

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: Redevelopment of site to include new retail building (Building A) with associated works and parking area, alter and create gated vehicle access. Change of use of existing building (Building B) from industrial storage and distribution (Use Class 24 and 22) to retail (Use Class 10).

LOCATION: Former Quayside Site, North Side, Vale.

APPLICANT: TJ Morris Limited

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: 18/06/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 28/09/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Lovell Ozanne & Partners Ltd: S72-10685-S1-10C, -11C, -12C, -13C, -14, -15B, -16B, -17, -18 & -20.
WPL Consulting LLP: 9348 224
Rappor Plan

Application Ref: FULL/2023/1595

Property Ref: C006320000

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. Details of all new external cladding and natural slate to be used in the development shall be submitted to the Authority. Only those materials agreed in writing by the Authority shall be used in carrying out the development.

Reason - In the interests of visual amenity and the character and appearance of the Conservation Area.

5. Prior to the commencement of any work in connection therewith, detail of the:

- a) gates to Longree and Trafalgar Road
- b) design and appearance of the trolley parks
- c) design and appearance of the covered cycle store
- d) new doors/windows to Building B
- e) garage door to Building B
- f) glass canopy

shall be submitted to and agreed in writing by the Authority. The development shall be carried out only in accordance with the agreed details. The gates to Longree and Trafalgar Road shall be installed prior to the development hereby approved first being brought into use.

Reason - The information provided with the application does not include full details of the proposed features. This condition is imposed in the interests of visual amenity, the character and appearance of the Conservation Area, setting of protected buildings and highway safety having regard to extent of the Approved Route Network and Inter Harbour Route which does not include Trafalgar Road.

6. a) Prior to the commencement of any work in connection therewith a landscaping scheme, to include those details specified below, shall be submitted to and agreed in writing by the Authority:

- i) the treatment proposed for all ground surfaces, including hard areas, which shall incorporate permeable paving or SUDs design;
- ii) full details of tree, hedge and other planting; and
- iii) planting schedules, noting the species, sizes, numbers and densities of plants.

b) The landscaping scheme shall be fully completed, in accordance with the details agreed under the terms of condition 6 a), in the first planting season following the first occupation of any part of the development or completion of development whichever is the sooner, or in accordance with a programme previously agreed in writing by the Authority. Any trees, hedges or plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by trees or plants of a size and species similar to those originally required to be planted.

Reason - In the interests of visual amenity and good design.

7. No development shall begin on site until details of the proposed public art installation have been submitted to and agreed in writing by the Authority. The scheme of public art shall be fully completed, in accordance with the details agreed through this condition, prior to the first use of Building A.

Reason - To ensure the appropriate provision of public art in accordance with Policy GP18: Public Realm and Public Art.

8. The development hereby permitted shall be constructed in accordance with the details set out in the Sustainability Statement by Henderson Green Consulting Engineers dated August 2023 and in accordance with the details shown on the approved plans regarding solar panels. Prior to the commencement of any work in connection therewith details of the number of all electric vehicle charging points shall be submitted to and approved in writing by the Authority. There shall be no occupation of Building A until all approved electric vehicle charging points and the solar panels shown on the approved plans and referred to in the Sustainability Statement, have been installed and made operational.

Reason - In the interests of sustainable design.

9. 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.

10. The demolition and construction of the replacement, realigned wall and vehicular access to Longree shall be fully completed prior to the development hereby approved being first brought into use. The stone to be used in the construction of the replacement boundary wall to Longree hereby permitted shall match as closely as possible the type, colour, texture, method of bonding and pointing of the existing stone.

Reason - In the interests of highway safety.

11. Delivery and service vehicular movements to and from the site shall utilise only the approved access from Longree in accordance with details specified within the application, and signage identifying this access arrangement shall be provided before the development hereby permitted is first brought into use and thereafter retained and maintained. Deliveries to the site shall only be made when Building A is closed to the public. The gates to Trafalgar Road shall be fixed closed and shall remain closed at all times.

Reason - In the interests of highway safety having regard to extent of the Approved Route Network and Inter Harbour Route, which does not include Trafalgar Road.

12. Notwithstanding the car and motorcycle parking layout shown on the approved plans, prior to the commencement of any work in connection therewith:

a) a revised parking layout plan, to show the omission of two motorcycle spaces and the provision of one additional car parking space, shall be submitted to and approved in writing by the Authority.

b) No part of the development, hereby permitted, shall be brought into use until the car, cycle and motorbike parking and all turning areas, including for service vehicles, have been fully completed in accordance with the plans approved under a) above and details approved under conditions 5 (gates and cycle parking) and 11 (service arrangements) above. The approved areas of parking shall not thereafter be used for any purpose other than the parking of vehicles.

c) Signage identifying that all customer vehicles and service/delivery vehicles shall exit the site onto Longree only shall be provided before the development hereby permitted is first brought into use and thereafter retained and maintained.

Reason - In the interests of highway safety and traffic management.

13. 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 the Development & Planning Authority a method statement to identify, risk assess and address the unidentified contaminants, and obtained written agreement from the Authority for the works to continue. Any subsequent works shall be carried out only in accordance with the conclusions and

recommendations contained in the report agreed by the Authority.

Reason - In order to manage the potential for unknown contaminants on the site.

14. Prior to any demolition work on site, a Construction Environmental Management Plan (CEMP) to include:

- I. A scheme of how the contractors will liaise with local residents to ensure that residents are kept aware of site progress and how any complaints will be dealt with, reviewed and recorded (including details of any considerate constructor or similar scheme);
- II. A scheme of how the contractors will minimise complaints from neighbours regarding issues such as noise and dust management, vibration, site traffic and deliveries to and from the site;
- III. Details of hours of construction including all associated vehicular movements;
- IV. Details of the construction compound; and
- V. A plan showing construction traffic routes.

shall be submitted to and approved in writing by the Authority. The construction shall be carried out in accordance with the approved CEMP.

Reason - In the interests of residential amenity.

