

**THE LAND PLANNING AND DEVELOPMENT (GUERNSEY) LAW, 2005**  
**AND THE LAND PLANNING AND DEVELOPMENT (GENERAL PROVISIONS)**  
**ORDINANCE, 2007**

**GRANT OF OUTLINE PLANNING PERMISSION**

**PROPOSALS:** 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).

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

**APPLICANT:** Channel Islands Co-Op Society Ltd & 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:** 16/11/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 22/06/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

**Drawing Nos:** DRP: 3095-00-DR-001 Rev A, 002, 003, 004 Rev A, 010 Rev A, 011 Rev A, 012 Rev A, 013 Rev B, 100, 110, 120, 130, 140, 150, 190  
3095-00-MA-001 & V1-001

Leale's Yard Masterplan Addendum (Appendix 5) dated September 2022

Stantec: Environmental Impact Assessment (EIA) Environmental Statement 332549627/003 Rev 01 dated April 2022 and Appendices; Transport Assessment 332510834 Rev C dated April 2022

CBL: 8602-0100 REV P7, 0103 REV P3 & 0104 REV P5

Michael Felton: 1739-001-P0, 1739-HL001, 1739-LDS001a & 1739-SL001

**Application Ref:** OP/2022/0761

**Property Ref:** C007500000

**Conditions and reasons:-**

1. No development shall commence on site until details of the siting, design and external appearance of the proposed building[s], the means of access thereto and the landscaping of the site (hereinafter called 'the reserved matters') have been submitted to and approved in writing by the Authority and the development shall thereafter be carried out as approved.

Reason - To ensure, as an outline permission is being granted, that development may not begin until all the matters reserved for subsequent approval have been approved by the Authority.

2. Application for approval of the reserved matters shall be made to the Authority before the expiration of two years from the date of grant of this permission and the development hereby permitted shall be begun before the expiration of three 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 plans required to be submitted by virtue of condition 1 and the implementation of the development hereby permitted shall only be carried out in strict accordance with a Design Code Document/s, which shall be submitted to and approved in writing by the Authority prior to the submission of any Reserved Matters application in

respect of the development or phase of development to which it relates. The Design Code Document/s, the submission of which may be phased in accordance with the agreed phasing of development under Condition 5 below, shall include details of:

1. Movement
  - 1.1. Street network
  - 1.2. Walking and cycling
  - 1.3. On street and courtyard car parking
  - 1.4. Cycle parking/storage
2. Built Form
  - 2.1. Location of buildings
  - 2.2. Front and rear building lines
  - 2.3. Maximum and minimum building envelope
  - 2.4. Design principles for the 5th Storey as well as the roof form of Block 2, 3 and 7
  - 2.5. Design principles for all elevations of the multi-storey car park
  - 2.6. Design principles for elevations of residential buildings
  - 2.7. Design principles for elevations of commercial buildings
3. Open Spaces
  - 3.1. Active frontage to streets and open spaces
  - 3.2. Public Art and Locations
  - 3.3. Boundary Treatments (front, side and rear)
  - 3.4. Hard and soft Surface Materials
  - 3.5. Street Furniture
  - 3.6. Public play areas and equipment
  - 3.7. Public Utilities
  - 3.8. Layout, design, continuity and landscaping of the public green space
4. Homes and Buildings
  - 4.1. Maximum/Minimum Building Envelope
  - 4.2. Three-Dimensional Building form, Architectural Composition and Styles
  - 4.3. Design Guidance and principles on Gateway and Landmark Buildings
  - 4.4. Design Guidance and principles on Key Local Buildings
  - 4.5. Health and Well-being, including privacy, daylight, sunlight, minimum sizes for private open space, aspect
  - 4.6. Access To Buildings
  - 4.7. Access within Buildings (especially to the upper floor of flats, and mixed-use buildings)
  - 4.8. Adaptability of Residential Buildings
  - 4.9. Building materials - wall, roof, windows, entrance door, garage doors, entrance canopy of porch, Juliet balconies, balconies, rainwater goods
  - 4.10. Refuse and Recycling Facilities
  - 4.11. TV aerials, alarm boxes and satellite dishes
5. Definitions and Glossary

The Design Code shall explain the development or phase of development it applies to, its purpose, structure and status and set out the mandatory and discretionary elements where the Design Code will apply, who should use the Design Code, and how to use the Design Code. All subsequent Reserved Matter applications shall accord with

the details of the approved Design Code and be accompanied by a statement which demonstrates compliance with the Code.

Reason - To ensure that reserved matters and the detailed design of the development are satisfactory and respond to local context in the interests of visual amenity as well as ensuring compliance with IDP Policy GP8 and the Leale's Yard Development Framework.

5. The plans required to be submitted by virtue of condition 1 and the implementation of the development hereby permitted shall only be carried out in strict accordance with a phasing programme for the construction of the site and a commitment to deliver the scheme in accordance with this programme, which shall be submitted to and approved in writing by the Authority prior to the submission of any Reserved Matters application.

The programme shall specify proposed use classes for all land uses within the scheme and the timing/sequence of delivery of each element, including of the following elements which are key delivery requirements of the scheme:

- i) Primary and secondary site accesses
- ii) Public green space (1,500 sq.m. minimum)
- iii) Public civic space (500 sq.m. minimum)
- iv) Compensatory car parking spaces (20 minimum)
- v) Affordable housing in accordance with Policy GP11
- vi) Community uses (500 sq.m minimum)
- vii) Landscaping of the site including provision of street trees

Any amendment to the approved phasing and delivery programme must be first agreed in writing by the Authority.

Reason - To ensure satisfactory comprehensive development and ensure the timely implementation of key delivery requirements of the scheme.

6. Unless otherwise agreed in writing by the Authority, the plans required to be submitted by virtue of condition 1 above shall accord with the submitted Leale's Yard Masterplan Addendum (Appendix 5) dated September 2022, received on 13 October 2022.

Reason - To ensure that the Development accords with the submitted Masterplan addendum.

7. All development authorised by this permission must be carried out and completed in accordance with the mitigation and monitoring measures detailed within the Environmental Statement, except where any variation is required by virtue of any further conditions set out below. No variations shall be made without the relevant prior written approval of the Authority under the Land Planning and Development (Guernsey) Law, 2005.

Reason - To ensure the development is carried out only as hereby approved and to ensure that any impacts arising from the implementation and operation of the development can be mitigated, in accordance with the measures set out within the Environmental Statement.

8. The plans required to be submitted by virtue of condition 1 and the implementation of the development hereby permitted shall only be carried out in strict accordance with a sustainable development strategy for the construction and operation of the site and a commitment to deliver the scheme in accordance with this strategy, which shall be submitted to and approved in writing by the Authority prior to the commencement of any part of the development hereby permitted. The strategy shall consider all aspects of sustainability, i.e., minimising waste and energy during both design and construction stages, providing a net gain in biodiversity, surface water management, water use, accessibility, adaptability, materials, and health and wellbeing, include zero carbon and whole-life cost considerations and consider the ability of the proposals to act as an exemplar project in terms of sustainable development.

Any amendment to the approved sustainable development strategy must be first agreed in writing by the Authority.

Reason - To ensure the development comprises sustainable development in accordance with Island Development Plan Policy GP9 and the approved Development Framework for the Leale's Yard Regeneration Area.

9. The plans required to be submitted by virtue of condition 1 and the implementation of the development hereby permitted shall only be carried out in strict accordance with a Parking allocation, management and active travel strategy for the construction and operation of the site and a commitment to deliver the scheme in accordance with this strategy, which shall be submitted to and approved in writing by the Authority prior to the commencement of any part of the development hereby permitted. The strategy shall specify the allocation of and management arrangements for all proposed parking within the site along with precise details of car and bicycle sharing schemes and other active travel measures which shall be implemented as part of the development.

Any amendment to the approved Parking allocation, management and active travel strategy must be first agreed in writing by the Authority.

No individual unit (residential and non-residential uses) or part of any block hereby permitted shall be occupied until the car parking associated with that unit has been completed. Those areas shall not thereafter be used for any purpose other than the parking of vehicles and for vehicles servicing the site.

The minimum of 20 public car parking spaces to be provided within the scheme as a key delivery requirement shall be made available and accessible to the public without charge and in perpetuity at all reasonable times.

The car and bicycle sharing schemes shall be maintained in operation in accordance with the approved details for as long as any part of the development is occupied unless the Authority gives its written permission for any variation.

Reason - To make sure that adequate off-street parking is provided and maintained, in the interests of road safety and effective traffic management and in order to reduce or mitigate the impacts of the development upon the highway network by reducing reliance on the private car for journeys to and from the site.

10. No development shall begin on site until full details of the proposed Bridge/Vale Avenue/Northside traffic junction have been submitted to and agreed in writing by the Authority. The details shall include:

- details of the finished levels;
- all materials to be used;
- a drainage specification;
- maintenance schedule including details of who will be responsible for maintenance; and
- details of proposed landscaping.

The construction of the junction shall be completed in strict accordance with the approved details, to an adoptable standard and made available for use prior to the start of any development within the site or as may be agreed as part of the phasing programme required by condition 5 of this permission.

Reason - The information provided with the application does not include full details of the proposed feature(s). This condition is imposed to make sure that the junction improvements are of satisfactory design, and do not have any adverse impact on the character of the area and to ensure that highway safety is maintained.

11. No development shall begin on site until full details of the proposed Nocq Road traffic junction and of the proposed 18 parking spaces adjacent to Commercial Road and access thereto have been submitted to and agreed in writing by the Authority. The details shall include precise measures, produced in agreement with the Landowners concerned, to ensure that satisfactory egress visibility (of 33m in each direction in the case of Nocq Road) is achieved. Measures, the precise details of which shall be agreed by the Authority in writing beforehand, shall be incorporated within the scheme to prevent use of the Nocq Road access by traffic from/to the commercial units/area of the site.

The construction of the junction and parking area shall be completed in strict accordance with the approved details.

Reason - The information provided with the application does not include full details of the proposed feature(s). This condition is imposed to make sure that the works are of satisfactory design and to ensure that highway safety is maintained.

12. No development, excluding demolition and site works, shall begin until an Ecological Management Plan (EMP) and an Ecological Method Statement (EMS) have been submitted to and agreed in writing by the Authority. The works shall be carried out only in accordance with the agreed EMP and EMS. These documents shall include specification of proposals for tree and hedge planting, creation of a wildflower meadow, bat friendly lighting, integrated bat and bird boxes, the construction of a bat loft, permeable boundaries, and include ongoing habitat management including detailed habitat improvement and management plans produced in agreement with the Landowner relating to the Bordeaux Nature Reserve site. The habitat management plan for the Bordeaux Nature Reserve site shall specify details of long-term management of the improved habitat at that site for a period of not less than 30 years beginning with commencement of the development hereby approved.

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

13. No development, excluding demolition and site works, shall begin until a landscaping scheme, to include those details specified below, has been submitted to and agreed in writing by the Authority:

- i) the treatment proposed for all ground surfaces, including hard areas;
- ii) full details of tree and hedge planting;
- iii) planting schedules, noting the species, sizes, numbers and densities of plants;
- iv) finished levels or contours;
- v) any screen walls or similar structures;
- vi) any other structures to be erected or constructed;
- vii) functional services above and below ground; and
- viii) all existing trees, hedges and other landscape features, indicating clearly those to be removed.

Reason - To make sure that a satisfactory landscaping scheme for the development is agreed, in order to help assimilate the development into its surroundings.

14. The landscaping scheme shall be fully completed, in accordance with the details agreed under the terms of condition 13, 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 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 - To make sure that the appearance of the completed development is satisfactory and to help assimilate the development into its surroundings.

15. No dwelling or building on the site shall be occupied until a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than

domestic gardens, has been submitted to and agreed in writing by the Authority. The agreed landscape management plan shall then be fully implemented.

Reason - To make sure that the appearance of the completed development is satisfactory and to help assimilate the development into its surroundings.

16. The plans required to be submitted by virtue of condition 1 shall limit the height of commercial unit 1 situated to the rear (east) of properties 'Elmstead' and Atec Engineering on Lowlands Road to a maximum height of two storeys, not exceeding a height above existing ground level of 7m to the eaves, and include no windows in the west (rear) elevation facing those properties unless otherwise agreed in writing by the Authority.

Reason - In the interests of neighbour amenity.

17. No development, including site works, shall begin on site until the applicant or developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and agreed in writing by the Authority, and no development shall take place except in accordance with the agreed details.

Reason - The application site is located within an area of known archaeological importance and appropriate and satisfactory provision for mitigation measures to avoid damage to the archaeological remains, and/or for archaeological investigation and recording are essential. This condition is imposed to make sure that any features of archaeological interest are protected or recorded.

18. No part of the development, hereby permitted, shall be occupied or used until details of any external lighting proposed for the site have been submitted to and agreed in writing by the Authority. Any lighting to be installed shall only be in accordance with the agreed details.

Reason - To make sure the level of lighting is not excessive in order to secure a sustainable form of development and one which does not unduly interfere with residential amenity or traffic and pedestrian safety.

19. No development, including site clearance and demolition, shall take place until an updated version of the Site Waste Management Plan submitted as part of this application has been submitted to and approved in writing by the Authority. The updated Site Waste Management Plan shall take into account any further site surveys or changes to the construction programme, and shall identify an individual with responsibility for regularly monitoring the Site Waste Management Plan. The development shall thereafter be carried out only in accordance with the Site Waste Management Plan so approved.

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.

20. No part of the development hereby permitted, or otherwise as may be agreed as part of the phasing programme required under condition 5 of this permission, 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 and monitored fully in accordance with the Site Waste Management Plan approved under Condition 19 above. Where there has been any variation from the approved Site Waste Management Plan, the report shall highlight and detail the reasons for this.

Reason: To ensure that the development is managed to minimise waste during the demolition of any existing buildings or structures or during construction, that existing materials are reused, recycled or disposed of either on or off site, and that residual waste will be dealt with appropriately, in accordance with the aims and objectives of Policy GP9.

21. 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

Reason - To ensure that the construction process is managed in such a way as to minimise adverse impacts on the amenity of the local area so far as possible.

22. Construction work shall not commence until a scheme for protecting the residential units above the retail/commercial units, has been submitted and approved by the Authority. All works which form part of the scheme shall be completed in accordance with the approved details before any part of any of the residential units are occupied. The scheme shall have regard to the principles contained within the World Health Organisation community noise guidelines / standards within BS8233:2014 to minimise noise in residential dwellings. Following approval and completion of the scheme, a competent person employed by the developer shall undertake a test to demonstrate that the attenuation measures proposed in the

scheme meet the indoor ambient noise level requirements within BS8233:2014 to protect the residential units from noise, and the results of the test submitted to and approved by the Authority.

Reason - The retail/commercial premises are close to residential property and measures are needed to prevent a nuisance or annoyance to nearby residents.

23. No deliveries shall be received at or despatched from the Co-op retail store outside the hours of 0700 and 2200 hours daily. The details of servicing and restrictions on the timing of deliveries to all other commercial/retail units on the site are reserved for consideration and approval by the Authority at Reserved Matters stage.

Reason - The premises are close to residential property and a limit on the use is needed to prevent a nuisance or annoyance to nearby residents.

