/retail space, together with associated car parking/ancillary areas; a new traffic junction at The Bridge; improvements to the Nocq Road junction; and internal road network and associated public realm spaces within the development (Environmental Impact Assessment Development)	Granted 24/08/2016
FULL/2012/2276	Demolish existing buildings and structures and clear site.	Granted 14/09/2012
FULL/2010/2660	Erect hoarding, gates and fencing, alter wall to existing wall to provide site security	Granted 06/10/2010
PAPP/2009/0988	demolish existing buildings on the site and redevelop to provide retail and residential units with associated car parking, petrol filling station, public realm and landscape works, and alterations to the surrounding highway network including new vehicular and pedestrian access points.	Permission in principle granted 22/02/2011

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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.

Brief Description of Development:

Planning permission is sought to demolish existing buildings and walls on site and to erect security fencing, hoardings and gates around the perimeter, in preparation for the redevelopment of the site.

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

Island Development Plan Policies:
 MC10 – Harbour Action Areas
 MC11 – Regeneration Areas
 GP1 – Landscape Character and Open Land
 GP4 – Conservation Areas
 GP7 – Archaeological Remains
 GP8 – Design
 GP9 – Sustainable Development
 GP10 – Comprehensive Development
 IP9 – Highway Safety, accessibility and Capacity

Leale's Yard Regeneration Area Development Framework SPG May 2020
 Strategy for Nature SPG, 2020

Representations:

None

Consultations:

Office of Environmental Health and Pollution Regulation

I have reviewed the proposed plans for the demolition of buildings and walls and erection of fencing and gates at the above site and there are a number of issues of concern that I must raise. I have reviewed the Site Waste Management Plan (SWMP) and the Demolition Construction Environmental Management Plan (DCEMP).

Comments on SWMP

It is noted that this is a live document and is subject to amendments and updates as matters develop.

- *Has an asbestos survey been conducted? There is no mention of asbestos in section 9.0 – has this been considered?*
- *Confirmation of how Japanese Knotweed and Pampas Grass are being dealt with on site (I am aware that OEHPR have been contacted about this)?*
- *It should be noted that all waste should be transported by a person holding a valid Waste Transport Licence or Exemption.*

The above points should be addressed in the next revision of the document.

Comments on DCEMP

It is noted that this is a live document and is subject to amendments and updates as matters develop.

- *Details of the properties that will be included in the liaison meetings and that will be provided with subsequent updates must be provided to OEHPR.*
- *OEHPR should be provided with copies of leaflets and letters distributed to neighbouring properties.*
- *How has the environmental risk of the project been determined as medium? Please could details of the risk assessment be provided to OEHPR. What aspects have been included in this assessment? Are some of the environmental risks rated higher than others, we would expect this to be the case. A breakdown of each considered risk and its assessment process should be included.*
- *The developer should be aware that the Environmental Pollution (Water Pollution) Ordinance, 2022 is now implemented and as such should a risk of or actual water pollution occur action can be taken by OEHPR.*
- *The weekly site managers inspection and monthly internal audit should be documented with records being held on site and able to be produced at the request of an authorised officer.*
- *Who will be acting as the Environmental Manager for this project? I appreciate that this may change however, it would be useful to know a name at this stage. If the Environmental Manager is responsible for the CEMP, is the same person also responsible for the DCEMP?*
- *Checks and servicing of plant and equipment should be documented and retained on site.*
- *Where water contamination occurs and the water is subsequently treated as sewage advice should be sought from Guernsey Water to ensure that there are no concerns depositing this into the foul water system.*
- *When will the water sprinkler system be operated, how will this be determined? Who will make this decision? What locations will this be in? Please provide a site plan. It is not clear whether this sprinkler system is the same as the water access point? (section 2.10.3)*
- *OEHPR should be notified as soon as possible should any contamination occur on site.*
- *Further specific details should be provided in the noise and vibration section having regard to BS5228:2009. Is there any anticipated vibration impact during demolition phase?*
- *Please can a site lighting plan be included?*

- *In relation to fire control - how is the knotweed and pampas grass being disposed of?*

The above points should be addressed in the next revision of the document.

This area is known to have multiple historic uses which could give rise to potentially contaminated land. Further to considering the application I believe that breaking of ground will be occurring and as such I would recommend that the following condition is attached to the consent:

Potential Contaminated Land Condition

Please note this is one condition with multiple sub-sections:

(i) No works pursuant to this permission shall commence until there has been submitted to and approved in writing by Planning Services: (A desktop study shall be the very minimum standard accepted. Pending the results of the desk top 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 national guidance as set out in Land Contamination Risk Management (LCRM) and BS10175:2001+A2:2017 - Investigation of Potentially Contaminated Sites - Code of Practice;

and unless otherwise agreed in writing by Planning Services,

(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 Planning Services,

(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 Planning Services 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 Planning Services in advance of implementation). Unless otherwise agreed in writing by the local planning 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.”