15. a) prior to the commencement of any work in connection therewith details of the siting, design, appearance and acoustic properties of any acoustic enclosure deemed necessary by a suitably qualified noise control specialist, as recommended on page 6 of the Aura report dated 29/09/2023 (ref: M72.2) shall be submitted to and agreed in writing by the Authority. The development shall be carried out only in accordance with these approved details and the approved acoustic enclosures shall thereafter be retained and maintained.

b) Noise associated with plant and machinery incorporated within the development shall be controlled such that the Rating Level, measured or calculated at 1m from the façade of the nearest existing noise sensitive premises, shall not exceed a level 5dB(A) below the existing LA90 background noise level, including low frequency tones. Rating Level and existing background noise levels shall be determined as per the guidance provided in BS4142:2014.

Reason - To prevent a nuisance or annoyance to nearby residents.

16. 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.

17. Notwithstanding the details shown on the approved plans relating to the erection of a timber fence between the application site and Quayside House this permission does not confer consent for the erection of a timber fence along the common site boundary. This boundary shall be marked by a 2m high wall (as shown on the approved plans for application reference FULL/2023/1727).

Reason - In the interests of visual and residential amenity.

Expiry Date: This permission will cease to have effect on 18/06/2027 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

This permission does not relate to the display of any sign or advertisements nor the erection of a substation. A separate permission will be needed for any such development.

For the purposes of condition 9, any lighting scheme should include:

1. a statement of why the lighting is needed;
2. an indication of the proposed frequency of use of the lights and the hours of illumination;
3. two copies of an accurate plan showing the areas to be lit;
4. details of the number, location, height and colour of any lighting columns or other fixtures;
5. the type, number, mounting height and alignment of the luminaires and the beam angles and upward waste light ratio for each;
6. a diagram showing the predicted levels of illumination at the site boundaries;
7. a diagram showing the predicted vertical illumination affecting any adjacent dwellings.

Attention is drawn to Sections 37 and 64 of the Land Planning and Development (Guernsey) Law, 2005. Should any damage be caused to the Protected Building during the course of construction works it would be appropriate for the applicant/developer to contact the Planning Service for advice regarding repair/remedial works which may require the submission of a formal planning application.

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/2023/1595
Property Ref: C006320000
Valid date: 28/09/2023
Location: Former Quayside Site North Side Vale Guernsey
Proposal: Redevelopment of site to include new retail building (Building A) with associated works and parking area, alter and create gated vehicle access. Change of use of existing building (Building B) from industrial storage and distribution (Use Class 24 and 22) to retail (Use Class 10).
Applicant: TJ Morris Limited

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. Details of all new external cladding and natural slate to be used in the development shall be submitted to the Authority. Only those materials agreed in writing by the Authority shall be used in carrying out the development.

Reason - In the interests of visual amenity and the character and appearance of the Conservation Area.

5. Prior to the commencement of any work in connection therewith, detail of the:

- a) gates to Longree and Trafalgar Road
- b) design and appearance of the trolley parks
- c) design and appearance of the covered cycle store
- d) new doors/windows to Building B
- e) garage door to Building B
- f) glass canopy

shall be submitted to and agreed in writing by the Authority. The development shall be carried out only in accordance with the agreed details. The gates to Longree and Trafalgar Road shall be installed prior to the development hereby approved first being brought into use.

Reason - The information provided with the application does not include full details of the proposed features. This condition is imposed in the interests of visual amenity, the character and appearance of the Conservation Area, setting of protected buildings and highway safety having regard to extent of the Approved Route Network and Inter Harbour Route which does not include Trafalgar Road.

6. a) Prior to the commencement of any work in connection therewith a landscaping scheme, to include those details specified below, shall be submitted to and agreed in writing by the Authority:

- i) the treatment proposed for all ground surfaces, including hard areas, which shall incorporate permeable paving or SUDs design;
- ii) full details of tree, hedge and other planting; and
- iii) planting schedules, noting the species, sizes, numbers and densities of plants.

b) The landscaping scheme shall be fully completed, in accordance with the details agreed under the terms of condition 6 a), in the first planting season following the first occupation of any part of the development or completion of development whichever is the sooner, or in accordance with a programme previously agreed in writing by the Authority. Any trees, hedges or plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by trees or plants of a size and species similar to those originally required to be planted.

Reason - In the interests of visual amenity and good design.

7. No development shall begin on site until details of the proposed public art installation have been submitted to and agreed in writing by the Authority. The

scheme of public art shall be fully completed, in accordance with the details agreed through this condition, prior to the first use of Building A.

Reason - To ensure the appropriate provision of public art in accordance with Policy GP18: Public Realm and Public Art.

8. The development hereby permitted shall be constructed in accordance with the details set out in the Sustainability Statement by Henderson Green Consulting Engineers dated August 2023 and in accordance with the details shown on the approved plans regarding solar panels. Prior to the commencement of any work in connection therewith details of the number of all electric vehicle charging points shall be submitted to and approved in writing by the Authority. There shall be no occupation of Building A until all approved electric vehicle charging points and the solar panels shown on the approved plans and referred to in the Sustainability Statement, have been installed and made operational.

Reason - In the interests of sustainable design.

9. 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.

10. The demolition and construction of the replacement, realigned wall and vehicular access to Longree shall be fully completed prior to the development hereby approved being first brought into use. The stone to be used in the construction of the replacement boundary wall to Longree hereby permitted shall match as closely as possible the type, colour, texture, method of bonding and pointing of the existing stone.

Reason - In the interests of highway safety.

11. Delivery and service vehicular movements to and from the site shall utilise only the approved access from Longree in accordance with details specified within the application, and signage identifying this access arrangement shall be provided before the development hereby permitted is first brought into use and thereafter retained and maintained. Deliveries to the site shall only be made when Building A is closed to the public. The gates to Trafalgar Road shall be fixed closed and shall remain closed at all times.

Reason - In the interests of highway safety having regard to extent of the Approved Route Network and Inter Harbour Route, which does not include Trafalgar Road.