24. Noise associated with plant and machinery incorporated within the development shall be controlled such that the Rating Level, measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 5 dB(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 BS 4142:2014.

Reason - The premises are close to residential property and measures are needed to prevent a nuisance or annoyance to nearby residents.

25. (a) No works pursuant to this permission shall commence until there has been submitted to and approved in writing by the Authority 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.

(b) The development hereby permitted shall not be occupied or brought into use until there has been submitted to the Authority verification by a competent person approved under the provisions of condition 25(a) that any remediation scheme required and approved under the provisions of condition 25(a) 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:

- (i) as built drawings of the implemented scheme;
- (ii) photographs of the remediation works in progress;
- (iii) certificates demonstrating that imported and/or material left in situ is free from contamination.

(c) Thereafter the development shall be monitored and maintained in accordance with the scheme approved under condition 25(a).

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

26. A noise assessment shall be undertaken to establish the impact of the use of the nearby Guernsey Electricity Limited power station on the proposed residential receptors. Details should include hours of operation, the LAeq, the tonality specifically in relation to low frequencies, character, impulsivity and/or intermittency of the noise and the hours of occurrence. Reference should also be made to the existing background noise level (LA90) with and without the power station operating. Where necessary design control requirements of the residential properties should aim to meet the recommended standards set out in table 4 of BS 8233:2014 and the night time LAmax level recommended in the WHO's Night Noise Guidelines for Europe.

Reason - The premises are close to the power station and consideration is required to ensure there is no nuisance or annoyance to residents of the development.

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

**Expiry Date: All applications for approval of reserved matters must, in accordance with Condition 2, be made within 2 years of the date of grant. The permission will cease to have effect if development is not then commenced within 3 years of the date of grant.**

**THIS PERMISSION SHALL BE READ IN CONJUNCTION WITH THE RELATED PLANNING COVENANTS SIGNED BY THE PARTIES ON 7<sup>th</sup> MAY 2024.**

Regarding Condition 25, 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>.

Regarding Condition 26, it is recommended that the applicant have regard to the BRE document 'Sound Control for Homes' and the University of Salford document 'Procedure for the assessment of low frequency noise disturbance'.

#### **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.

#### **Reserved matters:**

Section 18 of the Land Planning and Development (General Provisions) Ordinance, 2007 provides that:

(1) Details of all or any of the following matters may be reserved for subsequent approval on the grant of an outline permission in accordance with section 16(1)(b) of the Law - (a) siting, (b) design, (c) external appearance, (d) means of access, and (e) landscaping.

(2) An applicant must not make an application for approval of reserved matters that alters the nature, having regard to the development as a whole, of the development for which outline permission was granted.

(3) Notwithstanding section 12(1), the Authority must not refuse an application for approval of reserved matters on grounds which go to the principle of the development for which outline permission was granted.

#### **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 outline planning permission subject to conditions (except a building condition), to the Planning Tribunal, which is independent of the States of Guernsey. An appeal to the Planning Tribunal under section 68 of the Law against this decision must be made before the expiry of the period of six months beginning with the date on which the Authority made this decision. The official Appeal Notice Forms

are available on the States of Guernsey website at [www.gov.gg/planningpanel](http://www.gov.gg/planningpanel) and must be completed with all enclosures in multiples as requested and received within the six months deadline.

### **Copy of representations made**

In reaching this decision the Authority took into account any written representations arising from consultations made under Section 11(1) of the Land Planning and Development (General Provisions) Ordinance, 2007 ('the Ordinance'). A copy of any representations made to the Authority under section 11 will be included with this decision in accordance with section 19 of the Ordinance.

### **Other Remarks:**

Please note that any work which abuts or affects the public highway requires prior approval by Traffic and Highway Services. Please contact Traffic & Highway Services ([highways@gov.gg](mailto:highways@gov.gg)) for further advice. You must also ensure that any access/es to the development are constructed to meet the existing road/footway levels in accordance with their requirements.

**This document is not a Building Licence and confers no approval under the Building Regulations.**

**A separate Building Control Licence may be required and it is the responsibility of the developer to ensure that ALL necessary consents are obtained and that any pre-commencement conditions are discharged prior to development being commenced.**

**A J ROWLES**

Director of Planning  
Planning Service





**PLANNING APPLICATION REPORT**

*Considered by the D&PA at an Open Planning Meeting held on 16<sup>th</sup> November 2022*

**Application No:** OP/2022/0761  
**Property Ref:** C007500000  
**Valid date:** 22/06/2022  
**Location:** Leale's Yard Bridge Avenue Vale Guernsey  
**Proposal:** 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).  
**Applicant:** Channel Islands Co-Op Society Ltd & Omnibus Investment Holdings

**RECOMMENDATION** - To Grant Outline Planning Permission with Conditions, subject to the entry by the Owners (and all persons with an interest in the land) into a binding planning covenant agreement in a form satisfactory to the Development & Planning Authority (the Authority).

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1. No development shall commence on site until details of the siting, design and external appearance of the proposed building[s], the means of access thereto and the landscaping of the site (hereinafter called 'the reserved matters') have been submitted to and approved in writing by the Authority and the development shall thereafter be carried out as approved.

Reason - To ensure, as an outline permission is being granted, that development may not begin until all the matters reserved for subsequent approval have been approved by the Authority.

2. Application for approval of the reserved matters shall be made to the Authority before the expiration of two years from the date of grant of this permission and the development hereby permitted shall be begun before the expiration of three 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 plans required to be submitted by virtue of condition 1 and the implementation of the development hereby permitted shall only be carried out in strict accordance with a Design Code Document/s, which shall be submitted to and approved in writing by the Authority prior to the submission of any Reserved Matters application in respect of the development or phase of development to which it relates. The Design Code Document/s, the submission of which may be phased in accordance with the agreed phasing of development under Condition 5 below, shall include details of:

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  - 2.1. Location of buildings
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  - 4.7. Access within Buildings (especially to the upper floor of flats, and mixed-use buildings)
  - 4.8. Adaptability of Residential Buildings
  - 4.9. Building materials - wall, roof, windows, entrance door, garage doors, entrance canopy of porch, Juliet balconies, balconies, rainwater goods
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the Design Code will apply, who should use the Design Code, and how to use the Design Code. All subsequent Reserved Matter applications shall accord with the details of the approved Design Code and be accompanied by a statement which demonstrates compliance with the Code.

Reason - To ensure that reserved matters and the detailed design of the development are satisfactory and respond to local context in the interests of visual amenity as well as ensuring compliance with IDP Policy GP8 and the Leale's Yard Development Framework.

5. The plans required to be submitted by virtue of condition 1 and the implementation of the development hereby permitted shall only be carried out in strict accordance with a phasing programme for the construction of the site and a commitment to deliver the scheme in accordance with this programme, which shall be submitted to and approved in writing by the Authority prior to the submission of any Reserved Matters application.

The programme shall specify proposed use classes for all land uses within the scheme and the timing/sequence of delivery of each element, including of the following elements which are key delivery requirements of the scheme:

- i) Primary and secondary site accesses
- ii) Public green space (1,500 sq.m. minimum)
- iii) Public civic space (500 sq.m. minimum)
- iv) Compensatory car parking spaces (20 minimum)
- v) Affordable housing in accordance with Policy GP11
- vi) Community uses (500 sq.m minimum)
- vii) Landscaping of the site including provision of street trees

Any amendment to the approved phasing and delivery programme must be first agreed in writing by the Authority.

Reason - To ensure satisfactory comprehensive development and ensure the timely implementation of key delivery requirements of the scheme.

6. Unless otherwise agreed in writing by the Authority, the plans required to be submitted by virtue of condition 1 above shall accord with the submitted Leale's Yard Masterplan Addendum (Appendix 5) dated September 2022, received on 13 October 2022.

Reason - To ensure that the Development accords with the submitted Masterplan addendum.

7. All development authorised by this permission must be carried out and completed in accordance with the mitigation and monitoring measures detailed within the Environmental Statement, except where any variation is required by virtue of any further conditions set out below. No variations shall be made without the relevant prior written approval of the Authority under the Land Planning and Development (Guernsey) Law, 2005.

Reason - To ensure the development is carried out only as hereby approved and to ensure that any impacts arising from the implementation and operation of the development can be mitigated, in accordance with the measures set out within the Environmental Statement.

8. The plans required to be submitted by virtue of condition 1 and the implementation of the

development hereby permitted shall only be carried out in strict accordance with a sustainable development strategy for the construction and operation of the site and a commitment to deliver the scheme in accordance with this strategy, which shall be submitted to and approved in writing by the Authority prior to the commencement of any part of the development hereby permitted. The strategy shall consider all aspects of sustainability, i.e., minimising waste and energy during both design and construction stages, providing a net gain in biodiversity, surface water management, water use, accessibility, adaptability, materials, and health and wellbeing, include zero carbon and whole-life cost considerations and consider the ability of the proposals to act as an exemplar project in terms of sustainable development.

Any amendment to the approved sustainable development strategy must be first agreed in writing by the Authority.

Reason - To ensure the development comprises sustainable development in accordance with Island Development Plan Policy GP9 and the approved Development Framework for the Leale's Yard Regeneration Area.

9. The plans required to be submitted by virtue of condition 1 and the implementation of the development hereby permitted shall only be carried out in strict accordance with a Parking allocation, management and active travel strategy for the construction and operation of the site and a commitment to deliver the scheme in accordance with this strategy, which shall be submitted to and approved in writing by the Authority prior to the commencement of any part of the development hereby permitted. The strategy shall specify the allocation of and management arrangements for all proposed parking within the site along with precise details of car and bicycle sharing schemes and other active travel measures which shall be implemented as part of the development.

Any amendment to the approved Parking allocation, management and active travel strategy must be first agreed in writing by the Authority.

No individual unit (residential and non-residential uses) or part of any block hereby permitted shall be occupied until the car parking associated with that unit has been completed. Those areas shall not thereafter be used for any purpose other than the parking of vehicles and for vehicles servicing the site.

The minimum of 20 public car parking spaces to be provided within the scheme as a key delivery requirement shall be made available and accessible to the public without charge and in perpetuity at all reasonable times.

The car and bicycle sharing schemes shall be maintained in operation in accordance with the approved details for as long as any part of the development is occupied unless the Authority gives its written permission for any variation.

Reason - To make sure that adequate off-street parking is provided and maintained, in the interests of road safety and effective traffic management and in order to reduce or mitigate the impacts of the development upon the highway network by reducing reliance on the private car for journeys to and from the site.

10. No development shall begin on site until full details of the proposed Bridge/Vale Avenue/Northside traffic junction have been submitted to and agreed in writing by the

Authority. The details shall include:

- details of the finished levels;
- all materials to be used;
- a drainage specification;
- maintenance schedule including details of who will be responsible for maintenance; and
- details of proposed landscaping.

The construction of the junction shall be completed in strict accordance with the approved details, to an adoptable standard and made available for use prior to the start of any development within the site or as may be agreed as part of the phasing programme required by condition 5 of this permission.

Reason - The information provided with the application does not include full details of the proposed feature(s). This condition is imposed to make sure that the junction improvements are of satisfactory design, and do not have any adverse impact on the character of the area and to ensure that highway safety is maintained.

11. No development shall begin on site until full details of the proposed Nocq Road traffic junction and of the proposed 18 parking spaces adjacent to Commercial Road and access thereto have been submitted to and agreed in writing by the Authority. The details shall include precise measures, produced in agreement with the Landowners concerned, to ensure that satisfactory egress visibility is achieved.

The construction of the junction and parking area shall be completed in strict accordance with the approved details.

Reason - The information provided with the application does not include full details of the proposed feature(s). This condition is imposed to make sure that the works are of satisfactory design and to ensure that highway safety is maintained.

12. No development, excluding demolition and site works, shall begin until an Ecological Management Plan (EMP) and an Ecological Method Statement (EMS) have been submitted to and agreed in writing by the Authority. The works shall be carried out only in accordance with the agreed EMP and EMS. These documents shall include specification of proposals for tree and hedge planting, creation of a wildflower meadow, bat friendly lighting, integrated bat and bird boxes, the construction of a bat loft, permeable boundaries, and include ongoing habitat management including detailed habitat improvement and management plans produced in agreement with the Landowner relating to the Bordeaux Nature Reserve site. The habitat management plan for the Bordeaux Nature Reserve site shall specify details of long-term management of the improved habitat at that site for a period of not less than 30 years beginning with commencement of the development hereby approved.

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

13. No development, excluding demolition and site works, shall begin until a landscaping scheme, to include those details specified below, has been submitted to and agreed in writing by the Authority:

- i) the treatment proposed for all ground surfaces, including hard areas;
- ii) full details of tree and hedge planting;
- iii) planting schedules, noting the species, sizes, numbers and densities of plants;
- iv) finished levels or contours;

- v) any screen walls or similar structures;
- vi) any other structures to be erected or constructed;
- vii) functional services above and below ground; and
- viii) all existing trees, hedges and other landscape features, indicating clearly those to be removed.

Reason - To make sure that a satisfactory landscaping scheme for the development is agreed, in order to help assimilate the development into its surroundings.

14. The landscaping scheme shall be fully completed, in accordance with the details agreed under the terms of condition 13, 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 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 - To make sure that the appearance of the completed development is satisfactory and to help assimilate the development into its surroundings.

15. No dwelling or building on the site shall be occupied until a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than domestic gardens, has been submitted to and agreed in writing by the Authority. The agreed landscape management plan shall then be fully implemented.

Reason - To make sure that the appearance of the completed development is satisfactory and to help assimilate the development into its surroundings.

16. The plans required to be submitted by virtue of condition 1 shall limit the height of commercial unit 1 situated to the rear (east) of properties 'Elmstead' and Atec Engineering on Lowlands Road to a maximum height of two storeys, not exceeding a height above existing ground level of 7m to the eaves, and include no windows in the west (rear) elevation facing those properties unless otherwise agreed in writing by the Authority.

Reason - In the interests of neighbour amenity.

17. No development, including site works, shall begin on site until the applicant or developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and agreed in writing by the Authority, and no development shall take place except in accordance with the agreed details.

Reason - The application site is located within an area of known archaeological importance and appropriate and satisfactory provision for mitigation measures to avoid damage to the archaeological remains, and/or for archaeological investigation and recording are essential. This condition is imposed to make sure that any features of archaeological interest are protected or recorded.

18. No part of the development, hereby permitted, shall be occupied or used until details of any external lighting proposed for the site have been submitted to and agreed in writing by

the Authority. Any lighting to be installed shall only be in accordance with the agreed details.

Reason - To make sure the level of lighting is not excessive in order to secure a sustainable form of development and one which does not unduly interfere with residential amenity or traffic and pedestrian safety.

19. No development, including site clearance and demolition, shall take place until an updated version of the Site Waste Management Plan submitted as part of this application has been submitted to and approved in writing by the Authority. The updated Site Waste Management Plan shall take into account any further site surveys or changes to the construction programme, and shall identify an individual with responsibility for regularly monitoring the Site Waste Management Plan. The development shall thereafter be carried out only in accordance with the Site Waste Management Plan so approved.

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.

