

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

GRANT OF OUTLINE PLANNING PERMISSION

PROPOSALS: Revised Outline Planning Application to vary plans previously approved under outline consent OP/2022/0761 relating to 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 296 residential units, circa 4,058sqm of retail floor space, circa 5,380sqm of office space, circa 787sqm 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: 15/11/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 05/09/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: SRA Architects: 3801-SRA-XX-XX-D-A-PL-010 Rev P02, -PL-011 Rev P02, -PL-012 Rev P03, -PL-013 Rev P04, -PL-100 Rev P02, -PL-110 Rev P02, -PL-120 Rev P02, -PL-130 Rev P04, -PL-140 Rev P02, -PL-150 Rev P03, -PL-190 Rev P02, -PL-300 Rev P04, -PL-301 Rev P02.

Design Rationale Statement dated 05 November 2024.

Application Ref: OP/2024/1536

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
- 1.5. Servicing and delivery arrangements for all retail and commercial uses including arrangements for vehicles accessing Bridge Avenue
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 Level 05 storey as well as the roof form of Blocks 3, 5 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
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 - 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
 - 4.12. Treatment of north elevation of supermarket to ensure active frontage to the street
 - 4.13. Details of fenestration to residential and commercial buildings to avoid unacceptable overlooking and ensure adequate outlook
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) Community uses (500 sq.m minimum)
- vi) 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 Design Rationale Statement dated 05 November 2024.

Reason - To ensure that the Development accords with the submitted Design Rationale Statement.

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, Travel Plan 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 and Travel Plan 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 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 that part of Block 6 situated to the rear (east) of properties 'Elmstead' and Atec Engineering on Lowlands Road, and shown to be two storeys on the submitted plans, 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 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. Within 6 months 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.

27. This outline permission is granted subject to the entry by the Owners (and all persons with an interest in the land), prior to the submission of any Reserved Matters application in respect of the development or any phase of the development, into a binding planning covenant agreement in a form satisfactory to the Development & Planning Authority (the Authority) to manage ecology and traffic matters, as previously entered into in respect of outline application OP/2022/0761 but with amendments to refer to this new grant of outline planning permission.

Reason - To appropriately manage ecology and traffic matters in connection with the proposed development in compliance with the Land Planning and Development Law, the Island Development Plan and the approved Development Framework for the Leale's Yard Regeneration Area.

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.

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 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) for further advice. You must also ensure that any access/es to the development are constructed to meet the existing road/footway levels in accordance with their requirements.

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

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

A J ROWLES

Director of Planning

Planning Service



PLANNING APPLICATION REPORT

Application No: OP/2024/1536
Property Ref: C007500000
Valid date: 05/09/2024
Location: Leale's Yard Bridge Avenue Vale Guernsey
Proposal: Revised Outline Planning Application to vary plans previously approved under outline consent OP/2022/0761 relating to 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 296 residential units, circa 4,058sqm of retail floor space, circa 5,380sqm of office space, circa 787sqm 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):

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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 - 1.1. Street network
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 - 4.7. Access within Buildings (especially to the upper floor of flats, and mixed-use buildings)
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 - 4.10. Refuse and Recycling Facilities

- 4.11. TV aerials, alarm boxes and satellite dishes
- 4.12 Treatment of north elevation of supermarket to ensure active frontage to the street
- 4.13 Details of fenestration to residential and commercial buildings to avoid unacceptable overlooking and ensure adequate outlook
- 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) Community uses (500 sq.m minimum)
- vi) 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 Design Rationale Statement dated 05 November 2024.

Reason - To ensure that the Development accords with the submitted Design Rationale Statement.

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, Travel Plan 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 and Travel Plan 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 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 that part of Block 6 situated to the rear (east) of properties 'Elmstead' and Atec Engineering on Lowlands Road, and shown to be two storeys on the submitted plans, 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 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. Within 6 months 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 L_{Amax} 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.