12. Notwithstanding the car and motorcycle parking layout shown on the approved plans, prior to the commencement of any work in connection therewith:

a) a revised parking layout plan, to show the omission of two motorcycle spaces and the provision of one additional car parking space, shall be submitted to and approved in writing by the Authority.

b) No part of the development, hereby permitted, shall be brought into use until the car, cycle and motorbike parking and all turning areas, including for service vehicles, have been fully completed in accordance with the plans approved under a) above and details approved under conditions 5 (gates and cycle parking) and 11 (service arrangements) above. The approved areas of parking shall not thereafter be used for any purpose other than the parking of vehicles.

c) Signage identifying that all customer vehicles and service/delivery vehicles shall exit the site onto Longree only shall be provided before the development hereby permitted is first brought into use and thereafter retained and maintained.

Reason - In the interests of highway safety and traffic management.

13. 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 the Development & Planning Authority a method statement to identify, risk assess and address the unidentified contaminants, and obtained written agreement from the Authority for the works to continue. Any subsequent works shall be carried out only in accordance with the conclusions and recommendations contained in the report agreed by the Authority.

Reason - In order to manage the potential for unknown contaminants on the site.

14. Prior to any demolition work on site, a Construction Environmental Management Plan (CEMP) to include:

I. A scheme of how the contractors will liaise with local residents to ensure that residents are kept aware of site progress and how any complaints will be dealt with, reviewed and recorded (including details of any considerate constructor or similar scheme);

II. A scheme of how the contractors will minimise complaints from neighbours regarding issues such as noise and dust management, vibration, site traffic and deliveries to and from the site;

III. Details of hours of construction including all associated vehicular movements;

IV. Details of the construction compound; and

V. A plan showing construction traffic routes.

shall be submitted to and approved in writing by the Authority. The construction shall be carried out in accordance with the approved CEMP.

Reason - In the interests of residential amenity.

15. a) prior to the commencement of any work in connection therewith details of the siting, design, appearance and acoustic properties of any acoustic enclosure deemed necessary by a suitably qualified noise control specialist, as recommended on page 6 of the Aura report dated 29/09/2023 (ref: M72.2) shall be submitted to and agreed in writing by the Authority. The development shall be carried out only in accordance with these approved details and the approved acoustic enclosures shall thereafter be retained and maintained.

b) Noise associated with plant and machinery incorporated within the development shall be controlled such that the Rating Level, measured or calculated at 1m from the façade of the nearest existing noise sensitive premises, shall not exceed a level 5dB(A) below the existing LA90 background noise level, including low frequency tones. Rating Level and existing background noise levels shall be determined as per the guidance provided in BS4142:2014.

Reason - To prevent a nuisance or annoyance to nearby residents.

16. 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.

17. Notwithstanding the details shown on the approved plans relating to the erection of a timber fence between the application site and Quayside House this permission does not confer consent for the erection of a timber fence along the common site boundary. This boundary shall be marked by a 2m high wall (as shown on the approved plans for application reference FULL/2023/1727).

Reason - In the interests of visual and residential amenity.

INFORMATIVES

This permission does not relate to the display of any sign or advertisements nor the erection of a substation. A separate permission will be needed for any such development.

For the purposes of condition 9, any lighting scheme should include:

1. a statement of why the lighting is needed;

2. an indication of the proposed frequency of use of the lights and the hours of illumination;
3. two copies of an accurate plan showing the areas to be lit;
4. details of the number, location, height and colour of any lighting columns or other fixtures;
5. the type, number, mounting height and alignment of the luminaires and the beam angles and upward waste light ratio for each;
6. a diagram showing the predicted levels of illumination at the site boundaries;
7. a diagram showing the predicted vertical illumination affecting any adjacent dwellings.

Attention is drawn to Sections 37 and 64 of the Land Planning and Development (Guernsey) Law, 2005. Should any damage be caused to the Protected Building during the course of construction works it would be appropriate for the applicant/developer to contact the Planning Service for advice regarding repair/remedial works which may require the submission of a formal planning application.

OFFICER'S REPORT

Site Description:

The Quayside site is triangular, situated between Trafalgar Road to the north, Longree to the east and North Side to the south. The site comprised a mixture of uses with retail, storage and distribution and light industrial but is currently vacant with various areas of the site cleared.

Surrounding the site the area comprises a mixture of uses, with residential properties to the north and northeast, industrial premises further north and northwest and the harbour to the south. Areas of public parking surround the site, situated on Longree, Trafalgar Road and North Side.

The site has been cleared in accordance with planning permission FULL/2022/1065 with walls to North Side, Longree and Trafalgar Road retained. Existing windows and doors with glazing to the south boundary have been obscured.

The site is located in a Main Centre, Conservation Area and Harbour Action Area as designated in the Island Development Plan. There are Protected Buildings adjoining the site.

Relevant History:

FULL/2016/1463 - Demolish existing buildings on site, Change of use of part of the site to Retail Use Class 14 and erect 3 retail units and car parking – granted
The 2016 scheme related solely to retail and a minor departure to Policy DBE2 of the UAP was requested/given to allow the application to proceed without the requirement for a Development Brief.

FULL/2022/1065 – Demolish the roof of the former Quayside building and to demolish and rebuild the top 2 to 3 courses of a section of wall along the east boundary – granted

FULL/2023/1727 – Convert and alter Durlston House to create 2 flats. Convert, extend and alter Quayside House and outbuilding to create 4 flats and associated works. Alter shopfront, fenestration and install cladding to La Croix and create vehicular access (Protected Buildings) – under consideration.

Existing Use(s):

Currently vacant – Previous uses include retail, light industrial and storage and distribution.

Brief Description of Development:

Planning permission is sought to demolish an existing building with green clad exterior adjacent to the south site boundary along with the double piled hipped roof buildings in the northeast corner of the site. A large retail unit (Building A) is proposed to the western part of the site, fronting North Side with solar panels installed to the southern roofslope and 9 condenser units to be situated adjacent to the north site boundary with Trafalgar Road.

An external display area is proposed in connection with the retail unit, forming the northwest corner of the building. 70 parking spaces are proposed to the east of the building with a number situated adjacent to the boundary wall with Longree and south boundary with North Side. Motorcycle parking is proposed adjacent to the north boundary near the corner of Trafalgar Road and Longree and combined motorcycle and cycle parking is also proposed to the south of the retained Building B, adjacent to the building known as Sierra Leone (outside the application site boundary). An existing shed is proposed to be demolished and external alterations are proposed to building B, a second retail unit on the site.