20. No part of the development hereby permitted, or otherwise as may be agreed as part of the phasing programme required under condition 5 of this permission, 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 and monitored fully in accordance with the Site Waste Management Plan approved under Condition 19 above. Where there has been any variation from the approved Site Waste Management Plan, the report shall highlight and detail the reasons for this.

Reason: To ensure that the development is managed to minimise waste during the demolition of any existing buildings or structures or during construction, that existing materials are reused, recycled or disposed of either on or off site, and that residual waste will be dealt with appropriately, in accordance with the aims and objectives of Policy GP9.

21. 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

Reason - To ensure that the construction process is managed in such a way as to minimise adverse impacts on the amenity of the local area so far as possible.

22. Construction work shall not commence until a scheme for protecting the residential units above the retail/commercial units, has been submitted and approved by the Authority. All works which form part of the scheme shall be completed in accordance with the approved details before any part of any of the residential units are occupied. The scheme shall have regard to the principles contained within the World Health Organisation community noise guidelines / standards within BS8233:2014 to minimise noise in residential dwellings. Following approval and completion of the scheme, a competent person employed by the developer shall undertake a test to demonstrate that the attenuation measures proposed in the scheme meet the indoor ambient noise level requirements within BS8233:2014 to protect the residential units from noise, and the results of the test submitted to and approved by the Authority.

Reason - The retail/commercial premises are close to residential property and measures are needed to prevent a nuisance or annoyance to nearby residents.

23. No deliveries shall be received at or despatched from the commercial/retail units on the site outside the hours of 0700 and 2200 hours daily.

Reason - The premises are close to residential property and a limit on the use is needed to prevent a nuisance or annoyance to nearby residents.

24. Noise associated with plant and machinery incorporated within the development shall be controlled such that the Rating Level, measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 5 dB(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 BS 4142:2014.

Reason - The premises are close to residential property and measures are needed to prevent a nuisance or annoyance to nearby residents.

25. (a) No works pursuant to this permission shall commence until there has been submitted to and approved in writing by the Authority 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.

(b) The development hereby permitted shall not be occupied or brought into use until there has been submitted to the Authority verification by a competent person approved under the provisions of condition 25(a) that any remediation scheme required and approved under the provisions of condition 25(a) 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:

- (i) as built drawings of the implemented scheme;
- (ii) photographs of the remediation works in progress;
- (iii) certificates demonstrating that imported and/or material left in situ is free from contamination.

(c) Thereafter the development shall be monitored and maintained in accordance with the

scheme approved under condition 25(a).

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

26. A noise assessment shall be undertaken to establish the impact of the use of the nearby Guernsey Electricity Limited power station on the proposed residential receptors. Details should include hours of operation, the LAeq, the tonality specifically in relation to low frequencies, character, impulsivity and/or intermittency of the noise and the hours of occurrence. Reference should also be made to the existing background noise level (LA90) with and without the power station operating. Where necessary design control requirements of the residential properties should aim to meet the recommended standards set out in table 4 of BS 8233:2014 and the night time LAmax level recommended in the WHO's Night Noise Guidelines for Europe.

Reason - The premises are close to the power station and consideration is required to ensure there is no nuisance or annoyance to residents of the development.

## **INFORMATIVES**

Regarding Condition 25, 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>.

Regarding Condition 26, it is recommended that the applicant have regard to the BRE document 'Sound Control for Homes' and the University of Salford document 'Procedure for the assessment of low frequency noise disturbance'.

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## **OFFICER'S REPORT**

### **Site Description:**

The application site covers an area of 3.2 hectares and is located to the west of The Bridge shopping frontage, north of properties on Nocq Road and Commercial Road, south of Lowlands Industrial Estate and east of properties on Lowlands Road. The northern part of the site is within the Vale Parish and the southern part is in St Sampson. Existing vehicular access to the site is via Bridge Avenue, located towards the centre of the Bridge shopping frontage.

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).

The Bridge frontage to the east of the site is predominantly retail, while Nocq Road to the south includes some retail, community and mixed uses at the eastern end, including the current Co-op supermarket, with residential development at its western end. Lowlands Road largely comprises residential development with some businesses whilst Lowlands Industrial Estate includes a variety of larger scale retail, leisure and commercial uses.

#### **Relevant History:**

PAPP/2009/0988 – On 22 February 2011, Planning Permission in Principle was granted to 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.

FULL/2012/2276 – On 14 September 2012, planning permission was granted to demolish existing buildings and structures and clear the site.

OP/2016/0552 – On 24 August 2016, Outline planning permission was granted for the mixed-use redevelopment of part of the Leale's Yard site involving the creation of 303 new residential units and 1,074 sq.m. of commercial/retail/community space, together with associated parking and ancillary/public realm areas.

FULL/2016/0541 – Also on 24 August 2016, full planning permission was granted for 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 1,049 sq.m. 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. This application included an Environmental Impact Assessment (EIA) for the development of the site.

#### **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.

#### **Outline planning permission**

Section 15 of the Land Planning & Development (Guernsey) Law, 2005 (the '2005 Law') provides that planning permission or outline permission may be granted by the D&PA on an application duly made to it, or on appeal. Outline permission is defined in Schedule 2 to the 2005 Law as planning permission subject to the reservation of particular matters for subsequent approval. These matters are known as 'reserved matters' as listed in section 18(1) of the General Provisions Ordinance and comprise siting, design, external appearance, means of access and landscaping. An outline planning permission usually sets high level land-use and design parameters and allows for subsequent reserved matters applications to be made for specific developments on individual sites in compliance with those outline parameters.

The current application is described as being for Outline planning permission for the demolition of all buildings on the application 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 new residential units, circa 5,800 sq m of retail floorspace, circa 8,000 sq m of commercial floorspace, a multi-storey car park and associated landscaping, service roads and infrastructure.

Joint applicants are the Channel Islands Co-operative Society, which currently owns the application site, and Omnibus Investment Holdings which is the Co-op's development partner. The application specifies that the purpose of the submission is to obtain consent for the general principles of the scheme, notably in respect of land use, mass, density and building heights. The applicant's agent has subsequently confirmed that the applicants would wish the following matters to be approved with the current outline application, with other matters to be the subject of subsequent Reserved Matters or detailed planning applications:

- Proposed land uses
- Number of residential units
- Floor areas and footprints of buildings with +/- 10% tolerance
- Massing/height/position of buildings
- Site access arrangements

### **Environmental Impact Assessment (EIA)**

EIA development is defined in the Land Planning and Development (Environmental Impact Assessment) Ordinance, 2007 (the 'EIA Ordinance'). The EIA Ordinance sets out descriptions of development which will require an EIA (Schedule 1 development) and of development which will require an EIA if a Screening Opinion has been issued (Schedule 2 development) confirming the development is EIA development.

Schedule 1 development includes for the disposal or processing of waste, storage of metals or vehicles for scrap, reservoirs and water management projects for agriculture, sludge deposition sites, quarries or mines, marine dredging, land reclamation, golf courses, airport runways, and non-domestic installations for energy production.

Schedule 2 development includes any development project, not falling within Schedule 1, including any business parks or industrial estates or retail or leisure development, where the area of the development exceeds one hectare. Schedule 2 development also includes, for example, construction of roads, harbours and port installations and works to provide new coastal and sea defences and reconstruct existing defences.

The EIA Ordinance requires the carrying out of steps necessary to assess the environmental effects of certain EIA development. This involves a process of forecasting and evaluating a development's impact on the environment, including a detailed assessment of the likely significant environmental effects of the development or policy and the mitigation of adverse effects or EIA. The environmental information in such EIAs must be taken into account by the D&PA when determining a planning application for the development.

### **Brief Description of Development:**

This application is for EIA development within Schedule 2 to the EIA Ordinance. It therefore required an EIA to be undertaken and an Environmental Statement (ES) reporting the

findings of this Assessment is submitted as part of the application along with a non-technical summary. The application is also supported with the following documents:

- Master Plan dated April 2022
- Master Plan addendum dated September 2022
- Visual Impact assessment
- Traffic Impact/Transport assessment
- Ecological Impact assessment and supplementary reports
- Air Quality assessment
- Arboricultural assessment
- Landscape review and assessment
- Engineer's reports relating to flooding, drainage and road design

As submitted, the application proposals contain the following main elements:

- 338 new homes in a mix of 1- and 2-bedroom apartments and 18 3-bedroom townhouses
- A new purpose-built Co-op food and non-food retail store over two floors with 26 residential units above
- Ground floor, small-scale retail/commercial units totalling 23,000 sq.ft. (2,137 sq.m.) with residential above
- 7 two- and three-storey commercial units totalling 77,000 sq.ft. (7,154 sq.m.)
- 504 car parking spaces within the site including a new six-level multistorey car park (MSP), the latter including 20 spaces for Bridge shoppers as required by the DF. The application also indicates that a shared mobility scheme comprising electric cars and bicycles will be located in the MSP
- Open green space and civic space areas as required by the DF

The proposal includes residential buildings of up to six-storeys, the highest buildings being located towards the centre and northern parts of the site. The Co-op store and MSP are located close to the rear of the Bridge frontage, to the south. The main site access is at the north end of the Bridge, with a secondary access serving a limited number of residential properties (the 18 townhouses) taken from Nocq Road. The commercial units are shown served from the main access road, but the application states that these units would instead be served from Lowlands Industrial Estate if agreement concerning such access can be reached with relevant landowners.

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

Island Development Plan Policies:

S1 – Spatial Policy

S2 – Main Centres and Main Centre Outer Areas

MC2 – Housing in Main Centres and Main Centre Outer Areas

MC3 – Social and Community Facilities in Main Centres and Main Centre Outer Areas

MC4(A) – Office Development in Main Centres  
 MC5(B) – Industry, Storage and Distribution uses in Main Centres and Main Centre Outer Areas – outside of the Key Industrial Areas and Key Industrial Expansion Areas  
 MC5(C) – Industry, Storage and Distribution uses in Main Centres and Main Centre Outer Areas – Change of use  
 MC6 – Retail in Main Centres  
 MC9(A) – Leisure and Recreation in Main Centres and Main Centre Outer Areas – New and extension, alteration or redevelopment of existing uses  
 MC10 – Harbour Action Areas  
 MC11 – Regeneration Areas  
 GP1 – Landscape Character and Open Land  
 GP4 – Conservation Areas  
 GP5 – Protected Buildings  
 GP6 – Protected Monuments  
 GP7 – Archaeological Remains  
 GP8 – Design  
 GP9 – Sustainable Development  
 GP10 – Comprehensive Development  
 GP11 – Affordable Housing  
 GP12 – Protection of Housing Stock  
 GP18 – Public Realm and Public Art  
 IP1 – Renewable Energy Production  
 IP6 – Transport Infrastructure and Support Facilities  
 IP7 – Private and Communal Car Parking  
 IP8 – Public Car Parking  
 IP9 – Highway Safety, accessibility and Capacity

Leale's Yard Regeneration Area Development Framework SPG May 2020  
 Strategy for Nature SPG, 2020  
 Affordable Housing SPG, December 2016  
 Parking Standards and Traffic Impact Assessment SPG, December 2016

### **Representations:**

Seven letters of representation have been received. The matters raised are summarised as follows:

- Concerns regarding the number of dwellings, the heights of the buildings which are considered out of character for the Bridge, and the traffic generated, and request that site poles be erected to show the height of the buildings
- Potential for overlooking and overshadowing existing adjacent dwellings
- Concerns to minimise any overlooking of existing properties on Nocq Road and to limit any access onto Nocq Road either to a single, one-way carriageway or as a non-vehicular route
- Support for the proposals in principle subject to specific objections to proximity, height and consequent overbearing and overlooking impacts of proposed commercial building on an existing residential property on Lowlands Road, noting that similar concerns were upheld by the Authority in 2016 (when the proposed adjoining use was residential) and concern to ensure that the boundary to the

pedestrian walkway to Lowlands Road respects the amenity of the neighbouring property

- Support for the proposals in principle subject to objection to proposed commercial building to the rear of Atec Engineering business located on Lowlands Road on grounds of proximity to property boundary and overlooking of working area and storage space, and to additional traffic on Lowlands Road which might affect deliveries to the business, noting that similar concerns were upheld by the Authority in 2016 (when the proposed adjoining use was residential)
- Adverse impact on wildlife particularly in area to the north of Northerners Hall
- Adverse effect of the proposed development on the character of the Bridge, loss of green space and concern regarding creation of 'Ghetto of the North'
- Concerns that adverse weather events may cause damage to modular buildings and surrounding properties
- Concerns that the ground is unstable, contaminated and liable to flooding
- General support for the development and need for improved housing supply and mixed-use development but believe the development is too car-centric; car parking provision should be reduced and the additional space used to provide two covered bicycle parking spots, additional motorcycle parking, park space or additional dwellings, encouraging use of alternative modes of transport which use much less road space, pollute much less and create less traffic
- Car ownership and therefore motorised traffic should be reduced by a combination of road tax, MOT testing and free buses

#### **Consultations:**

##### **Constables of St Sampson**

The Constables and Douzaine are pleased to support this outline planning application. We have attended presentations by the applicant and believe the applicant has learnt from the problems of previous applications and will deliver on this project if it is approved.

We believe this development is long overdue and will be the key to the much-needed regeneration of the Bridge.

##### **Advantages –**

- As a brown field site no agricultural or scenic land will be lost
- There is every amenity close by enabling residents to walk rather than drive for services and employment. This not being the case in the proposed Fontaine Vinery development.
- The developer will build the infrastructure required
- The developer will take appropriate measures to mitigate flooding from sea level rises

We trust you will find favour in these proposals and approve the outline plan so the developers can move to the next phase and proceed with this long overdue development.

## **Constables of the Vale**

The Vale Douzaine after careful consideration and consultation with parishioners of the Vale wish to make the following comments re the latest development plans for 'Leale's Yard'.

Overall, the scheme has met with approval, though the density of the scheme and the method of construction do lead to concerns as people have long memories and hark back to the massive housing scheme using 'state of the art' construction for that time in the Grand Bouet. Subsequently these houses proved to be sub-standard and people did not want to live in them. Time will tell if supposed 'state of the art' construction fails to live up to expectation at Leale's Yard in years to come.

Whilst applauding the large number of pedestrian areas it is felt that people are not so easily divorced from their cars and the multi-storey car park is just not big enough. The result will see the surrounding streets and harbour side struggling to cope as they are now already full of cars. We feel that a second multi-storey car park is needed.

The douzaine is concerned that the pedestrian paths will of an evening become 'no go' areas as children and teenagers will be using them as skate and scooter parks along with large numbers of youngsters tearing around on cycles and possibly motor bikes. Parishioners and douzeniers are also very concerned that efforts will be made to pedestrianize the Bridge itself, something that the shop keepers are against as the Bridge shops thrive on the 'pop in and go' style of shopping, not the leisurely wander along. Whilst this is something that is not on the developer's radar it might well be on the agenda for certain States committees.

Constructing and providing two- and three-bedroom homes implies that families are expected to occupy them, that means children. Those children need decent safe places to play and not all the houses will be opposite an open area, which means in reality the children will play directly outside of their home, basically in the street. Along with this, those children will need schooling. Vale and Capelles are full. Is there an intention to re-open the old secondary school on Delancey Park? As part and parcel of the infrastructure, that in the douzaine's view, needs to be considered within the planning application and not just left to sort itself out once the houses are built and people have moved in.