27. This outline permission is granted subject to the entry by the Owners (and all persons with an interest in the land), prior to the submission of any Reserved Matters application in respect of the development or any phase of the development, into a binding planning covenant agreement in a form satisfactory to the Development & Planning Authority (the Authority) to manage ecology and traffic matters, as previously entered into in respect of outline application OP/2022/0761 but with amendments to refer to this new grant of outline planning permission.

Reason - To appropriately manage ecology and traffic matters in connection with the proposed development in compliance with the Land Planning and Development Law, the Island Development Plan and the approved Development Framework for the Leale's Yard Regeneration Area.

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'.

OFFICER'S REPORT

Site Description:

The Leale's Yard 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).

Relevant History:

OP/2022/0761

Outline Planning Application for the demolition of all buildings on site and the mixed use redevelopment of Leale's Yard involving the formation of new vehicular accesses to the Bridge and Nocq Road, the provision of 338 residential units, circa 5,800sqm of retail floor space, circa 8,000sqm of commercial floorspace, a multi-storey car park and associated landscaping, service roads and infrastructure (Environmental Impact Assessment Development).

Granted 16/11/2022. The associated Planning Covenants were signed on 7th May 2024.

FULL/2023/1549

Demolish buildings and walls and erect fencing and gates around site in preparation for redevelopment of site. Granted 21/05/2024

Prior to these decisions, planning permissions were granted for the redevelopment of the Leale's Yard site in 2011 and 2016.

Existing Use(s):

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

Brief Description of Development:

This is a revised Outline Planning Application to vary the plans previously approved under outline consent OP/2022/0761 relating to 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 296 residential units, circa 4,058sqm of retail floor space, circa 5,380sqm of office space, circa 787sqm of commercial floorspace, a multi-storey car park and associated landscaping, service roads and infrastructure (Environmental Impact Assessment Development). In addition to the 296 residential units which are varied from the previous scheme, 18 townhouses are proposed which are unchanged from the previous scheme.

The current proposal includes 296 one- and two-bedroom apartments which with the 18 previously proposed townhouses, gives a total of 314 residential units. This is a reduction of 24 units from the previous outline proposal as the previously proposed 26 units above the Co-op supermarket have been omitted and two additional units included within the reconfigured blocks of flats. Retail uses of various kinds make up a total of 4,058 sqm gross internal floor area whilst offices account for 5,380 sqm and industry, storage and distribution 787 sqm.

The application explains that the proposals have been developed since the introduction of a new modular construction supplier, which required changes to the residential block layouts previously proposed. Following a more holistic review, the design has been developed to that presented in the submitted Design Rationale Statement and submitted plans.

The proposed variations to the previously approved scheme are as follows:-

- Rearrangement and redistribution of residential accommodation across the site. The number of blocks has been reduced through consolidation of residential units. Along sensitive boundaries, residential block heights have been reduced to four storeys or less with three six-storey blocks in the centre of the site framing the central public space.
- Consolidation of civic and green spaces into a single combined public open space at the heart of the scheme
- Reduction in scale of the Co-op supermarket with previously proposed residential units above omitted/redistributed within the site. The store has a

double height shop floor area and mezzanine at the rear for storage, operational requirements and staff administration offices.

- Separation created between the Co-op and the multi-storey car park.
- Reduction in height of the multi-storey car park from 5 to 4 storeys
- Increased pedestrian and cycle permeability
- Servicing and delivery areas provided to residential and retail uses.
- Redesign of the commercial development zone with changes to building typology, layout and servicing strategy. The two light industrial units to the north-west of the site remain at two storeys, with the first floor a mezzanine space covering 50% of the building's footprint. The proposed office accommodation is three and four storey.

The previously proposed townhouses and associated parking to the north-east and south of the site are excluded from the current proposals and remain as per the previous outline consent.