A section of roadside wall to Longree is proposed to be demolished and rebuilt in connection with the site exit and service yard access arrangements. Although the drawings indicate that new gates are proposed to serve the existing access on Trafalgar Road during the consideration of the application it has been confirmed that the existing access to Trafalgar Road will be infilled.

The application has been accompanied by a Planning and Design Statement, Technical Note to Highways Response by Rappor, AURA Noise Impact Assessment and Baseline Noise Survey, AC product information, TJ Morris Ltd – investment document, Flood Report by CBL Consulting, Waste Management Plan and GP9 Sustainability Statement by Henderson Green Consulting Engineers.

The application was deferred to provide the applicant with the opportunity to explore and respond to various issues raised during the consideration of the application including design, efficient and effective use of land having regard to the Harbour Action Area and following concerns raised by Traffic and Highway Services.

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

GP4 – Conservation Area
GP5 – Protected Buildings (setting)
GP8 – Design
GP9 – Sustainable Development
GP17 – Public Safety and Hazardous Development
GP18 – Public Realm and Public Art
MC5(C) – Industry, Storage and Distribution Uses in Main Centres and Main Centre Outer Areas – Change of Use
MC6 – Retail in Main Centres
MC10 – Harbour Action Area
IP6 – Transport infrastructure and support facilities
IP7 – Private and Communal Car Parking
IP9 – Highway Safety, Accessibility and Capacity

Parking Standards and Traffic Impact Assessment SPG (2016)

Annex VII of the IDP provides a Summary of Special Interest of the Conservation Area, which is a summary of a Character Study included in the Environment Department publication Designating Conservation Areas (March 2015).

Representations:

Two letters of representation have been received in relation to the application, objecting to the proposals and raising the following points:

- The development does not maximise the available space and is not development appropriate at this time – Home Bargains could occupy the ground floor with residential development above
- This is a lost opportunity to build housing – a mixed use development should be put forward
- The development fails to add visually to what could be an attractive second port to Guernsey – the design fails to enhance the quayside
- The idea of Home Bargains bringing millions to the local economy is ridiculous, the introduction of this store to the site will reduce sales elsewhere
- Providing 100 jobs where staff are scarce does not provide added income and creating such a building project when schools, homes and hospital facilities are over-costed because of a lack of contractors will make matters worse
- The suggesting of “added value” of £6.73m is wrong as money spent elsewhere will simply be redistributed

- The proposals make no reference to the loss of on-street parking for residents, there is already limited parking in Longree
- Concerns are raised about highway/pedestrian safety associated with increased traffic with an exit opposite residential properties in Longree
- Light pollution/nuisance, particularly during the winter months, is of concern with vehicles exiting the site in Longree
- Bins situated close to Longree could attract unwanted wildlife which is of concern

Consultations:

Traffic and Highway Services (THS):

22/02/2024

An access should: -

- a) Enable a driver 2.4m from the edge of the carriageway to see a minimum of 33m in the direction of oncoming traffic;
- b) Not have any obstructions or planting greater than 900mm high above the road surface within the visibility splays;
- c) Have sufficient width to enable cars and light vehicles to exit and enter the access without crossing into the path of vehicles on the opposite side of the carriageway;
- d) Be square to the carriageway;
- e) Be sited at a distance not less than 20m from a junction.

The site is situated on Northside, Vale with the proposed vehicular entrance situated in Trafalgar Road and the proposed exit onto Longree, Vale. Both roads are classified as Neighbourhood Roads in the Traffic Engineering Guidelines for Guernsey. A Neighbourhood Road is described as "predominantly residential in character with little or no through traffic but may include other areas such as rural lanes. The functional emphasis is primarily one of access to individual properties and provision for vulnerable road users". These roads are subject to a 25mph speed limit past the proposed access and egress points.

16m long articulated vehicles could not circulate along Trafalgar Road without an oversize vehicle permit and potentially also be escorted and due to the geometry of the junction, any large articulated vehicles using Trafalgar Road would be a significant road safety concern. A permit would be required and one being issued would depend on factors such as, whether the product being delivered is divisible. There is also a pinch point in Trafalgar Road where it immediately bends to the right with existing parking spaces on the left-hand side generating concerns from a road safety perspective as visibility for oncoming traffic would be reduced on the bend. Consideration would also need to be given to the level of public parking to be removed (c. 22 spaces) which raises traffic management issues given the fairly significant loss of long-term public parking in a residential part of the Bridge area. The unloading bay in Trafalgar Road is directly outside the Trafalgar Inn public house and its removal could have a significant impact on deliveries to this business.

The proposal to create a delivery access and egress adjoining Trafalgar Road and Longree (8m wide with associated boundary wall realignment to meet a sightline in the direction of oncoming traffic that would meet the minimum recommended standard) respectively, to accommodate large (16m long) articulated vehicles does cause concern from a road safety and traffic management perspective. It is also not a certainty that THS would grant permission for articulated lorries to circulate through this road if carrying divisible loads. Further the decision to mix the delivery access with the customer access is a cause of some concern from a safety perspective, particularly with reversing manoeuvres taking place but strategies may be planned to be in place to reduce or eliminate such risk. It would be useful to receive further information to better understand the likely delivery arrangements and whether allowing articulated lorries through Trafalgar Road is fundamental to the proposal.

The public realm scheme, which is not part of this application, but could influence the proposed customer vehicular access arrangements appears to have displaced vehicular access to Trafalgar Road and Longree rather than the existing Northside access which leads directly onto the Inter-Harbour Route which accommodates some of Guernsey's largest and most frequent freight movements, due to specific legislation which could require amendment in connection with the public realm scheme shown and the loss of public parking. The single access point on Trafalgar Road to serve retail customers with an exit onto Longree would not be expected to generate significant traffic management issues when considered in isolation of the public realm scheme although this could impact on public parking spaces to facilitate 2-way flow.