As part of the infrastructure considerations, the site has only one access road, in and out for vehicles. There could be as many as three hundred vehicles trying to exit between 7.30 and 8.30 am. There is a smaller access road off Nocq Road which the plans show as not being fully utilised. Originally an access was going to be created to exit onto the Braye Road. It is the douzaine's considered opinion that a second access needs to be built into this development to ensure that traffic in and out is dispersed over a wider area, without reverting to delaying and un-sightly traffic lights being placed at the north end of the Bridge.

The douzaine is of the opinion that traffic issues are being pushed to one side in the haste to begin building, and whilst car sharing and other schemes are being proposed, they do not go far enough to change the mind set of car ownership and the usefulness in getting children to school and parents onward to work.

Overall, the douzaine would have liked to have seen a lower density of housing with each unit being bigger and with a lack of individual gardens, larger green spaces adjacent to the housing blocks, leading to less paved areas.

The Co-op is to be commended in finally pushing this development forward at this time, and significantly adding to the local housing stock. The douzaine, along with representing parishioners' views and concerns is hopeful that the various States' committees will take the opinions expressed seriously in their deliberations on this development.

### **Traffic & Highway Services**

I refer to your email of 23<sup>rd</sup> June, 2022, regarding an application by Channel Islands Co-Op Society Ltd & Omnibus Investment Holdings about the above works. Please accept my apologies for the delay in responding.

I advise that 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 (Bridge/Main Site Access & Nocq Road) and 20m in the case of Commercial Road;
- 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 service vehicles to exit and enter the drive 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.

### **Background Context**

In providing a response regarding this very significant application it is worth highlighting that at the time of writing the memorandum, the findings of a mobility plan to consider improving transport options for residents and future residents of the wider St Sampson and Vale area is unpublished. However, it is noteworthy that this development site adjoins the Bridge so is already in very close proximity to retail, leisure and employment premises. In addition, the site is considered to have good public transport links and the proposals are looking to provide infrastructure and a layout/design to promote walking and cycling. This includes links with public highways to the east, south and west of the site, with a possible option to the north (but subject to negotiation). In addition, the Masterplan makes reference to a shared mobility scheme for electric cars and cycles. With this in mind, Traffic and Highway Services (THS) considers the lack of a mobility plan is less significant in relation to this application.

### **Transport Assessment**

THS considers that the Transport Assessment (TA) produced for the site is on the whole a very thorough document. There are a few technical errors concerning speed limits & taxi bays in S.4.6 of the TA but nothing crucial to the outcome and conclusions of the document. THS agrees with the methodology used except with regard to the decision to model junction capacity using the traffic generation predicted for average density of development concerning committed development sites, e.g. Housing Allocation Sites & the Datapark. Stantec's (the transport consultant) rationale for using these traffic generation figures is that not all sites are likely to be delivered at maximum scale.

In the past THS has advised that where a Transport Assessment has modelled one option then it should be 'worst case scenario' in terms of traffic generation. In considering whether the decision to model traffic flows associated with committed development at an average level is reasonable, Pointues Rocques Saltpans and Belgrave Vinery housing allocation sites are through or part way through the planning process at this point in time. The Development Framework (DF) for Pointues Rocques suggested it may yield 75 to 125 dwellings and development of a quantum of 99 units appears to be the latest position (phase 2 still requiring approval). The DF for the Saltpans Allocated Housing Site provides an estimation of 84 to 154 dwellings with the current undetermined application being for 69 houses and 60 flats. Finally, the Belgrave Vinery development framework suggested a possible yield of 125 - 313 houses with the current GHA masterplan for the site is suggesting 255 units (excluding Duval Vinery). From these figures, it does appear that the Consultant's 'average level' used in the assessment may be slightly on the low side but it also appreciated that final decisions have not been made regarding all or parts of the sites quoted and traffic generation will be influenced by the type of housing provided. With this in mind, THS is willing to accept the methodology used but it may become relevant should junctions be highlighted as near or over capacity.

THS can also confirm that it accepted the use of more historical traffic counts than would normally be the case in the TA. This was related to whether new traffic counts would be representative of any long-term trend due to the Covid pandemic and THS was aware of more recent traffic count data from 3 roads in the vicinity that all showed a flat or reducing trend and therefore the data used by Stantec is still considered robust.

The conclusion of the TA is essentially that whilst the scale of development is very significant in Guernsey terms, the traffic impacts are manageable (including taking account of nearby committed major development). This will however require changes to be made to highway/junction control near the site, including replacement of the mini-roundabout at the junction of the Bridge/Vale Avenue with traffic signals. In addition, the TA is suggesting that Vale Avenue/Braye Road junction will be around theoretical capacity once development sites are delivered but the applicant is suggesting that any remedial measures considered to be required should not be their responsibility. Whilst THS accepts that the development would not be the sole cause of junction capacity issues, it does consider it appropriate for the developer to contribute a proportionate amount to the costs of any required traffic management measures deemed suitable by THS for this junction. Comparing the traffic flows predicted to be generated by this development against background and committed development flows, the contribution would be expected to be 12% of installation cost.

To quantify the likely impact of the proposed development at the main site access, a useful reference table can be found on page 51 of the TA. This shows significant peak hour increases in the mean maximum queue lengths, particularly along the Bridge and Vale Avenue. Specifically, up to 14 vehicles along Vale Avenue and up to 29 vehicles along the Bridge. The TA suggests that these figures should be considered a worst case because the modelling is allowing for the pedestrian crossing (all red phase) to be called every cycle whereas they suggest this would not be the case. However, THS has noted that they have modelled the junction using a 120-second cycle time which THS would look to lower to no more than 90-seconds if practical to reduce pedestrian wait times, in line with the Integrated Transport Strategy which places the emphasis on prioritising pedestrian movements. This would reduce vehicle throughput and therefore it is recommended that both MOVA (signal technology that is responsive to traffic conditions) and a North-Quay left turn lane is included in the proposal to maximise junction capacity and minimise pedestrian wait times.

### Bridge/Vale Avenue “U” Turn

Provision of the signalised junction has implications in terms of the need to remove the northern exit from the parking area adjacent to the shops (to reduce the number of arms adjoining the junction to maintain efficiency) and what will become an inability to “U” turn at the junction. The lack of “U” turn is mitigated to an extent by the change to allow a right turn from the end of Bridge parking lane. THS is reasonably relaxed about this change to traffic management arrangements but would monitor the impact to ensure its stance on this occurring does not prove problematic.

### Car Parking Provision

THS has noted on page 8 of the TA that it is proposed to provide 112 parking spaces close to residential properties with the remainder of residential spaces being provided in the multi-storey car park. It would welcome confirmation of the number of spaces being allocated in total to the 338 residential units. In this regard, it is fully appreciated and understood that the proposals are promoting active travel, shared mobility and the very close proximity of the site to the Bridge but it is necessary to understand any pressure that might be placed on public parking in the area. In addition, THS would welcome clarification of whether the 20 spaces being provided in the multi storey will be signed/reserved for users of the Bridge.

### Relocation of the Co-op

THS welcomes that it is proposed to relocate the Co-op to Leale’s Yard from Nocq Road which the TA acknowledges is less than ideal in terms of road and pedestrian infrastructure. It would remove the desire line for some vulnerable road users to travel along Nocq Road especially when the new Leale’s Yard accesses and routes through the site are taken into account. Whether this would remain a long-term improvement would depend on what the future holds for the Nocq Road site.

### Public Realm Improvements

As alluded to in the application and outlined in the Development Framework for the site, there is an important opportunity to consider public realm improvements at the Bridge Main Centre and some indicative plans were included in the Framework. The apparent need for the Co-op and Bridge Avenue businesses to maintain vehicular access from the Bridge as opposed to from within the Leale’s Yard site will constrain future opportunities.

The proposals do not cover as far as I am aware, the class of vehicles expected to deliver to the new Co-op store but for the avoidance of doubt, the Bridge parking lane is not considered suitable for anything larger than Island compliant rigid vehicles. THS would also welcome confirmation of what measures would prevent public vehicular access/egress to/from Leale’s Yard site via Bridge Avenue.

### Secondary Junctions

THS accepts the need for provision of secondary accesses adjoining the site, partly to take some pressure off of the main access point at the junction of the Bridge/North Side. By doing so, it also assists with opening up the permeability of the site for pedestrians/cyclists

and to provide an alternative access for emergency vehicles. Maintaining the possibility of an access adjoining Lowlands Industrial Estate in the future is also welcomed by THS including if it is limited to pedestrians and/or cyclists.

In the case of the new access that would adjoin Nocq Road, the sightline in the direction of oncoming traffic that would be observed from this access appears to be extremely limited (circa 8m) as the proposed roadside wall appears in excess of 900mm high and there is a 1500mm high boundary wall between the site and the adjacent property. The sightline in an easterly direction would be approximately 19m with a 2m high boundary wall appearing to be the limiting factor. Given the sightlines fall well below the recommended minimum 33m there are road safety concerns regarding the new access.

There also appears to be a proposal to create a parking area for 18 vehicles that would adjoin the northern side of Commercial Road. The vehicles would exit the spaces directly onto Commercial Road with sightlines depending on whether adjacent spaces are occupied and the type of vehicle parked. The sightlines could range from a few metres and up to 25m if the front row of parking is unoccupied. Given they would regularly be expected to fall short of the recommended minimum 20m standard, the design does raise some safety concerns and there does not appear any practical means by which they could be overcome because of the layout and a building located to the west.

#### Pedestrian/Cycle Access & Parking

THS welcomes the steps being taken to improve pedestrian and cycle permeability through the site including from roads such as Lowlands and Nocq Road which should sit reasonably well with pedestrian desire lines. However, the layout is not as convenient as if there could have been a direct route between Bridge Avenue and the Lowlands Road access with the lack of this being disappointing.

It is noted that the routes provided will be coupled with adoption of good design practices and use of materials to help promote these modes of transport particularly for journeys in the area. This will be further enhanced by the provision of dedicated traffic signal controlled crossings at the main site access. THS is unclear whether all of the pathways are intended to have street lighting.

THS also welcomes confirmation that there will be cycle stands provided at or close to key destinations on site, cycle parking within the multi-storey and expects that safe, secure, covered cycle parking would be provided for residential units.

All of the above should help to achieve the aims of the Integrated Transport Strategy.

#### Impact on Public Parking, Un/loading Provision & Access to Bank Lane

The plans indicate a minimal loss of public parking along the Bridge parking lane (motorcycle bay & a couple of car spaces). However, it is probable that further parking would need to be removed to:-

- Relocate the bus stop adjacent to Marine & General further south (as it is not shown on the submitted plans);
- Provide a left turn lane adjacent to the northern side of Marine & General;

- Provide appropriate queuing space at and in advance of the traffic signal located in Vale Avenue it is noted that the southern end of Vale Avenue is narrow with 2 large vehicles unable to pass without mounting the footpath on the western side of the road.

In total this could amount to circa a dozen parking spaces or un/loading bays and about 13m of motorcycle bay. It would also impact on an area of public highway commonly used for un/loading to Marine & General. In mitigation and as mentioned above, 20 public spaces are expected to be provided in the multi storey car park.

THS would also welcome clarification regarding the level of the new paving around the signalised junction to better understand whether buses and goods vehicles would be pulling up onto a raised area and the implications this may have on pedestrian safety. It would also welcome clarification on what the plan is for bus shelters as removal is not considered acceptable in the context of the area it serves and the development plans. Further it would welcome clarification on whether the new signals would mean access and egress for Bank Lane is solely from by the Guernsey Electricity premises. A further couple of parking/un/loading bays may need to be removed (not included in the above figure) to create a turning point at the HSBC end of Bank Lane.

### Overall Conclusions

The main site access will adjoin Guernsey's Inter Harbour Route (IHR). In THS engineering guidelines document it is stated that the functional emphasis of this road is one of mobility and free flow of traffic but it also states that the IHR must be able to accommodate the traffic generated by Housing Target Areas and MURA's.

The above highlights the tensions that can exist in terms of attempting to address traffic issues in Guernsey. Clearly the potential for provision of 338 residential units, 2607m<sup>2</sup> of retail and 8,381m<sup>2</sup> of commercial use appears to sit well in the strategic plans for the Island but has an impact in terms of maintaining mobility and free flow of traffic along one of Guernsey's busiest roads that is also the main freight route.

Nevertheless, THS considers that the proposals represent a scheme where the applicants are making significant effort to provide affordable housing at this site with complimentary retail and commercial development, whilst limiting as far as practical impacts on the public highway. However, there should be no doubt that development at this site even with the Bridge/North Side junction change proposed is likely to lead to significant increases in peak time queue lengths. The efficiency of the arrangements overall is highly likely to be hampered by retention of the shop front parking arrangements along the Bridge (which falls outside of the scope of the application).

Further, the proposed secondary new junction designs fall well short in terms of recommended sightline standards and this is of particular concern in the case of the Nocq Road access which would adjoin a relatively straight road where approaching traffic speeds may well be higher than the signed speed limit, especially outside of peak hours. THS would welcome if vehicular access to the 18 parking spaces currently proposed to adjoin Commercial Road could be reviewed to establish if an alternative exists that would represent an improvement from a road safety perspective.

Therefore, THS can advise that there are road safety concerns regarding the application specifically relating to the substandard sightlines at new secondary accesses and some traffic management concerns with regard to the detrimental impact on traffic flow along the Inter Harbour Route. However, it accepts the conclusion of the TA that the traffic management impacts are manageable (including taking account of nearby committed major development), on condition that changes are made to highway/junction control near the site.

It is considered that the site has good public transport links and THS welcomes that the proposals are looking to provide infrastructure and a layout/design to promote walking and cycling, which in line with the vision of the Integrated Transport Strategy. THS is however seeking clarification about how appropriate bus stop provision will be provided on the eastern side of the road near the junction of the Bridge and North Side, the second busiest stop outside of the Town terminus. There appears to be an omission of bus shelter provision for the north bound routes, albeit this would be easily overcome. Further THS is seeking clarification on whether the developer intends to fund relocation of the shelters.

Should the application be successful, in due course an agreement would need to be put in place regarding developer responsibilities for installing the changes to the Bridge/Vale Avenue junction and consideration given to the increased on-going maintenance costs. These relate to maintenance of a signalised junction and as a result of using paving as opposed to predominantly asphalt as is currently the case. THS is concerned that whilst the paving of the carriageway could be visually attractive, the use of this type of material at a junction along the Inter Harbour Route would come with some significant risk in terms of need for maintenance and any such works would be inconvenient at best. Any junction changes would need to be cognisant of flood prevention schemes.

### **Committee for Employment & Social Security**

I am writing to you regarding the pending application for Outline Planning Consent for the development of Leale's Yard. The Committee received a letter from The Channel Islands Co-operative Society Limited ('the Co-op'), dated 10 August 2022, regarding proposals to meet the affordable housing requirements of Policy GP11 as described in the Supplementary Planning Guidance 16: Affordable Housing to the Island Development Plan.