Informatives/Advice Notes

The phased risk assessment should be carried out also in accordance with the procedural guidance and UK policy.

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.

It is strongly recommended that in submitting details in accordance with the above conditions that the applicant has reference to Land Contamination risk management available at <https://www.gov.uk/guidance/land-contamination-risk-management>.

If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted to Planning Services a method statement to identify, risk assess and address the unidentified contaminants, and obtained written agreement from the Department for the works to continue. Any subsequent works shall be carried out only in accordance with the conclusions and recommendations contained in the agreed report.

I would recommend that the States Veterinary Officer and the Agriculture, Countryside and Land Management Service is also consulted on this application.”

Agriculture, Countryside and Land Management Services

“We are writing in response to a consultation letter dated 11 October 2023 relating to the application to demolish buildings and walls and erect fencing at the Leale’s Yard. Which includes the demolition of buildings with known bat roosts and that have been sites for breeding bird.

We note the following measures have been, or will be undertaken (as detailed in the Species

Protection Plan and SPP Status Report):

- *Measures have been taken to prevent hibernation of bats within Building 4*
- *Artificial bat roosting sites will be erected prior to the demolition*
- *Pre-works checks will be undertaken for roosting bats and breeding birds*
- *Ecological supervision will be available during roof stripping*
- *All demolition works will be undertaken slowly and with caution*
- *Demolition will take place between September and February*

- *If demolition cannot take place before this time, a number of additional safeguards will be undertaken, including decommissioning of bird nesting features, ecological surveys, and exclusion zones.*

As roofs have not yet been removed from buildings 8, 9 and the link building between 3 and 4, and in line with details included in the Species Protection Plan, the demolition of these buildings should only be undertaken between October and February (inclusive). If demolition is scheduled outside of this time, they should be surveyed prior to works by a suitably qualified ecologist and necessary safeguards implemented should roosting bats or breeding birds be encountered.

We note that the trapping and translocation of reptiles, small mammals and amphibians from the Leale's Yard receptor site to Bordeaux NR was scheduled for September 2023. If this work has not yet taken place, we recommend that no works, including the installation of hoarding and gates, are undertaken within the 'slow worm receptor area' until that translocation has been undertaken and the receptor site has been decommissioned.

We also note that the Ecological Clerk of Works will obtain all the necessary licences in order to undertake these works in accordance with the Animal Welfare (Guernsey) Ordinance (2012).

We welcome the measures detailed in the application in relation to wildlife protection which, if implemented fully, will avoid impacts on the identified sensitive ecological receptors."

States Archaeologist

By telephone discussion on 17/05/2024 it was suggested that an informative be imposed on any permission to require the developer/agent for the application to contact the States Archaeologist in the event that any items or features of archaeological interest are discovered during the course of works.

Summary of Issues:

- Principle of demolition and any impact on the character of the Conservation Area;
- Impact on protected species;
- Impact on neighbouring properties;
- Highway Safety and traffic issues

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).

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 which has now been signed and fully authorised.

The demolition of all buildings on site (as referred to on the application drawings forming part of the application the subject of this report) formed part of the consideration of the Outline planning application at this site (ref: OP/2022/0761) for which permission has been granted. As part of the Outline application a comprehensive Environmental Impact Assessment was submitted, which assessed the impact of both the construction and demolition phases of the development on the surrounding environment. Section 4.2 of the EIA identified that the key document in ensuring that the demolition and construction works comply with best practice, will be the Demolition and Construction Environmental Plan (DCEMP). At Section 4.3 of the EIA a suggested framework for the DCEMP was provided. The requirement for such a document was secured by condition 21 of the Outline permission which stated the following:

“Prior to any demolition a Construction Environmental Management Plan (CEMP) making reference to BS 5228 parts 1 & 2, shall be submitted to and approved in writing by the Authority. Agreed details should be carried out as approved unless otherwise agreed in writing by the Authority. The CEMP shall set out aims for the demolition and construction phase, detailing measures to minimise and control as far as practical, with reference to:

- *Waste management and disposal including demolished and/or excavated material*
- *Hours of demolition and building operations*
- *Site lighting and light pollution control*
- *Dust prevention and management*
- *Construction phasing*
- *A detailed noise and vibration management plan*
- *Contaminated land / ground conditions and ensuring that construction methods do not pose a risk to leaching etc.*
- *Potential flooding during construction*

As part of the application the subject of this report, a DCEMP has been submitted which provides information as required and to address the topics referred to in the above condition. A Site Waste Management Plan (SWMP) detailing how waste associated with the demolition phase has also been submitted. The States Office of

Environmental Health and Pollution Regulation was consulted on both documents and raised no objections, however concerns were raised. Given that both of these documents will remain live, will run with the permission during the demolition phase of the development, and will be the subject of amendments, review and updates as matters develop, OEHPR recommended that the points of concern raised “*be addressed in the next revision of the documents.*” To ensure that demolition is appropriately managed and to ensure that harm on the amenity of the surrounding area and the environment is minimised, it is recommended that should planning permission be granted, a condition is included requiring a revised DCEMP and a revised SWMP to be submitted to address the points of concern raised prior to the commencement of any works on site.