With regard to the public realm scheme along Northside (not forming part of the application) as noted above, this has very significant traffic management implications for the Inter Harbour Route and THS will encourage those to be fully taken into account in other States of Guernsey and Planning workstreams.

21/03/2024

THS reviewed the information submitted by Rappor Consultants Limited on behalf of the applicant T J Morris in respect of the movement of HGV vehicles to the site. Rappor have not confirmed whether the loads are divisible. The swept path diagrams are useful in determining what is technically possible in terms of a 16.5m x 2.6m articulated lorry and also an 11.6m x 2.5m rigid lorry although the rigid lorry used in the swept path exceeds the 9.45m long x 2.5m limits for circulation on the Inter Harbour Route and elsewhere on Island. On the basis of this information the level of parking that would need to be removed, particularly in Longree was previously overestimated.

Trafalgar Road

If loads were divisible (not known at the current time) the long-established principle is that they will be transported off of the Inter Harbour Route or Approved Route Network in Guernsey compliant sized vehicles (10.67m x 2.31m articulated or 9.45m x 2.31m rigid) and in this case the distance off these routes, on Trafalgar Road would

be limited but would be through a residential area with spaces removed and a potential pinch point.

Based on the additional information c. 3 parking spaces would likely need to be removed to accommodate a proposal that involves 16.5m articulated lorries with some associated traffic management concerns e.g. congestion with vehicles manoeuvring etc. but the fundamental issue is whether articulated lorries of this size would be permitted along this road (not part of the Inter Harbour Route, where lorries of the size indicated are permitted to travel at all times, or the Approved Route Network between 9pm and 6.45am). A deviation from the existing policies to include Trafalgar Road as an Approved Route Network road would set a precedent that has wider implications.

Delivery Area

These are satisfactorily addressed if deliveries will take place outside of normal opening hours although it would not be possible to constrain deliveries to the site in line with the times of current sailing schedules and it should be noted that at various times of year, sailings are delayed and rescheduled due to weather conditions or technical issues with vessels. In such events there is not a waiver in relation to the times (9pm-6:45am) when vehicles of 16.5m length are permitted to use the route.

Longree

In relation to the site, and the provision of an access used for egress from Longree, is that the car park layout would (assuming that outside of the business' opening hours) be empty of customer vehicles so it may be feasible for an articulated unit to enter the site from Longree and manoeuvre within the site to reverse around to the northern side of the site where the Goods In area is. This would negate the requirement for articulated units to use Trafalgar Road, with the vehicle then being able to leave the site via Longree also.

North Quay/Side

It is worth noting that there is currently nothing preventing 16.5m articulated lorries accessing this site via North Quay.

02/04/2024

The revisions show the proposed exit onto Longree for service vehicles only with the existing access from North Side for customer vehicles both access and egress. The changes are welcomed.

HGV movements under this application would be the same as those detailed within the Rappor Technical Note (see comments above) and the changes to the car park layout under this revision do not change HGV movements under the original application.

The plan to retain the existing vehicle entrance for customers from North Side is welcomed because it negates the need for customers to access via Trafalgar Road. It is a positive change that will assist in maintaining the functional use of Trafalgar

Road as a Neighbourhood Road and mitigates concerns relating to a possible conflict between customer vehicles/pedestrians at times when HGVs would be manoeuvring.

Changes to parking layout would result in the loss of a single space and using North Side for customer access and egress would remain as per the site's previous retail operation. THS are not aware of any related RTC history or problems relating to use in this way. It would be appropriate however, to adopt an internal vehicle flow system for smoother flow of vehicle movements within the site and to mitigate against backups of vehicles on North Side waiting to turn into the site. It is noted that internal traffic flow is likely a matter for the applicant if the scheme is approved.

07/05/2024

As amended articulated lorries would not use the Trafalgar Road (not part of the Inter Harbour Route) access, shown to be retained at its current width and gated, an access will be created in Longree with the boundary wall to the south being realigned, customer access by vehicle will be via North Side and exit onto Longree and commercial freight movements will be via the new Longree access (inbound and outbound).

Delivery vehicles

These revisions take on board the previous concerns relating to commercial vehicle movements in Trafalgar Road and no objections are raised to the new Longree access being used for articulated vehicles on the condition that they are driven forward into the site, manoeuvre within the site to reverse into the Goods-In area which would then result in vehicles also exiting in a forward gear. This would be possible if there are no customer vehicles parked in the customer parking area which should be achievable if deliveries arrive outside the store's customer opening hours and would not generate concerns if conditioned.

If vehicles are parked on the site at delivery times this would generate road safety and traffic management issues because an articulated vehicle would need to reverse into the site from Longree with specific associated hazards (danger to others, manoeuvring without sight of the rear of the vehicle, other vehicles and pedestrians and the need for banksmen x4 to be present and assisting the movement of the HGV). This would not be supported by THS.

Customer Vehicles

Exit would now be into Longree and although the sightlines would meet the required standard there would be an intensification of traffic movements within Longree and, by extension onto Trafalgar Road, in order to rejoin the Inter Harbour Route (the turn onto North Side is easier from Trafalgar Road than by the former Weighbridge) but may not be possible to be conditioned through this application. The rationale for this amendment is not clear. Customer egress and access onto the inter-harbour route has previously been from the existing North Side/Quay access (under the operation of Quayside / Iron Stores) and therefore customer egress onto Longree unnecessary and could generate problems but would not be a show-stopper per se.

THS would expect that the Trafalgar Road gate would, under normal circumstances be closed. Otherwise it will simply become the default exit for customers directly onto Trafalgar Road. The planned customer access and HGV arrangements means that the use of the gate would be somewhat superfluous, but the submitted plans do not indicate a given use.

The Office of Environmental Health and Pollution Regulation (OEHPR):

Highlight a number of concerns due to the historic uses of the land as construction and roofing store, and the proposal for breaking of land for foundations. A Discovery Strategy condition is recommended, should contamination be found. A Construction Environmental Management Plan (CEMP) would also be appropriate. Having reviewed the AURA noise impact assessment OEHPR agree with its recommendations and a condition relating to control of noise level of plant/machinery is recommended. The recommendation from AURA to appoint a suitably qualified noise control specialist to assist with the design of the acoustic enclosure should be adhered to.