The Committee approved, in principle, the Co-op's proposal to provide and manage affordable housing units on its portion of the Leale's Yard development site. This decision was subject to a number of caveats regarding the detail that will need to be determined for inclusion in the planning covenant. This includes, but is not limited to the following points, which have been communicated to the Co-op:

- The Co-op would need to abide by the rent and eligibility criteria that applies to other forms of affordable housing, and agree to appropriate enforcement/monitoring by the States of Guernsey;
- The Committee would want assurance that any Co-op tenants would not be evicted if their employment with the Co-op came to an end, provided that they continued to meet the criteria for affordable housing;
- The Committee would want assurance that any units developed by the Co-op to be used for affordable housing would be built to a standard that, as a minimum, aligns with the Guernsey Housing Association's (GHA) build specification and quality standards. Particularly, in relation to energy rating and thermal efficiency.

The Committee is keen to support actions that seek to increase the provision of affordable housing on the Island, so we look forward to working with the Co-op to develop its proposals more fully, as the planning application progresses. While expressing this support was one of the reasons for writing to you, I must also address my Committee's initial views on the majority of the Leale's Yard development site, which is to be acquired and developed by Omnibus Investment Holdings Limited ('Omnibus'), subject to planning permission being granted. The Committee understands that this portion of the site could deliver 312 homes. Under Policy GP11, Omnibus will be required to provide 30% of the developable land on its portion of the site for affordable housing, which would equate to approximately 93 units.

The Committee has had sight of a letter that Omnibus sent to the Guernsey Housing Association (GHA), dated 1 August 2022, in which an offer was set out in respect of the application of Policy GP11 for the part of the site that Omnibus intends to acquire from the Co-op. In summary, Omnibus stated that, according to the viability proposal that it had commissioned for the development, it would be rendered unviable should the requirements of Policy GP11 be applied in full. Omnibus has set out that it could provide 14% of the site for affordable housing under Policy GP11, which equates to 43 units. However, Omnibus has offered to sell the remaining 16% (52 units) required under Policy GP11 to the GHA at 95% market value, as at July 2022, provided that the GHA agreed to this and paid a 10% deposit within a couple of months of the date of that letter.

The Committee notes that it is a beneficiary of Policy GP11, and that it is for the Development & Planning Authority (DPA) to determine whether a variation to Policy GP11 should apply for the development, rather than for Omnibus to make an offer to the GHA in relation to this. It is understood that the DPA will need to commission an independent expert to undertake a viability model assessment, and that the outcome of this may differ from the assessment commissioned by Omnibus. However, in anticipation of this, the Committee felt that it was important to explain that there will be implications of a lesser offer, should it be determined that it is not viable for 30% of the developable area of the site to be provided for affordable housing. This includes that the GHA may require higher capital grant funding from the States than usual in order to ensure the financial viability of providing affordable housing at discounted market rents/prices.

Further, should the GHA be required to consider the offer to purchase completed units, then the Committee is of the view that a 5% discount on market value is not sufficient to reflect the guaranteed sale of the units and upfront cash instalment that would be received through the deposit. However, it should be noted that this will be subject to both the Committee and the Policy & Resources Committee giving full consideration as to whether they would be willing to support a capital grant on such terms. This decision will be made following the determination of the percentage area of the site that is to be provided for affordable housing. Additionally, as with the Co-op's proposal to develop affordable housing units on other parts of the Leale's Yard development site, the Committee would require assurance that the development of those units aligned with the GHA's build specification and quality standards.

As a key stakeholder, with its mandate for the delivery of affordable housing, the Committee looks forward to being consulted formally for its views throughout the planning application process for the Leale's Yard development site.

## **Office of Environmental Health & Pollution Regulation**

I have reviewed the outline planning application for the demolition of all buildings and redevelopment of the above site to form mixed use development of residential and commercial units as well as a multi-storey car park and associated landscaping and infrastructure. I can confirm that I have reviewed the relevant chapters of the submitted Environmental Statement and have the following comments to make:

### **Chapter 4 – Construction**

- To ensure that concerns are suitably mitigate please see the suggested CEMP condition below.
- Reference is made to a Demolition Construction Environmental Management Plan (DCEMP). We would welcome the submission of a (D)CEMP in accordance with the framework detailed in section 4.3.

### **Chapter 7 – Noise**

- Point 7.3.28 whilst is noted that hours in accordance with BS 5228 have been adopted for the assessment and there is no objection to this it should be noted that these hours do not comply with our best practice guidance. We would expect the site to operate in compliance with local construction guideline hours for noisy works these are 08:00 – 18:00 Monday – Friday and 08:00 – 13:00 on a Saturday.
- It is not clear whether any piling will be required? If so, this will need to be incorporated further within noise and vibration management plans as part of the CEMP.
- Low frequency noise mitigation measures will need to be incorporated within the design stage.
- Mechanical plant and equipment mitigation measures will also need to be considered.

### **Chapter 8 – Ground Conditions**

- It is disappointing to note that an intrusive investigation has already taken place, we would usually review desktop investigations and sampling strategies to ensure that a suitable intrusive proposal is presented.
- 8.4.15 – I can confirm that a notice was served in relation to burning taking place on the site and evidence of service on Channel Islands Co-Operative is held on file. Conversations were held with Hugh Jones from the company following service of the notice.
- Has the risk assessment been undertaken with the final use of the premises in mind? i.e. residential with plant uptake?
- I have had a review of appendix 8.1 Phase 1 & 2 Ground Conditions Assessment and would recommend the phased contaminated land be amended and attached to the consent.

### **Chapter 9 – Flood Risk and Damage**

- I have had a cursory review of this chapter and if not already consulted would encourage you to consult Guernsey Water who may wish to comment further.
- I would recommend that a condition is attached to the consent in relation to flood defences.

### **Chapter 11 – Waste**

- Noted that an asbestos survey will be undertaken prior to any demolition

- 11.5.39 it should be noted that this office should be consulted in relation to the disposal of contaminated / hazardous materials

#### Air Quality Screening Assessment

- Dust mitigation measures will also need to be considered within Construction Environmental Management Plan (CEMP). The mitigation measures detailed in section 6 should be incorporated within such a document.

To ensure that my concerns are reasonably mitigated I would recommend that the following conditions are attached to the consent:

1. No development shall take place until details of external lighting have been submitted to and approved in writing by Planning Services. The external lighting shall be installed in accordance with the approved details and thereby retained as such unless a variation is subsequently submitted to and approved in writing by Planning Services.
2. 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 Planning Services. Agreed details should be carried out as approved unless otherwise agreed in writing by Planning Services. 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
3. Construction work shall not commence until a scheme for protecting the residential units above the retail/commercial units, has been submitted and approved by Planning Services. All works which form part of the scheme shall be completed in accordance with the approved details before any part of any of the residential units are occupied. The scheme shall have regard to (the principles contained within the World Health Organisation community noise guidelines / standards within BS8233:2014) to minimise noise in residential dwellings. Following approval and completion of the scheme, a competent person employed by the developer shall undertake a test to demonstrate that the attenuation measures proposed in the scheme meet the indoor ambient noise level requirements within BS8233:2014 to protect the residential units from noise, and the results of the test submitted to and approved by Planning Services.
4. No deliveries shall be received at or despatched from the commercial/retail units on the site outside the hours of 0800 and 1800 hours on Mondays to Fridays and 0800 and 1300

hours on Saturdays and there shall be no deliveries or despatches at any time on Sundays or public holidays.

5. Noise associated with plant and machinery incorporated within the development shall be controlled such that the Rating Level, measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 5 dB(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 BS 4142:2014.

6. No works pursuant to this permission shall commence until there has been submitted to and approved in writing by Planning Services:

(a) 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:

- (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 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>.

I would be grateful if these issues are considered during the determination of this application.

Please do not hesitate to contact me at the above address should you require any additional information regarding this matter.

**Office of Environmental Health & Pollution Regulation** (response specifically concerning possible impact on proposed residential properties from operation of the Power Station)

Potentially there may be issues in relation to noise / vibration / emissions of dusts etc. This would vary dependant on the duration and nature of use of the power station and this has changed over the past few years, access to the European grid, fuel availability etc and whilst we wouldn't raise any immediate concerns consideration should be had to the future changes surrounding the site. If you were so minded the following condition may add some comfort:

- A noise assessment should be undertaken to establish the impact of the use of the nearby Guernsey Electricity Limited power station on the proposed residential receptors. Details should include hours of operation, the LAeq, the tonality specifically in relation to low frequencies, character, impulsivity and/or intermittency of the noise and the hours of occurrence. Reference should also be made to the existing background noise level (LA90) with and without the power station operating. Where necessary design control requirements of the residential properties should aim to meet the recommended standards set out in table 4 of BS 8233:2014 and the night time L<sub>Amax</sub> level recommended in the WHO's Night Noise Guidelines for Europe.

I would also recommend that the applicant have regard to the BRE document 'Sound Control for Homes' and possibly the University of Salford document 'Procedure for the assessment of low frequency noise disturbance'.

### **Agriculture Countryside and Land Management**

We are writing in response to the submitted outline planning application for Leale's Yard (OP/2022/0761). This response focuses on those aspects relevant to our remit, namely biodiversity and the natural environment.

The ecological character of the existing site has been described within the Environment Statement and associated documents. It describes several habitat and species existing within the site which are likely to be impacted by the proposed development. Some impacts are considered to be significant with the EIA and mitigation has been proposed. Others are not considered to be significant at greater than site level but should be considered when striving to achieve net biodiversity gain.

Our comments relate to three areas;

- Potential significant impacts and proposed mitigations detailed within the EIA;
- Non-EIA impacts which should be offset to achieve Biodiversity Net Gain (BNG), and;
- Comments on the proposed landscaping scheme.

Detailed comments are included in Appendices 1-3 and are summarised here.

The submitted application has omitted many of the mitigation measures detailed within the EIA. We recommend that the landscaping scheme is revised to include the required 60-70 native trees, peripheral native hedging and wildflower grassland. Additional mitigation measures should be considered within the detailed development proposal and EMP/EMS,

including bat friendly lighting, integrated bat and bird boxes, the construction of a bat loft, permeable boundaries, and ongoing habitat management.

We believe that habitat improvements at Bordeaux Nature Reserve have the potential to provide sufficient offsetting for the development to achieve Biodiversity Net Gain, however detailed habitat improvement plans should be developed in conjunction with a professional ecologist to ensure that habitat improvements are proportionate and successful.

We recommend that the submitted landscaping scheme is also revised to ensure majority native species are planted, and that invasive species are removed from the planting list.

Please do not hesitate to contact us if you have any queries about this response and we would also be happy to discuss the points raised with the applicant or their representative.

#### Appendix 1 - Potential significant impacts and proposed mitigations detailed within the EIA

Of the proposed mitigations and enhancements (detailed in section 10.6 of the Environmental Statement), many have been covered through the Species Protection Plans and proposed translocation to a receptor site. Others have been listed for consideration via the EMP (Ecological Management Plan) or EMS (Ecological Method Statement), including management of grassland habitat, timing and extent of tree and hedging works, permeable boundaries). However, there are several mitigations proposed which are not included within the proposed landscaping scheme, despite being listed for inclusion. Namely:

- Creation of a wildflower meadow
- Planting of 60-70 native trees
- Planting of a peripheral native hedging.

The EIA also recommends the use of native plants and shrubs, see comments on landscaping scheme below.

These mitigations were proposed for creation within the development (on-site mitigation) as they are required to facilitate other proposed mitigations. The native plantings and habitats will support prey items and provide foraging and commuting habitats for birds and bats living in or using the site. Without these features, other mitigations, such as integrated bird and bat boxes and a bat loft, are not likely to be successful, due to the absence of appropriate foraging or commuting habitat. We therefore recommend that the existing scheme and proposed soft landscaping are amended to incorporate these mitigations as detailed within the EIA.

The inclusion of integrated bat and bird boxes, installation of bat friendly lighting schemes and construction of a bat loft will also be required in order to incorporate the required mitigations detailed within the EIA.

#### Appendix 2: Non-EIA impacts which should be offset to achieve BNG

The published Environmental Statement describes the habitats at Leale's Yard, including the results of an enhanced Phase 1 Habitat Survey which can be used to understand the biodiversity value of the existing site and the potential biodiversity losses which require off-setting.

The Phase 1 survey identified several habitats considered to be of moderate or high ecological value or of conservation importance:

- Brownfield,
- reed bed,
- scattered broadleaved trees,
- running water.

Although not listed in the EIA, semi-improved grassland is also considered to be of conservation importance in Guernsey due to significant declines in extent which have been recorded (a decline of 90% from 1999 to 2018). Whilst not considered to be a significant impact within the EIA, the direct loss of these habitats should be addressed in order to achieve BNG.

The proposed development does not include the retention of any of the existing habitats or ecological features, it has not included the creation of any habitats on site to replace them and has recommended limited planting on site using a combination of native and non-native species. As described in Appendix 1, it is recommended that the mitigations detailed within the EIA are incorporated into proposed development which will enable a degree of habitat creation on-site. If this is not possible the following comments will not be valid, and the potential to achieve BNG and the required biodiversity off-setting will need to be re-evaluated.

The proposed habitat enhancements at Bordeaux Nature Reserve designed to facilitate the translocation of species on site (described within NE/ES/LY.04), will also provide a degree of off-site offsetting to mitigate for the direct loss of natural habitats on site.

Off-site offsetting is the least preferred option to achieve BNG (with avoidance and on-site off-setting being preferred), this is due to the inherent spatial risks associated with habitat creation or restoration at a distance from where the habitat loss has occurred. This spatial risk should be borne in mind when considering the off-setting required.

The improvement of an existing habitat is an accepted form of habitat restoration to achieve BNG. Habitat restoration is considered to have lower risk associated with it than habitat creation schemes. This is due to the difficulty in habitat creation and the likely time delay in the successful creation of a habitat. The proposed receptor site is 4.7ha in area and contains habitats with condition assessment scores predominantly of poor and moderate, thus affording an opportunity to off-set a proportion of the loss of natural habitats from Leale's Yard (approx. 1.5ha) through improvement to moderate or good condition.

It is our view that the receptor site has the potential for habitat improvements which may sufficiently off-set the loss of habitats at Leale's Yard. We recommend that the developers work in conjunction with professional ecologists to produce a detailed habitat restoration plan which incorporates both the translocation required to mitigate significant impacts within the EIA and the potential to achieve BNG. Any proposal should be proportionate to the off-set the loss of habitats at Leale's Yard and be sufficiently detailed to ensure they are likely to succeed.

### Appendix 3: Comments on the proposed landscaping scheme

As described in Appendix 1, we recommend that the landscaping scheme is revised to include the mitigations outlined in the EIA. Including ensuring that 60-70 native species of tree are planted, that native hedging is included around the periphery of the whole site (it is currently proposed for only small sections) and that an area of wildflower grassland is created.

The proposed species lists for the groups; trees, ground cover and perennials are mostly non-native species. In order to ensure the maximum wildlife value, we recommend that these are swapped for native species. The lists also include species, such as periwinkle and cape daisy, which are known to be invasive and should not be considered for inclusion in any planting schemes. We recommend that a revised planting list is produced in consultation with local botanists and ACLMS.