It is worth noting at this stage that the DCEMP and SWMP submitted as part of this application addresses the demolition phase of the development only and a further CEMP and SWMP will be required for the construction phase of the development. The information is therefore not sufficient to discharge the relevant conditions of the previous permission at this stage and it is suggested that an informative is imposed on any permission advising of this.

As part of the application a Species Protection Plan (SPP) has also been submitted that expands on Chapter 10 (Ecology and Nature Conservation) of the EIA (submitted and considered in the assessment of the outline planning permission). The SPP specifies the proposed measures that will remove/reduce the identified negative short-term impacts of the demolition phase of the development on protected species. Agriculture Countryside and Land Management (ACMLS) have been consulted on the application and their comments are set out above. In line with the comments raised by ACMLS and the details included within the SPP, it is recommended that a condition is included on any permission to ensure that the demolition of buildings 8, 9 and the link building between buildings 3 and 4 is undertaken between October and February (inclusive) and if demolition is scheduled outside of this time, they should be surveyed prior to works by a suitably qualified ecologist and necessary safeguards implemented should roosting bats or breeding birds be encountered.

ACMLS “*welcome the measures detailed in the application in relation to wildlife protection which, if implemented fully, will avoid impacts on the identified sensitive ecological receptors.*” To ensure that this remains the case it is recommended that an additional condition is included on any permission to state that the demolition works must be undertaken in accordance with the SPP.

The principle of demolition and the impact on the Conservation Area has been granted in consideration of the Outline application for the site and again formed part of the comprehensive EIA document. The majority of the buildings and walls to be demolished are situated outside of the Conservation Area and are currently derelict. Demolition of these buildings, associated structures and walls would have a positive effect on the character of the surrounding area and although not situated within the

Conservation Area would improve its setting and views from it overall creating a positive effect.

Building 1, 2, 3 and 15 are buildings of pre-1900 construction and are buildings of character that presently contribute to the character of the Conservation Area. As part of the assessment of the Outline application and as part of the conclusion of the EIA, demolition of these buildings was considered to have a neutral effect on the surrounding Conservation Area, on the basis that high quality replacement buildings come forward as part of the redevelopment of the site. Furthermore, although buildings 11 and 12 (building 12 is also of pre-1900 construction) are situated outside of the Conservation Area, they border it immediately to the south and provide a form of enclosure onto Commercial Road, contributing to the overall character of the Conservation Area. Given the planning history of the site, that various applications have been granted to redevelop the site without any development commencing, and that the most recent application granted Outline permission only, the demolition of these buildings in the absence of a reserved matters application or a commitment to redevelop the site, would create a break in the Bridge retail frontage (a gap site) to the east, a gap site to the north side of Commercial Road and onto Nocq Road to the south, causing harm to the surrounding Conservation Area. This would be contrary to Policy GP4 and the statutory requirements of the Land Planning and Development (Guernsey) Law, 2005, to secure so far as possible that the special historic, architectural, traditional or other special characteristics of the Conservation Area is preserved. To avoid this and to allow the commencement of demolition of all other structures on site it is recommended that a condition be included on any permission to prevent the demolition of buildings 1, 2, 3, 11, 12 and 15 until a contract for the carrying out of the works of re-development of the site has been made in accordance with a subsequent planning permission. Such a contract shall provide for the re-development works to start no later than three months following the beginning of the demolition works included as part of this permission unless an alternative timeframe is agreed in writing by the Authority.

The site has vehicle access points onto the Bridge, and onto Nocq Road that are capable of accommodating larger vehicles without alteration. No evidence has been provided as part of the application to demonstrate the need for the additional access onto the Bridge (that formed part of the outline permission) to be formed at this stage. The DCEMP outline includes information with regard to Traffic and Transportation and best practice methods and procedures to ensure that harm is not caused to highway safety. Furthermore the main access point into the site from Bridge Avenue is situated circa 130m west of the Inter Harbour Route and has good access links suitable for larger vehicles and is also in close proximity to Longue Hougue waste disposal facility where it is anticipated that some of the waste material from the site will be disposed of. Overall the proposal would not cause any concerns with regard to highway safety and complies with the relevant provisions of the IDP.

Following a recent visit to the site it is evident that some of the hoardings and gates surrounding the site have already been installed to protect the site in preparation for

redevelopment. The application is therefore retrospective in part and the description of development has been amended to reflect this. Those hoardings and gates already erected and those proposed are of an appropriate scale and position to screen redevelopment activities and safely secure the site during its redevelopment. The hoardings and gates are also a temporary measure and would not cause long term harm to the character or appearance of the surrounding Conservation Area.

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

Date: 17/05/2024