Health and Safety Executive:

The site is located outside the 'Inner Zone' and DPZ. About 1/3 of the east end of the site is in the 'Middle Zone' and the remaining in the 'Outer Zone'. Based on the HSE land use planning guide the proposed retail site is a 'Level 2' development (based on a development for use by the public where the total floor space of all floors is 250m² to 5000m²). Level 2 Developments in the Middle and Outer Zones are categorised as DAA- Don't Advise Against Development.

The HSE does therefore not advise against the development.

It must be noted that other planning applications, in relation to the areas not covered in this application, may be impacted by, or may impact on any other future applications related to this area as a whole; as per Para 14 of the planning methodology which states:

"Para 69 of the Planning Practice Guidance 'Hazardous Substances- handling development proposals around hazardous installations which advises planning authorities to be alert to encroachment of development in consultation zones, including where larger developments are divided between smaller applications to fall below consultation thresholds'".

States of Guernsey Building Control:

As part of a Building Control application consultation with the Guernsey Fire and Rescue Service will be carried out and Health and Safety due to the proximity of fuel storage. Until the internal layout is provided for Buildings A and B the external door positions may change in size and location, refuse storage is needed and large glazed entrances may require manifestation to avoid collision.

Guernsey Development Agency (GDA):

Welcomes economic development of the St Sampson harbour area and it looks overall as if this development would be beneficial. It is pleasing that the application incorporates a large shop front on the south side.

The GDA have two observations:

1. GDA aims to create a pedestrianised area along Northside from the Bridge up to the Quayside and in due course beyond to the east. Accordingly we would prefer to see the frontage between the subject site and the water pedestrianised. We consider this will greatly benefit the area, enable greater footfall in and along the Bridge area, should enable food and beverage units to be provided and assist to stimulate the local economy, and enhance civic pride. We note from the application plans that cars appear to use Northside as an access to the car park on the subject site. If this is permitted then the frontage in front of the subject site would not be available for pedestrians. Accordingly we request goods and car access and egress to the site and also from the two adjoining properties to the west and east within the site should only be from Trafalgar Road or Longree.
2. To aid goods and car access and egress to the site it would appear beneficial if Trafalgar Road could be widened and to achieve this it would be helpful if the site could be moved forward say 4 metres to the south. Whilst this would slightly reduce the width of the pedestrianised area, on balance we consider this would be beneficial.

Summary of Issues:

- Loss of industrial floorspace and whether the principle of additional retail floorspace is acceptable;
- Whether the principle of demolition is acceptable;
- The design of the proposal and the impact of the development on the appearance and character of the surrounding Conservation Area;
- Impact on Protected Buildings and Monuments
- Health & Safety;
- The impact of the development on the amenity of people living in the area;
- Parking and access issues

Assessment against:

1 - Purposes of the law.

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

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

The purposes of the Land Planning and Development (Guernsey) Law, 2005, are to protect and enhance, and to facilitate the sustainable development of, the physical environment of Guernsey.

Section 34 of the Law explains the general functions of authorities in respect of protected buildings. This states that:

It is the duty of any department of the States when exercising its functions under this Law –

- (a) to secure so far as possible that the special historic, architectural, traditional or other special characteristics of buildings listed on the protected buildings list (“protected buildings”) are preserved, and
- (b) in particular, in exercising its functions with respect to a protected building or any other building or land in the vicinity of a protected building, to pay special attention to the desirability of preserving the protected building’s special characteristics and setting.

Section 38 of the Law explains the general functions of authorities in respect of conservation areas. This states that:

In the exercise, with respect to any building or other land in a conservation area, of any powers under this Law or any other enactment, special attention shall be paid to the desirability of preserving and enhancing the character and appearance of that area.

In respect of these statutory duties, the word ‘preserve’ is taken in its ordinary meaning as set out in Chamber’s dictionary, which is ‘to keep safe from harm or loss’.

The purposes of the Law are reflected in the Island Development Plan, the principal aim of which is to help maintain and create a socially inclusive, healthy and economically strong Island, while balancing these objectives with the protection and enhancement of Guernsey’s built and natural environment and the need to use land wisely. Relevant policies will be addressed below in assessing the key issues.

Section 13 to Part IV of The Land Planning and Development (General Provisions) Ordinance, 2007, sets out a number of general material considerations, the following of which are considered to be relevant in this instance:

- (b) the character and quality of the natural and built environment which is likely to be created by the development,
- (c) the appropriateness of the development in relation to its surroundings in terms of its design, layout, scale, siting and the materials to be used,
- (d) the likely effect of the development on the character and amenity of the locality in question,

Section 15 clarifies that the considerations referred to in paragraphs (b) and (c) of section 14 also apply to protected buildings.

Harbour Action Area (HAA) and emerging Local Planning Brief (LPB)

Island Development Plan Policy MC10: Harbour Action Areas states as follows:-

“Detailed strategies for the development of the St Peter Port Harbour Action Area and the St Sampson’s Harbour Action Area will be provided in a Local Planning Brief for each area when approved by the States of Guernsey.

Proposals for development or redevelopment within a Harbour Action Area will be supported where they are in accordance with the Principal Aim of the Island Development Plan and the relevant Local Planning Brief for the area and are consistent with the Plan Objectives.

Where there is not an approved Local Planning Brief for the Harbour Action Area, or where a proposed development is of a minor or inconsequential nature, proposals will be supported providing that the development:

- a. would not prejudice the outcomes of the Local Planning Brief process; or,*
- b. would not inhibit the implementation of an approved Local Planning Brief; and,*
- c. in all cases accords with all other relevant policies of the Island Development Plan.”*

The IDP therefore sets out in Policy MC10 that proposals within the HAA will only be supported providing that the development will not prejudice the outcome of the LPB, and would not inhibit the implementation of an approved LPB. This is a significant consideration particularly when assessing the current application for single-storey development having regard to the capacity and ability of the site to achieve economic and social objectives.

The Local Planning Brief is currently under preparation and will soon reach the formal public consultation stage, followed by examination in public at a Public Inquiry.