### **Architects' Panel**

It was clarified by those presenting that the site layout and access points had been based largely on the previous, 2016, planning consent, and that the current proposed scheme was client-led in several key respects, including the location of the supermarket and multi-storey car park, height and density of buildings and various design elements such as use of pitched roofs. The application was for outline consent. The following matters are to be approved as part of the outline application: use classes; number of units/floor areas; building location and footprints with +/- 10% tolerance; building massing and height; access. The appearance of the building and landscape will be subject of reserved matters.

The Panel noted that the application was for outline consent with detailed design work not concluded and would follow through Reserved Matters applications. The initial layouts seemed to be promising. However, the Panel believed the client requirements were limiting a potentially very good scheme for the site and were making it difficult for the project Architects to achieve what should be an exemplar development. Issues of particular concern related to the following:

- Apparent lack of a clear concept or vision behind the placement of buildings and their relationship with key public spaces;
- Quality and connectivity of public spaces and streets which may result in somewhat oppressive, unappealing cul de sacs;
- Key public vistas terminated by the multi-storey car park as well as views over the Bridge frontage from the harbour;
- Apparent high density of development relative to amenity space, enclosure of public spaces resulting in overshadowing by buildings and lack of through-routes and building heights which exceed guidelines of the Development Framework.

The Panel recommended the following in response to these concerns:

- Provision of further information to support the application showing long sections through the site and sun-path analysis;
- Reconsideration of the location of some buildings to optimise the opportunities presented to improve connectivity and resolve issues with the quality and attractiveness of the key public spaces;
- Reconsideration of building heights and roof forms;
- Consideration of landscaping as an integrated, key element of the design.
- Careful consideration of integrating appropriate community uses around the key public spaces to generate activity and ensure the vitality and liveliness of these spaces.

## Post Meeting Notes

There was feedback that the time for the review was not sufficient. Therefore, the following comments were made after the meeting:

- Planning Service may need justification for the number of car spaces for the multi-story car park, and an alternative modern approach should be explored, one that promotes non-carbon transport such as cycling / walking rather than supporting car use.
- Planning Service may need more detail on the potential of opening up the site at Lowlands, as this would 'unlock' the site as a whole. It would also allow the Co-op to relocate further to the West of the site, opening up civic/public space closer to the bridge.
- Concept of residential amenity needs more detail, as some of the residential units looked directly at/ or were in close proximity to the multi-storey car park. Balconies are not really enough. Layered, tiered forms would allow for green spaces on roofs, connected by walkways etc.
- The Panel would welcome an opportunity to be involved in the next iteration of the scheme to address its comments. The Panel would suggest that a longer time is allowed for discussion of this scheme.

**Health and Safety Executive** raise no objection.

**Guernsey Ports** request consultation in respect of proposed drainage and flood risk mitigations, in relation to allowable discharge rates into the harbour and request sight of the DCEMP in due course as the issues of noise, dust, vibration and contamination would be of particular interest given the nature of property/asset holdings in the vicinity of the development.

## Summary of Issues:

Principle of development  
Mix and type of uses  
Affordable housing  
Design and impacts on character and appearance  
Access and traffic  
Flood risk  
Ecology and landscape  
Neighbour amenity  
Planning covenant

## 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).**

## **Principle of development**

The site is within the Bridge Main Centre Inner Area and a Regeneration Area designated in the IDP. The Regeneration Areas identify parts of the existing built environment of the Main

Centres where there is scope for considerable and comprehensive redevelopment and enhancement.

A Development Framework (DF) for the Leale's Yard Regeneration Area was approved and published by the D&PA in May 2020. The DF provides planning guidance for the mixed-use development of the Regeneration Area and specifically comprehensive and practical guidance on how the policies of the IDP will be applied to the site. The DF is adopted Supplementary Planning Guidance (SPG). Therefore, it is to be taken into account when considering this planning application and the proposals for development are expected to accord with it. Of particular relevance in this respect, the DF sets out the Vision for the Leale's Yard Regeneration Area, Development Guidelines and Key Delivery Requirements.

The Vision Statement for the Regeneration Area is as follows:

“Enhancing The Bridge Main Centre's identity to become a well-connected and easily accessible destination which includes a variety of uses and places to visit and spend time to ensure the ongoing viability and vitality of the area for the local community.”

This Vision is based on the following four Vision Principles:

- Principle 1 – Sustainable and delivery-led development. This Principle relates to a quality-led approach to sustainable development with a focus on delivery.
- Principle 2 – Making good connections. This Principle relates to the extension of Bridge Avenue as a key walking and cycling route and a focus on improved connections across the site, supporting active travel opportunities and healthy lifestyles.
- Principle 3 – Public open space and public realm at the heart of the new development. This Principle relates to a need for new multi-functional public open space and an overall high-quality place that responds to local character.
- Principle 4 – A mix of uses, community activities and housing types. This Principle relates to a range of uses and activities that support The Bridge Main Centre and the local community as well as enabling viable development proposals on the site.

The Development Guidelines within the DF then set out further guidance on how development proposals should come forward.

Subject to meeting the DF development guidelines and associated key delivery requirements, in accordance with other relevant policies of the IDP, the principle of development of this site is acceptable and consistent with the IDP, the Strategic Land Use Plan and the Government Work Plan.

### **Mix and type of uses**

The land uses comprising the proposed mixed-use development of the site include 338 residential units, circa 5,800 sq.m. of retail floorspace, including ground floor community and leisure uses, circa 8,000 sq.m. of commercial floorspace along with a multistorey car park and associated landscaping, service roads and infrastructure. In terms of Use Classes, the residential units would fall within Residential Use Classes 1 and 2 (as dwellinghouses and flats respectively). Regarding other potential uses, the application indicates broad use

'purposes' for each element of the block layout plan but seeks to provide for options which are as flexible as possible, with specific use classes envisaged as likely to be determined by end user requirements.

Within this location, permissible uses according with IDP policies are residential, social/community including health, education and community services, office, storage/industry (subject to caveats such as excluding heavy industry), creative industry, retail (both convenience and comparison), visitor accommodation and leisure and recreation.

To support the potential for new development and its timely delivery, the DF is intentionally flexible in respect of land use and intended to support development in a variety of forms. For example, the DF does not suggest a target quantum of development or fixed use types which it recognises will ultimately be dictated by market demand and commercial viability. To help ensure the delivery of a high-quality place, the DF however sets out in the Key Delivery Requirements, inter alia, the minimum expected provision within any development proposals of the following elements:

- Propose a good mix and range of uses that support the Bridge Main Centre as a whole
- Provide a minimum of 1,500 sq.m. of green open space at the heart of the Regeneration Area
- Provide a minimum of 500 sq.m. of car-free urban or 'civic' square close to the Bridge frontage
- Provide a minimum of 500 sq.m. of community uses
- Provide a minimum of 20 public car parking spaces located conveniently to the Bridge
- Provide affordable housing in accordance with IDP Policy GP11
- Provide a comprehensive landscaping scheme including street trees along primary and secondary routes

Subject to achievement of these minimum requirements, and determination of specific use classes for individual proposed uses at detailed reserved matters stage, which can be controlled by planning condition on a grant of outline consent (Condition 5), the overall mix and type of uses envisaged in the current outline application are acceptable in principle having regard to the Main Centre location of the site and the above provisions of the DF.

Although resulting in significantly less residential units on the site than was previously approved in 2016 (338 as opposed to 412 units approved in total in 2016), the inclusion of commercial units to the west of the site does help to provide a mixed-use development in the middle of a Main Centre.

### **Affordable housing**

As noted above, one of the DF Key Delivery requirements is to provide affordable housing in accordance with Policy GP11 of the IDP. The proposals for affordable housing contribution are split between the two applicants, with the Co-op proposing 26 apartments in total above its store, seven of which would be available for Society staff at reduced rental levels, and

Omnibus Investment Holdings having submitted information concerning viability and proposing a reduced affordable housing contribution. This latter information has been subject of an independent viability assessment in accordance with the Affordable Housing SPG.

Regarding the Co-op's proposals, the response received from the Committee *for* Employment & Social Security, within its mandate for affordable housing, confirms that Committee approved, in principle, the Co-op's proposal to provide and manage seven affordable housing units on its portion of the Leale's Yard development site. This decision was subject to a number of caveats regarding the detail that will need to be determined for inclusion in the planning covenant. This includes, but is not limited to the following points, which have been communicated to the Co-op:

- The Co-op would need to abide by the rent and eligibility criteria that applies to other forms of affordable housing, and agree to appropriate enforcement/monitoring by the States of Guernsey;
- The Committee would want assurance that any Co-op tenants would not be evicted if their employment with the Co-op came to an end, provided that they continued to meet the criteria for affordable housing;
- The Committee would want assurance that any units developed by the Co-op to be used for affordable housing would be built to a standard that, as a minimum, aligns with the Guernsey Housing Association's (GHA) build specification and quality standards. Particularly, in relation to energy rating and thermal efficiency.

Subject to their delivery of the necessary 30% affordable housing contribution (not 28% as suggested by the Co-op as their residential units will form an integral part of the whole proposed scheme for 338 residential units, not a discrete, stand-alone provision of only 26 units as they appear to suggest), the Co-op proposals are considered acceptable in principle within the terms of Policy GP11.

The response from the Committee *for* Employment & Social Security also notes that it had sight of a letter that Omnibus (joint applicant with the Co-op) sent to the Guernsey Housing Association (GHA), dated 1 August 2022, in which an offer was set out in respect of the application of Policy GP11 for the part of the site that Omnibus intends to acquire from the Co-op. In summary, Omnibus stated that, according to the viability proposal that it had commissioned for the development, it would be rendered unviable should the requirements of Policy GP11 be applied in full. Omnibus has set out that it could provide 14% of the site for affordable housing under Policy GP11, which equates to 43 units (rather than c.93 units as would be required as 30% of the developable land on its portion of the site under GP11). However, Omnibus has offered to sell the remaining 16% (52 units) required under Policy GP11 to the GHA at 95% market value, as at July 2022, provided that the GHA agreed to this and paid a 10% deposit within a couple of months of the date of that letter.

In this respect, the Committee *for* Employment & Social Security noted that it is a beneficiary of Policy GP11, and that it is for the D&PA to determine whether a variation to Policy GP11 should apply for the development. It however expresses some concerns regarding the Omnibus proposals from that Committee's perspective.

Subsequent to this, an independent expert was commissioned jointly by the D&PA and Omnibus to undertake a viability model assessment.

The conclusion of the viability review report states as follows:

“This scheme proposes the redevelopment and regeneration of the site known as Leale’s Yard in St Sampson. Under the scheme, this former industrial site, which has been derelict for many years, will be comprehensively redeveloped and regenerated alongside the adjacent site, under a single outline planning application. The whole scheme would provide 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.

This viability assessment has considered the part of the site being brought forward by Omnibus Investments Holdings Limited which seeks to deliver 312 residential units and circa 2,174 sqm of retail floor space, circa 7,250 sqm of commercial floorspace, and associated landscaping and infrastructure. We have been instructed to independently review the viability assessment prepared by the Applicant to determine if the 43 affordable homes proposed is the maximum level of affordable housing the scheme can support. The Applicant has also offered a further 52 units for sale to GHA at 95% of market value and we have considered this discount within our review.

We have reviewed the values and costs provided by the Applicant to support their submission. We confirm that we find the residential values adopted to be reasonable, having regard to the comparable evidence we have reviewed. We have reviewed the commercial values and consider these to be optimistic, given current economic conditions and we have made adjustments to the figures accordingly.

We have reviewed the build cost and infrastructure estimates and also consider these to be reasonable for a scheme of this nature. There are various challenges associated with delivering a scheme of this scale on the Island and substantial infrastructure requirements, which mean that the modular housing approach to delivery represents the most efficient and cost-effective approach.

We have reviewed programme and associated finance costs having regard to current lending rates and consider the Applicant’s allowance to be reasonable and have adopted these in our appraisal. We have made minor adjustments to fee allowances for sales and marketing fees as set out in the body of our report.

Our instructions are to adopt the purchase price the Applicant has agreed with the vendor of the site on the basis that this is within the expected range for land values as at Q3 2022. We have not confirmed this as our instructions are to adopt the figure provided.

*[paragraph redacted from published version at applicant’s request]*

Furthermore, we have carried out a high level cross check, for illustrative purposes and this indicates that even on a 100% private basis on all 312 units, the scheme still does not achieve the target profit level.

The affordable housing that has been offered is therefore beyond the maximum reasonable the scheme can support. On a current day basis the scheme would not support any affordable housing contribution. However, the Applicant has offered this level of contribution recognising the need to support affordable housing on the

Island. If consent is granted on this basis, the Authority can discuss with the Applicant the optimum means of delivery, having regard to housing need in order to obtain the preferred balance between affordable housing and discounted market sale housing, whilst maintaining the same appraisal outturn.”

The main conclusions for consideration of the current outline application can be summarised as follows:

- The build costs and values contained in the applicant’s viability appraisal are reasonable;
- Even if land costs were reduced to zero in the appraisal this would still not result in a greater affordable housing contribution having regard to developer profits which although higher would still be below 20%;
- A higher than proposed level of affordable housing provision (14%) would therefore not be viable;
- The proposed 5% discount on presale of 52 units does not amount to an affordable housing contribution (the main benefit being to the applicant in terms of de-risking their cashflow) but an equivalent contribution in additional affordable housing units could be sought. The details of such contribution would principally be a matter for the Committee for Employment & Social Security, facilitated by the D&PA.

The provision of affordable housing and the terms on which this would be achieved would require a binding planning covenant to be entered into, as described in section 23 of the Land Planning and Development Law, 2005, by each of the applicants. For the avoidance of doubt, notwithstanding any decision made by the D&PA on the application at an Open Planning Meeting, no planning permission would be granted until such time as the planning covenants were finalised, entered into, executed and completed by the parties concerned.

### **Design and impacts on character and appearance**

The DF includes several minimum Key Delivery Requirements which are relevant to the design and appearance of a development scheme for the site:

- Set out a comprehensive approach to development which ensures a high quality of place and the co-ordinated and carefully phased delivery of key infrastructure (including open spaces and access) and development
- Carefully consider density, scale and layout to integrate with and enhance the area, ensuring there is limited detrimental effect on adjacent existing properties
- Include development heights between 2 and 5 residential storeys, as appropriate to its location and context, with no development at all taller than 6 residential storeys; buildings of 6 storeys should be reserved for key landmark elements in appropriate locations in the centre/north of the site
- Include new public open space (green and civic) of the minimum areas referred to above
- Provide site access which includes -
  - a principal multi-user link between Bridge Avenue and Lowlands Road focussed on pedestrians and cycling

- At least two vehicle accesses with the primary access from the Bridge and the secondary access from Nocq Road, with access from the Lowlands Industrial Estate encouraged where possible
- A network of streets and paths that allow easy and safe movement for pedestrians, cycling and vehicles to and through the site

In relation to impacts on Protected Buildings and Protected Monuments, in accordance with the ES (paras. 12.5.13 - 12.5.20), it is considered that the proposals would not have an adverse impact on the setting of nearby Protected Buildings or Protected Monuments.

The effect on the Conservation Area is considered in paras. 12.5.7 - 12.5.12 of the ES. The application includes the demolition of buildings along the Bridge Frontage to form the main vehicle entrance and on Nocq Road to form the Nocq Road entrance. IDP Policy GP4 allows for the demolition of features that contribute to the Conservation Area where the replacement development makes an equal or enhanced contribution to the character and appearance of this Conservation Area. Based on the ES, the demolition of the buildings to form the main entrance could meet Policy GP4: Conservation Areas, subject to reserved matters. The ES does not assess the effect of the development on the buildings at Nocq Road. Nevertheless, the demolition of the buildings along Nocq Road could also meet Policy GP4, subject to reserved matters.

The effect on the Conservation Area as a result of the overall development of the site would be neutral and subject to reserved matters could be positive.

The ES notes that the development will facilitate enhancement to the Bridge Conservation Area by allowing for the relocation of 20 car parking spaces to within the development site. If this is to be considered, then these spaces provided within the MSP must be available at no charge or other barrier to the public. This will need to be confirmed in a parking allocation and management strategy which should be required by condition (Condition 9).

Appendix 13.1 of the ES relates to a Townscape and Visual Impact Assessment. The methodology for the VIA is not explicit and it is therefore difficult to understand how the VIA has concluded that the proposed development will have the same effect as the 2016 approved scheme, given that it is proposing taller buildings of five and six storeys and a multi-storey car park which will be visible over the Bridge Frontage. The 5<sup>th</sup> and 6<sup>th</sup> storeys of Blocks 2, 3 and 7 together with their pitched roof form as well the façade of the MSP are likely to look bulky and have the potential to 'loom' over the Bridge frontage.

Based on the information provided with the application, it is concluded that the development will have a greater effect on the Townscape than that assessed in Appendix 13.1 of the ES, especially in views from the harbour.

The VIA does note that mitigation is required to reduce the effect of the development on the townscape.

Pages 4 – 11 of the Master Plan Addendum dated September 2022 seek to set parameters for how the 5<sup>th</sup> and 6<sup>th</sup> storeys will be controlled, and thus mitigated in accordance with the ES. Notes on the drawings state:

- “5 and 6 storey residential buildings reflecting Development Framework guidelines but noting consideration to be given to upper elements of these buildings to integrate into site context.”
- “Where Buildings are of 6 storey, reflecting Development Framework parameters, consideration to be given to elevational treatments and roof design and materials in context with the surrounding area.”
- “Where Buildings are of 5 storey, reflecting Development Framework parameters, consideration to be given to roof design and materials in context with the surrounding area.”

Page 18 of the Addendum identified locations for “key buildings to incorporate local features”.

Pages 8 – 10 of the Addendum seeks to control the elevations of the multi-storey car park: “Elevation treatment to Carpark to be considered due to its location, height and proximity to The Bridge.”

Depending on the detailed design of reserved matters this could help to mitigate the impact of the development. However, the notes in the addendum are not clear and precise on how exactly this mitigation will be achieved. This matter could potentially be resolved by imposing a condition requiring Design Codes, as is recommended below (Condition 4).

In relation to other design matters, having regard to Policy GP8: Design and the DF key delivery requirements, the proposed main street leading off the Bridge has potential to become a good street in townscape terms. It is enclosed by building of an appropriate height/width ratio and has commercial/retail uses on the ground floor. Similarly, the street leading off Nocq Road is a good residential street. On balance, re-routing of the dedicated cycle route from Lowlands Road to the Bridge is considered acceptable (see also comments in Access and Traffic section below).

The development makes efficient use of land. It proposes a high density development and the use of the multi-storey car park helps to alleviate the inherent problems of providing surface-level car parking in such a high density development.

The location of the supermarket and its associated multi-storey car park will help to compliment the retail uses along the Bridge Frontage.

Energy efficiency of the proposed modular housing is expected to exceed Guernsey Technical Standards.

The civic space is appropriately located and the amount of civic open space considerably exceeds the 500 sq.m. minimum requirement in the DF, being 790 sq.m. The civic space will have active edges at ground floor level and there are ideas for how to treat the façade to the multi-storey car park that enclose the space. Approximately half of the civic space will not receive sunlight in the autumn, spring and summer months; but the spill out space of Block 7 will receive more sunlight, so this could be good for alfresco spaces which will help to enliven the civic space.

The proposed location of the green open space and the active edges at ground floor level are considered acceptable and the inclusion of a structured childrens’ play area is welcomed. The quantity of the green open space barely achieves the DF requirement of 1,500sq.m.,

includes the cycle path and is split by a road serving the commercial units. It also includes an area of defensible space immediately adjacent to the commercial unit to the west. The space to the north of the road is relatively small and unusable as anything other than a green space to look over. Due to the height of the buildings that enclose the green space, approximately half of its area will not receive direct sunlight in the autumn, winter and spring months. The consistency and quality of this space is therefore not as envisaged in the DF, however with the layout of the site as proposed and the requirement to take access to the commercial units through the site it is not considered that improvements in this respect can be readily achieved.

In relation to other design matters:

- Although the appearance of the development would be a reserved matter, the illustrated elevations give an impression of too much repetition of the design of the buildings and their facades.
- Whilst there are some good streets (as noted above) the remaining external spaces are not streets, e.g. the car parking courtyards that give access to buildings. The layout appears to retain a pedestrian path running from the townhouses, via the rear of the multi-storey car park to Commercial Road. This is not overlooked and has potential to attract anti-social behaviour.
- The DF in Section 8.9 considers residential amenity with regard to Annex I of the IDP and the GTS. Site specific guidance is intended to achieve:
  1. good space standards and well considered flexible layouts, including sufficient storage space and generous floor-to-ceiling heights;
  2. good levels of daylighting and amenity, including the majority of homes being dual aspect (target 85% as a minimum);
  3. all homes should have access to useable external open space in the form of a balcony, terrace or garden;
  4. communal amenity space that is well overlooked and shared between residents, with a particular focus on the needs of children, young people and older residents
  5. well-located, highly visible and easy to use entrances and front doors, with space for getting to know neighbours;
  6. good outlook and aspect with at least one of the elevations having access to longer views;
  7. carefully planning the location and layout of windows and balconies across streets and courtyards such that the privacy of each home is well-considered
  8. all homes will need to plan for a reasonable proportion of accessible units, and where appropriate those suited to specific user groups such as housing for older people, or supported accommodation.

With regard to the above points, many of these would be considered through submission of reserved matters following a grant of outline permission; however, the site layout, size and scale of the buildings and the spaces between (which are to be agreed in the outline application) will influence the health and well-being of the people who ultimately live at Leale's Yard.

Good levels of daylight will generally be provided, although the ground floor flats at the inner corners and Block 6 lower floors facing west, may have poor daylight. The houses will have a private garden and the flats will either have an external balcony or access to communal gardens. Around 65% of the flats and houses will be dual aspect, therefore, the target of 85% will not be met. Related to the quantity of single aspect flats, some of the flats will have a good outlook over the green open space or civic open space. However, many other will only have an outlook over the streets, others over surface car parking, and in the case of Block 6 the lower floors will have an outlook west to commercial units approximately 8 metres away. Careful consideration would also have to be given to how potential overheating of the single aspect flats will be designed out.

The Master Plan addendum dated September 2022 provides a number of parameter plans that can be used to control the location of buildings, their use and three-dimensional envelope (i.e. the length, breadth and height of a maximum envelope within which a building can come forward at reserved matters stage). A condition would need to be applied requiring reserved matters applications to comply with the Master Plan addendum and its parameter plans (Condition 6).

The Master Plan addendum does not, however, contain sufficiently robust design principles or design codes to control future reserved matters applications. It would be acceptable in these circumstances to impose a condition requiring Design Codes (see Sections 7.2 and 8.2 of the Development Framework) to be submitted to and approved by the Authority, prior to the submission of Reserved Matters application/s (Condition 4).

### **Sustainable development**

The DF includes the following minimum key delivery requirement which is relevant to sustainable development:

- Deliver sustainable development and set out how proposals can act as an exemplar in this regard

In Section 8.3, the DF states that:

“[for]...the Leale’s Yard Regeneration Area, proposals must consider their ability to act as an exemplar project in terms of sustainable development. This should consider all aspects of sustainability, i.e. minimising waste and energy during both design and construction stages, providing a net gain in biodiversity, surface water management, water use, accessibility, adaptability, materials, and health and wellbeing. Objectives such as achieving zero carbon and whole-life cost considerations should also be set out.”

Waste management during the construction and operational phase of the development is considered in Section 11 of the ES and a preliminary site waste management plan developed, as required by Policy GP9: Sustainable Development.

Focusing on energy production and minimising the use of energy/zero carbon development, the information to support the application notes that the residential part of the development will be constructed using modular/off site techniques that will be built to exceed the GTS, although no further information on this is provided.

Other than in relation to this, information concerning how the development will be an exemplar in terms of minimising the use of energy and resources is lacking from the application. The application drawings show photovoltaic arrays on the roof of many buildings, but no firm commitment to this is made. No commitment is made to energy efficiency for the supermarket, townhouses and commercial buildings.

To address this, an outline permission should be subject to conditions requiring submission and approval of a comprehensive sustainability strategy for the development of the site (Condition 8).

### **Flood risk**

The DF includes the following minimum key delivery requirement which is relevant to managing flood risk:

- Contribute towards a comprehensive flood defence strategy as part of a wider solution to protect the Bridge area

Section 9 of the ES considers flood risk and drainage. Appendix 9.1 to the ES contains a Flood Risk Assessment dated March 2022 which includes the flood mitigation strategy for the site. This relates to consideration of ground floor levels to buildings, flood resistant and resilience measures, mitigating risk from groundwater, floodplain storage, flood flow routes and safe access arrangements. A preliminary engineering solution for use of lateral flood defence barriers is also set out in the Appendix 2 Engineering Review and proposals document by CBL Consulting.

The reason for including the above key delivery requirement in the DF was to avoid proposals coming forward solely for defence of the Leale's Yard site which could then potentially lead to flooding of surrounding areas. It was also in the context of then emerging proposals for an interim solution to protect the Bridge area principally comprising of the construction of a wall between the Bridge frontage parking area and the main roadway, to which the development was expected to contribute.

This situation has now moved on, with an interim solution still possible but also the potential to develop and move instead to a longer-term flood defence solution for the Bridge as part of proposals for the Harbour Action Area. This means that sufficient measures exist within the control of the States to ensure that the concerns which led to inclusion of the key delivery requirement within the DF are mitigated and, in this context, the current development proposals are acceptable. The measures proposed to defend the site may in this context reasonably be considered to be contributing to the wider solution in accordance with the DF.

Implementation of the flood defence strategy in accordance with the ES should be controlled by condition (Condition 7).

### **Ecology and landscape**

Section 10 of the ES relates to Ecology and Nature Conservation. This analysis is supported by Appendix 3 – Landscape Review and Proposals and Appendix 4 – Arboricultural Assessment reports. Further reports have been prepared and submitted by consultants on behalf of the applicant during the course of consideration of the application relating particularly to the Bordeaux site which has been identified to be a suitable receptor site for

animals displaced from Leale's Yard, based on the implementation of a Habitat Management Plan which would be submitted prior to the translocation of wildlife into this area. This is both to off-set the environmental impacts of the proposed development as identified in the ES and also to ensure that the development complies with the requirements of the Animal Welfare (Guernsey) Ordinance, 2012.

ACLMS note in their consultation response that the submitted application has omitted some of the mitigation measures concerning ecological impacts of the development detailed within the EIA (section 10.6 of the ES), namely creation of a wildflower meadow, planting of 60-70 native trees and planting of peripheral native hedging. The EIA also recommends use of native plants and shrubs.

The proposed development does not include the retention of any of the existing habitats or ecological features, it has not included the creation of any habitats on site to replace them and has recommended limited planting on site using a combination of native and non-native species.

ACLMS recommend that the landscaping scheme is revised to include the 60-70 native trees, peripheral native hedging (which is currently proposed for only small sections) and wildflower grassland. They also recommend that the submitted landscaping scheme is revised to ensure majority native species are planted, and that invasive species (e.g. periwinkle and cape daisy) are removed from the planting list.

Additional mitigation measures should be considered within the detailed development proposal and Ecological Management Plan (EMP)/Ecological Method Statement (EMS), including bat friendly lighting, integrated bat and bird boxes, the construction of a bat loft, permeable boundaries, and ongoing habitat management.

The proposed habitat enhancements at Bordeaux Nature Reserve designed to facilitate the translocation of species on site (described within the ecological consultant's report reference NE/ES/LY.04 – Preliminary Ecological Appraisal (PEA) and Habitat Condition Assessment of Bordeaux Nature Reserve, dated 26 October 2022), will also provide a degree of off-site offsetting to mitigate for the direct loss of natural habitats on site.

Although off-site offsetting is the least preferred option to achieve BNG (with avoidance and on-site off-setting being preferred), ACLMS advise that the proposed habitat improvements at Bordeaux Nature Reserve have the potential to provide sufficient offsetting for the development to achieve Biodiversity Net Gain. The proposed receptor site is 4.7ha in area and contains habitats with condition assessment scores predominantly of poor and moderate, thus affording an opportunity to off-set a proportion of the loss of natural habitats from Leale's Yard (approx. 1.5ha) through improvement to moderate or good condition. However detailed habitat improvement plans should be developed in conjunction with a professional ecologist to ensure that habitat improvements are proportionate and successful.

Subject to compliance with these detailed recommendations, which can be controlled by planning condition (Condition 12) and through a planning covenant to ensure suitable long-term management of the ecological off-set receptor site, it is concluded that the proposals are acceptable in terms of their effects on ecology and landscape.

## Access and Traffic

The DF includes the following minimum key delivery requirement which is relevant to access and traffic:

- Provide site access which includes -
  - a principal multi-user link between Bridge Avenue and Lowlands Road focussed on pedestrians and cycling
  - At least two vehicle accesses with the primary access from the Bridge and the secondary access from Nocq Road, with access from the Lowlands Industrial Estate encouraged where possible
  - A network of streets and paths that allow easy and safe movement for pedestrians, cycling and vehicles to and through the site

The application includes a Transport Assessment (TA) which concludes that the forecast trips generated by the development will have no material effect on the local road network. The conclusion of the TA is essentially that whilst the scale of development is very significant in Guernsey terms, the traffic impacts are manageable (including taking account of nearby committed major development). This will however require changes to be made to highway/junction control near the site, including replacement of the mini-roundabout at the junction of the Bridge/Vale Avenue with traffic signals.

The two 2016 planning permissions consented to a total of 412 residential units along with 2,123 sq.m. of commercial, retail and community space. Although that scheme included improvements to the Nocq Road junction with the Bridge, in other respects the access arrangements were similar to those currently proposed.

The proposed scheme includes two vehicle accesses with the primary access from the Bridge and the secondary access from Nocq Road serving a limited number of residential dwellings. The proposed commercial units are shown served from the main access road, but the application states that these units would instead be served from Lowlands Industrial Estate if agreement concerning such access can be reached with relevant landowners.

Rather than providing a principal multi-user link between Bridge Avenue and Lowlands Road focussed on pedestrians and cycling, which is not practically feasible given the proposed location of the Co-op store and MSP, the proposed scheme instead provides a segregated pedestrian and cycle path between the primary site access and Lowlands Road. A stated principle of the proposed scheme is to contain vehicle traffic to the periphery of the site so far as possible, and the location of the MSP close to the Bridge frontage assists delivery of this principle.