As outlined elsewhere in this report the proposals relate to the redevelopment of an existing retail site which will bring investment to the area in advance of the LPB being finalised. Although not necessarily maximising the potential of the site, the proposals could be adapted later following the introduction of an LPB, such as changes to vehicular access arrangements in connection with possible proposals for pedestrianisation of this part of North Quay. Furthermore, the grant of permission for this retail development would not preclude application(s) for further development/redevelopment in the future and as a result the proposals would neither prejudice the outcome of an LPB or its implementation in line with the requirements of Policy MC10.

Although not constituting development of a minor or inconsequential nature, it is considered that sufficient scope for future adaptation is likely to remain following implementation of the proposed development to be capable of considering in the

longer-term any eventual solutions for this part of the Harbour Action Area that are developed through the LPB process. Consequently, on balance, it is concluded that the proposed development would not prejudice the outcomes of the Local Planning Brief process and would not conflict with Policy MC10.

Existing and proposed uses

At the time of the 2016 permission the site comprised a retail unit (circa 3,902 sqm internal floorspace) a light industrial unit (circa 706 sq m) and a storage and distribution unit (circa 502 sqm), with small ancillary offices, a yard and on-site car parking for circa 28 cars. The retail elements remained largely unused following the closure of the former Quayside store in 2015 with the exception of use by GO charity which relocated at the end of 2023. The light industrial and storage and distribution uses were in operation by KdeP Glass following the closure of Quayside but has since ceased operation from the site. The proposal would therefore result in the loss of circa 1,208 m² of industrial floorspace at the site.

The IDP offers support for new comparison and convenience retail through Policy MC6 provided all other relevant policies of the IDP are satisfied. The IDP provides support for redevelopment for alternative uses, other than light industry, where the alternative use makes a positive contribution to the vitality and viability of the Main Centre.

In this case c. 2160 sqm of retail floorspace is proposed. Given the location and size of the proposed retail units, and level of on-site car parking proposed the retail units would likely be “destination” stores rather than shops that rely on passing footfall from shops elsewhere on The Bridge. The scheme would bring a vacant site back into use contributing to the vitality and viability of the Main Centre. Customers of these proposed stores may be prompted to visit other shops and facilities at the main retail area of The Bridge, on their way to and from the Quayside site. The redevelopment of the site as a whole, would provide an improved retail experience.

Notwithstanding the comments received through the public consultation process regarding the introduction of a large UK chain store to the site the application must be considered on the basis that any retail provider could occupy the site/proposed buildings. The application assessment is not based specifically on the possible introduction of Home Bargains on the site.

In this regard therefore, the scheme accords with Policies MC5(C) and MC6 of the IDP.

Demolition

When viewed from Trafalgar Road/Longree/La Hure Mare Road, the buildings in the north corner sit above the roadside walls and due to their form and appearance detract from the Conservation Area. It would however, create a vacant site when viewed from the nearby streets but this is similar to the appearance of the site in the

late 19th Century when it was used as a stone yard. The detailed design of the alterations to the roadside walls along North Quay, to form the shopfronts of the former Quayside building also detract from the conservation area. The proposal incorporates the demolition of these detractors in accordance with Policy GP4 and the vacant site created by the removal of the building in the north corner will not negatively affect the Conservation Area.

Design, appearance and impact on the Conservation Area

The tall, stone boundary walls; the façade of former historic buildings along North Quay and the building last used as the GO Shop are buildings and features that contribute to the Conservation Area. The proposed development retains these features. The infilling of the access onto Trafalgar Road will also represent an enhancement, contributing to the character and appearance of the Conservation Area. The infill works can be managed by planning condition.

The proposed building is a simple portal frame building that is single-storey in height. The IDP seeks to make the most efficient and effective use of land and outlines that development should be multi-storey design from the outset unless there are over-riding reasons such as ground conditions/contamination, flood risk, capacity of the road infrastructure, IDP policies or other designations (e.g. H&S Consultation Zone), neighbouring residential amenity etc. Some of these constraints are present on the application site.

The HSE Consultation Zone limits the amount and type of development within the middle zone and thus it is sensible to locate surface parking in this area, such limits are not placed within the outer zone (or limits can be mitigated e.g. with an evacuation plan). It should also be noted that the proposal relates to the redevelopment of an existing retail use where the original building, now demolished, was single-storey in height. There are locational factors at play on this site that could influence the introduction of multi-storey residential development. Furthermore, other types of development on the site have been previously investigated but not generated applications/approvals. Although the focus should be on providing multi-storey development in this case the single-storey building proposed as a redevelopment of an existing retail site is not sufficient to warrant the refusal of planning permission.

Concerns exist regarding the demolition of boundary walls along North Quay and the creation of a blank frontage to the street approximately 33m in length due to the potential impact this could have on the character and appearance of the Conservation Area. The revised drawings have sought to introduce some relief to this largely blank elevation by forming a series of bay panel features and glazing to the southeast corner entrance area with the aim of breaking up the scale and horizontal proportion of the building. The 2016 approval also had similarities in terms of the fenestration layout to that currently shown. It is also noted that the historic use of the site as a stone yard would have seen little in the way of an active frontage to the Quay. On balance, the appearance of the development to North Quay would not

result in unacceptable harm that, alone, would warrant the refusal of planning permission. The scheme is therefore considered to comply with Policy GP4 and GP9 b. of the Island Development Plan.

The site is prominent from South Side, Le Crocq and Mount Crevelt and careful consideration must be given to the proposed horizontal timber cladding and other horizontal details (eaves and roof) to the south elevation given that these are not characteristic of this part of the Conservation Area. IDP policies GP4 and GP8 do not seek to restrict the architectural style of new development in Conservation Areas, instead making clear that providing the scale, mass, detail and special interest of the surrounding built form has been considered, and that a particularly high standard of design is achieved, then either contemporary or traditional design approaches that respect and complement the character of the surrounding area may be appropriate. Subject to conditions relating to samples of the proposed cladding and other details (as necessary) it is considered that this aspect of the development will not result in undue harm to the character and appearance of the Conservation Area.

Planting around the site is limited to areas at the edge of parking spaces/between parking bays. These will help soften and break up the proposed parking area although will not have any particular benefit beyond the application site. Although some concerns have been raised regarding the success of tree planting in environments such as this it can largely be down to the type of trees, method of planting and ongoing maintenance. It is reasonable to impose a planning condition that relates to on-site planting in this case in the interests of visual amenity. Conditions can also be imposed relating to hardstanding having regard to sustainable development which could incorporate permeable paving, rain gardens from roof run off etc. and as such the scheme complies with Policy GP8 e. relating to hard and soft landscaping.

The entrance to building A and Building B are shown as having a level threshold. Accessible and parent and child parking spaces are also shown adjacent to the entrance of Building A to comply with Policy GP8. Although some reservations exist regarding the fact movement between Building A and B is not direct, with people having to walk through the car park, which would not be the safest option, or take an indirect route which is not preferable when considering access around the site for people of all ages and abilities on balance the scheme is considered acceptable in this regard.

The proposed retail development is considered to satisfactorily address the health and well-being of the occupiers/users. The development will not over-shadow (daylight and sunlight) or over-look (privacy) neighbouring residential development and the scheme accords with criterion d. of Policy GP8.

Access

As amended the scheme shows service/commercial freight using Longree for both entrance and exit purposes. On this basis and that articulated vehicles are driven into

the site, where outside of retail trading hours there would be adequate space on site for manoeuvring into the unloading area (without danger to pedestrians/customers accessing the store) and for vehicles to then exit in a forward gear, no objections have been raised by THS. Conditions can be imposed relating to this access arrangement, the realignment of the wall in Longree for visibility and relating to infilling of the access to Trafalgar Road as this existing access serves no purpose in relation to the current development proposals.

The application shows that customer vehicles will access the site via North Quay and exit via the new access on Longree. With the replacement wall as shown there would be satisfactory visibility splays however, it is acknowledged that there will be an intensification of traffic movements on Longree and Trafalgar Road (given the turn onto North Side is easier from this junction). It is noted that customer access and egress onto North Quay, part of the inter harbour route is in existence and was used for the Quayside retail unit. It is the case however, that the intensification of use is not considered to have an unacceptable impact on highway safety or capacity. There would be scope to require a sign to be installed at the Longree exit to state 'No Left Turn' onto Trafalgar Road in order to direct traffic back onto the Inter Harbour Route via Longree which is part of the Approved Route Network.

The access arrangements for cars and service vehicles are now acceptable having regard to Policy IP9, GP8 and the material planning considerations.

Parking

The level of car parking (including 4 accessible spaces) proposed is considered satisfactory when considering the requirements of the Parking Standards and Traffic Impact Assessment SPG. The level of motor cycle spaces, spread across the site, exceeds the requirements of the SPG whilst cycle parking is shown close to the entrance of both the main retail building (building A) and the secondary retail (building B). The spaces adjacent to building A are indicated to be covered. Seven hoops are indicated to be provided in total which will offer 14 spaces in accordance with the level set out in the SPG. The spaces are considered to be convenient and visitors and staff using the spaces close to building A will be afforded with covered parking. The proposal is therefore considered to accord with Policies IP6, IP7 and GP8 a) relating to infrastructure and facilities associated with the development.

Protected Buildings

There are several Protected Buildings adjacent to the site, the proposed development is a smaller scale compared to the previous Quayside store and the setting of these adjoining Protected Buildings will not be adversely affected.

The application site includes the gateposts of that form part of PB1737 and these are shown to be retained. The proposal will not directly affect the Protected Building but there is a risk that these pillars might be damaged by construction vehicles during the build of the development therefore a condition requiring a scheme for the protection

of the pillars during the construction phase would be reasonable in order to reduce this risk. Also, an informative note relating to the need for planning permission for repair/replacement works should damage be caused.

Public Art

The drawings and Planning and Design Statement make reference to public art provision. The scheme indicates that some existing former window openings to the south facing granite walls shall be retained with decorative metal railings, the design of which could refer to the previous history of the site as a stone yard. The provision of this public art can be controlled by condition.

Other matters

Page 21 of the Planning and Design Statement refers to a Draft Concept Statement being published by the Development and Planning Authority. For the avoidance of doubt this document has not been published by the Authority. It does, however, contain a factual site assessment that is useful to help assess the current application for a retail unit.

Although a plan accompanied the application showing a “vision” for a pedestrianised North Side/Quay, this does not form part of this application assessment as it incorporates land outside the application site area, beyond the ownership and control of the applicant.

Reference is made in this submission to a timber fence separating the site from the proposed residential development at Quayside House however, the drawings associated with the separate application for this adjoining site (and Durlston and La Croix) show the dividing boundary marked by a rendered boundary wall which is more appropriate and in keeping with the character and appearance of the Conservation Area. It is reasonable therefore, to impose a condition regarding this and requiring the boundary to be delineated by a wall as per the residential application proposals for the adjoining site, which fall within the applicant’s ownership/control.

External plant is shown (9 condensers) along the north boundary, behind the roadside wall. The submission has been accompanied by supporting information from AURA and technical details of the proposed equipment. Subject to the conditions recommended by OEHPR this equipment will not result in undue noise or nuisance to residents in the locality. It is also appropriate to impose the other conditions recommended by OEHPR relating to unknown contamination and CEMP for public health and residential amenity reasons.

Confirmation has been received that the proposed development has been designed to take into account matters of energy efficiency and current Building Regulations in accordance with Policy GP9. The scheme incorporates a significant array of solar panels to the south facing roof. These solar panels should be controlled by condition

in order to comply with the aims of Policy GP9. Reference is also made to providing EV charging points. Although the spaces for these are not annotated on the application drawings EV charging provision can be controlled by condition. Consideration has also been given to the use of rainwater harvesting to serve aspects of the proposed development.

Having regard to the comments from Building Control, revisions to doorway locations and manifestations to large areas of glazing to avoid collision may be required. The manifestation (unless it was formed using advertising) would not require planning permission. Any changes to the exterior of the buildings may require a further grant of planning permission.

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

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

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

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

Date: 04/06/2024