The Traffic & Highway Services' (THS) response above notes that the layout is not as convenient as if there could have been a direct route between Bridge Avenue and the Lowlands Road access with the lack of this being disappointing. However, THS welcomes the steps being taken to improve pedestrian and cycle permeability through the site including from roads such as Lowlands and Nocq Road which should sit reasonably well with pedestrian desire lines.

In terms of other overall conclusions, THS note as follows:

- The site has good public transport links and THS welcomes that the proposals are looking to provide infrastructure and a layout/design to promote walking and cycling, which in line with the vision of the Integrated Transport Strategy.
- The proposals represent a scheme where the applicants are making significant effort to provide housing at this site with complimentary retail and commercial development, whilst limiting as far as practical impacts on the public highway. However, development at this site even with the Bridge/North Side junction change proposed is likely to lead to significant increases in peak time queue lengths.
- The efficiency of the arrangements overall is highly likely to be hampered by retention of the shop front parking arrangements along the Bridge (which falls outside of the scope of the application).
- Further, the proposed secondary new junction designs fall well short in terms of recommended sightline standards and this is of particular concern in the case of the Nocq Road access which would adjoin a relatively straight road where approaching traffic speeds may well be higher than the signed speed limit, especially outside of peak hours.
- THS would welcome if vehicular access to the 18 parking spaces currently proposed to adjoin Commercial Road could be reviewed to establish if an alternative exists that would represent an improvement from a road safety perspective.
- Therefore, THS can advise that there are road safety concerns regarding the application specifically relating to the substandard sightlines at new secondary accesses and some traffic management concerns with regard to the detrimental impact on traffic flow along the Inter Harbour Route. However, it accepts the conclusion of the Transport Assessment that the traffic management impacts are manageable (including taking account of nearby committed major development), on condition that changes are made to highway/junction control near the site.
- Should the application be successful, an agreement would need to be put in place regarding developer responsibilities for installing the changes to the Bridge/Vale Avenue junction and consideration given to the increased on-going maintenance costs.
- In addition, the TA is suggesting that Vale Avenue/Braye Road junction will be around theoretical capacity once development sites are delivered but the applicant is suggesting that any remedial measures considered to be required should not be their responsibility. Whilst THS accepts that the development would not be the sole cause of junction capacity issues, it does consider it appropriate for the developer to contribute a proportionate amount to the costs of any required traffic management measures deemed suitable by THS for this junction. Comparing the traffic flows predicted to be generated by this development against background and committed development flows, the contribution would be expected to be 12% of installation cost.

- A wider mobility plan is being prepared, however given the location of the site and inclusion of proposals for a shared mobility scheme for electric cars and cycles, the lack of a mobility plan is less significant in relation to this application.

The applicant has confirmed that they would be willing to bear the costs of necessary relocation of bus shelters.

The provision and allocation of car parking within the scheme is a key issue which has not yet been resolved. The applicant has confirmed that, thus far, the proposed parking within the site has not been specifically allocated, although the following principles have been agreed between the parties:

- 55 spaces allocated to the commercial units located to the west of the site (although circa 50 spaces appear to be shown on the masterplan);
- 120 spaces in the MSP to be utilised by the Co-op for their store and to provide the 20 compensatory spaces required by the DF;
- The balance (c198 spaces) in the MSP would be managed by the Management Company and rented out on a first come first served basis to occupants of the residential units and others working in the commercial and retail elements of the development;
- Surface parking would comprise 28 spaces for 14 townhouses (2 per unit), 3 spaces each per residential block for drop-off/unloading and visitor parking (total 30 spaces) and balance c74 spaces for use of the Management Company and may be for lease holders of the retail units, etc but may also be used for additional residential parking.
- The 4 units to the east in La Hougue du Valle would not have any private parking unless a space could be created for one of these units at the south end.

The outcome of this scenario appears to be a situation where there would be dedicated residential parking for 14 of the proposed 338 units of accommodation plus 30 visitor/un/loading spaces. The remaining 324 units would have to reach agreement with the management company over the remaining 272 spaces which would also have to serve the retail and community/leisure uses including for staff. It is concluded from this that despite the welcomed active travel emphasis of the scheme and recognising that peak demand for residential spaces will be overnight and at weekends, the proposals do present a significant risk of overspill of Leale's Yard residential parking onto the surrounding Bridge area, which could in turn have implications for existing businesses and other uses in this area.

In recognition of this concern, the applicants have confirmed that the allocation of parking will be further considered in due course with options such as overnight/weekend parking possibly being utilised to make sure spaces are effectively utilised and managed but those details are still to be considered.

The latest information provided by the applicant's agent concerning this issue confirms as follows:

- I. The 55 spaces for the commercial units will be allocated for the use of the businesses (subject to any specific user requirements outside of the hours stated) between 8am and 6pm Monday to Friday and will be available for use on a residential basis outside of these times but will again be on a paid parking basis.

- II. The 100 of the 120 spaces in the Multi-storey carpark will be available for use on a residential basis outside of the normal trading hours of the Co-Op retail store. The other 20 spaces will be available for users of The Bridge on a free 24 hour basis as required by the Development Framework but with it being assumed these will be used for overnight parking.
- III. The balance of the MSCP spaces (~198) will either be let on a 24 hour residential use basis to individual residents or will be let for business use Monday to Friday 8am to 6pm (or to suit the requirements of individual businesses) and outside of these times will be available for residential use but these will again be on a paid parking basis.
- IV. Surface parking will accommodate 14 houses which will have 2 spaces each and will be for their exclusive use. 30 of the spaces will be for drop-off/unloading and visitor parking. The balance (~74) of the surface parking will available for business use (Mon to Fri 8am to 6pm or to suit individual business requirements) and residential use outside of those times or for full time residential use dependent on user selected by Management Company. These again will be paid spaces.

A robust and detailed allocation and management strategy will be fundamental to ensuring that the potential lack of residential parking within the scheme does not have a significant knock-on effect on existing public parking on the Bridge. If handled effectively, this should ensure that the spaces provided are used as efficiently as possible and in conjunction with the proposed active travel emphasis could contribute significantly to the sustainable development credentials of the scheme and potentially enable it to gain exemplar status in this respect in accordance with the DF.

Overall, it is recommended that conditions be included on a grant of outline permission to:

- require provision of the main signalised junction (Condition 10),
- control the detailed design of the secondary access to Nocq Road and the parking spaces adjoining Commercial Road to mitigate visibility concerns (Condition 11), and
- require a comprehensive parking provision and allocation strategy (Condition 9).

In addition, provisions to require developer funding of all associated off-site highways works and maintenance, including a proportionate contribution for the Vale Avenue/Braye Road junction and the relocation of bus shelters, should be included within the Planning Covenant.

### **Neighbour amenity**

In principle, the proposed scheme is considered unlikely to have a significant effect on the amenity of neighbours of the site. However, specific representations have been received from occupiers of two properties located immediately to the north of the proposed pedestrian and cycle access to Lowland Road and to the west of the proposed commercial element of the development. The rears of these properties are close to the nearest commercial unit and to safeguard their reasonable amenities it is recommended that this unit be limited in height to a maximum of two storeys (maximum 7m to eaves) and that no windows be included on the west, rear elevation without prior approval. In addition, a representor requests that the boundary treatment between the pedestrian access and residential dwellings be carefully considered to respect residential amenity. These aspects should be controlled by conditions of any planning consent granted (Conditions 4 and 16).

## **Planning Covenants**

In order to secure the provision of affordable housing in accordance with IDP Policy GP11 and to achieve the necessary off-site highways works connected with providing access to the site and remedial measures elsewhere, along with suitable long-term management of the ecological off-set receptor site, a planning covenant will be required to be entered into, as described in section 23 of the Land Planning and Development Law, 2005, by each of the applicants. These are to include:

- The requirement for affordable housing contribution in accordance with GP11 with a provision that units may not be occupied until the provisions are complied with
- A requirement for developer funding of all associated off-site highways works and maintenance, including a proportionate contribution for the Vale Avenue/Braye Road junction and the relocation of bus shelters together with (as applicable) an appropriate commuted sum in respect of maintenance
- Payment of an appropriate commuted sum in respect of measures to achieve Biodiversity Net Gain (BNG)

## **Other matters**

### **Archaeology**

Section 12 of the ES relates to archaeology and the cultural heritage. The site has potential for remains associated with the former crossing of the Braye du Valle. A programme for archaeological works will be agreed with the Museums and Galleries Service. This will include targeted archaeological evaluation of the Block 1 area supplemented by a targeted watching brief of other relevant areas of the site (Condition 17).

### **Public art**

The DF notes in section 8.5 that the scale of the Regeneration Area provides an opportunity to incorporate and enhance the overall environment with public art. The Main Development Site proposals will be expected to include public art proposals of a scale that is proportionate to the site and should be considered as part of the masterplan/Design Codes to ensure an integrated approach. A strategy and proposals for public art should therefore be required by condition concerning Design Codes (Condition 4).

### **Land contamination and public health**

Sections 7 and 8 of the ES consider noise and ground conditions respectively. Consultation has been undertaken with the Office of Environmental Health and Pollution Regulation who recommend a number of conditions to safeguard public health and amenity, including one in relation to the possible impact of operation of the power station on the residential units within the scheme (Conditions 25 and 26).

### **Hours of Operation**

The Office of Environmental Health & Pollution Regulation recommended the following condition dealing with hours of operation, in order to adhere to best practice and minimise potential for nuisance to residential occupiers: “No deliveries shall be received at or

despatched from the commercial/retail units on the site outside the hours of 0800 and 1800 hours on Mondays to Fridays and 0800 and 1300 hours on Saturdays and there shall be no deliveries or despatches at any time on Sundays or public holidays.”

Such a restriction would however create operational difficulties for the applicants and representations have been made on the applicants’ behalf to seek that an alternative approach be taken, as follows:

“With regard to the [draft] Condition dealing with Deliveries. It is fully understood that this is a Condition that would be considered good practice in many circumstances but in respect of Leale’s Yard, it is a major concern for both applicants and it would be requested that this [draft] Condition is subject to significant change and amendment as its implications are far reaching. If implemented as currently indicated, the Coop would be unable to sell Sunday papers or any other produce delivered on a daily basis and that could be a similar situation for other retail and hospitality businesses that may operate within Leale’s Yard

There are a number of points which are particularly salient in respect of this matter and these include the following:

- The Coop will be a larger store catering for ‘weekly type’ shopping and will have a greater throughput of produce and will need to be regularly restocked and thus will need 7 days a week delivery.
- Some items will be delivered on a daily basis including, as noted above, items such as daily newspapers, fresh dairy produce and the like.
- The new Coop store is likely to be used as the base for on-line sales particularly aimed at those who are elderly, infirm, isolating and the like and these will be picked in store (during normal working hours) but will increase the volume of goods passing through the store.
- The delivery arrangements do mean that the majority of deliveries will be via the service road which is drive thru with no vehicle reversing (thereby avoiding reversing alarms) and the residential element is also very limited in this part of the site.
- The residential properties that currently exist on the Bridge itself are very limited and still some distance away from the new delivery areas and thus unlikely to be affected to any significant degree, it is also noted that at present there is no restrictions as to when delivery can take place and The Bridge properties are more vulnerable to noise from The Bridge traffic.
- Due to tides, weather conditions and other influences, delivery times for boats do vary and this needs to be accommodated so that essential items are in store at all times.
- The other ground floor retail units may well accommodate hospitality type operations and again, there will be times when circumstances require delivery outside of the hours indicated due to weather, unusual demand over a bank holiday, a sudden hot spell, etc and again a degree of flexibility does need to be maintained.
- There are many other retail and hospitality operations around the island where deliveries are readily accommodated outside of the indicated times and experience has shown these to not be a particular concern or problem, the Coop being very mindful of its own responsibilities as would other operators.

I have discussed this with the Co-op and it has been indicated that, if absolutely necessary, a compromise of no deliveries before 7am or after 10pm could be acceptable but provision does need to exist for 7 days a week delivery to not only the Coop but all of the ground floor premises which could operate as retail or hospitality outlets.

I do trust that this provides some of the input you need to be able to make the amendments that were discussed. As we indicated, this subject is a particularly critical one for both the Co-op and Omnibus and I do hope that it enables the issue to be addressed and dealt with at this stage. However, should you require further input then please do let me know and I will deal with the request.”

In this light of these detailed representations, it is recommended that the suggested ‘compromise’ of no deliveries before 7am or after 10pm daily is reasonable in this case (Condition 23).

### **Guernsey Ports**

The request for consultation will be passed to the applicants for information and taken into account when dealing with future reserved matters submissions.

### **Phasing and delivery plan**

In accordance with the DF, and to ensure that the required elements of the scheme which form key delivery requirements are provided at appropriate points of the development, a phasing and delivery programme is required by condition (Condition 5). The key elements that this must demonstrate the appropriate provision of include the following:

- Primary and secondary site accesses
- Public green space (1,500 sq.m. minimum)
- Public civic space (500 sq.m. minimum)
- Compensatory car parking spaces (20 minimum)
- Affordable housing in accordance with Policy GP11
- Community uses (500 sq.m minimum)
- Landscaping of the site including street trees

The requirement for a phasing and delivery programme (Condition 5) is key to providing sufficient flexibility within a grant of outline planning permission to ensure that other requirements, such as for Design Code Document/s under Condition 4 and the delivery of the key elements mentioned above, can be achieved in a way which does not inhibit the development coming forward in phases. Hence, for example, subject to agreement on the proposed sequence/timing of the key delivery requirements as part of the phasing plan, progress on the commercial element would not cause delay to the housing or supermarket. Consistent with this principle, Condition 4 allows for the phased submission of the Design Codes in accordance with the agreed phasing of development under Condition 5.

## **Conclusions**

The site is a Regeneration Area in the Main Centre of St Sampson and has an approved DF, adopted in 2020. The proposals are for major redevelopment of this large brownfield site which on implementation will deliver a substantial mixed-use development with significant economic and social benefits to Guernsey, particularly through the development of 338 new residential units along with new retail and commercial floorspace.

There are several areas identified in this report where the submitted proposals raise some concerns, most particularly in relation to the quality of the green space to be provided, the allocation of parking and its availability to occupiers of residential units, the amenity of some of those units and the height and appearance of the taller buildings in relation to the Bridge frontage. Other areas for particularly careful consideration relate to addressing the traffic issues raised by THS, minimising the impact on neighbours, improving the credentials of the scheme to become an exemplar of sustainable development, mitigation of impacts on ecology and biodiversity net gain through appropriate management and offsetting, provision of suitable landscaping and the achievement of affordable housing.

However, appreciating that this is an outline planning application with considerable further work to be undertaken before the final details of the scheme can come forward, it is concluded that the balance of benefits accruing from delivery of the scheme outweigh the concerns which can be mitigated so far as possible through the imposition of planning conditions, the statutory requirements for reserved matters and by entry by the applicants into necessary planning covenants.

Consequently, it is recommended that outline planning permission be granted subject to conditions and subject to the entry by the Owners (and all persons with an interest in the land) into binding planning covenant agreements in a form satisfactory to the D&PA.

**Date:** 8/11/2022