Other principles of the previous scheme which are retained include:-

- Primary access points, from The Bridge/Vale Road, Bridge Avenue, Nocq Road and pedestrian access from Lowlands Road
- Location of the Co-op supermarket (albeit separated from the multi-storey car park and reduced in size)
- Footprint and location of the multi-storey car park
- Vehicular servicing strategy to the Co-op supermarket from Bridge Avenue.
- Ground floor retail uses.
- Commercial development to north-west of site
- Supporting documentation previously submitted, including approaches to ecology, flooding and visual impact.

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.

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 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 proposal to redevelop Leale's Yard constitutes EIA development within Schedule 2 to the EIA Ordinance. An EIA was undertaken and submitted with application OP/2022/0761. This EIA remains relevant and applies to the current application to vary the plans previously approved under outline consent OP/2022/0761.

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:

Three representations on the application have been received.

One representor expresses concern about a reduction of housing numbers proposed for this brownfield site which they considers should be resisted.

Another representor opposes the plans as unsuitable in their current format for the following reasons:-

- The plans describe the apartments comprising 1 bedroom/2 people and 2 bedroom/4 people. The potential to have 870+ people, including families crammed onto this site mostly in 6 storey buildings could have staggering impact for their wellbeing.
- Out of the 296 apartments there are 336 proposed parking spaces including in the multi-storey car park which means if just one person out of the 296 apartments had a car that would leave just 40 parking spaces left across the whole site, including the multi-storey car park for all the staff working in the two large office blocks, the commercial unit, the numerous retail shops each on the ground floor of the apartments, the staff from the large food retail outlet, plus all the customers visiting these establishments or friends/relations visiting the apartments. 40 spaces! The number of people living/working/visiting/shopping will be thousands daily.
- There is also a lack of sufficient communal area on site to accommodate all those people which needs addressing. Building social problems for the future isn't the way to address a housing crisis, people need space. It's definitely good news having apartments for families the island community desperately needs but not to the detriment of their health and well-being, they need space.
- I also looked at the road/pedestrian/cycle paths on the site and the access for fire engines to deal with any fires either within the 6 storey apartment blocks or any of the other apartment/office/commercial units. The access wasn't

that clear whether it complied with the requirement under building control? I have no doubt this will be considered by building control and Fire & Rescue before any plans are finalised?

- Site-poles would have assisted before the plans reached this stage reflecting how these 6 storey buildings would impact on the look of the Bridge and surrounding area bearing in mind they are higher than the buildings at Admiral Park.

The Guernsey Development Agency (GDA) is charged with enhancing the east coast of the Island including the Bridge and surrounding area. Whilst supportive of the development of Leale's Yard, the GDA objects to the proposed service access for the new supermarket using Bridge Avenue, which it considers would have a significant and detrimental impact on the GDA's emerging proposals for enhancement of The Bridge frontage.

Consultations:

Environmental Health & Pollution Regulation - I have reviewed the proposed plans to vary the previously approved outline application which was received by post on 16th September 2024. Having reviewed the plans I would refer to my previous comments dated 23rd May 2022. I can confirm that these comments still stand and remain valid I have no further comments to currently make.

Traffic & Highway Services

Traffic & Highway Services welcomes the opportunity to comment on what appears to be a material change to the proposed parking provision for the Leale's Yard site. From the information provided it appears that it is intended to reduce the on-site parking provision by 168 spaces. This is despite a similar quantum of residential development, an increase in retail over the previous plans but a reduction in land allocated to commercial use.

THS is committed to the delivery of the Integrated Transport Strategy (ITS) which seeks to promote a reduction in the miles travelled in private motor vehicles in favour of walking, cycling and buses, and is therefore supportive of the changes made to the design layout which enable more direct pedestrian and cycle routes through the site which should make alternative transport methods more appealing to residents and users of the site. However, the Strategy does acknowledge that motor vehicles will remain the principal mode of transport in the Island because it is recognised as so convenient to use and not all the policy levers to promote consideration of transport choice have been adopted.

The site is considered to be in a highly sustainable location from a transport perspective with retail, leisure, schools, and healthcare facilities all nearby. It is also near bus routes linking with other Main and Local Centres. Therefore, there does appear an opportunity to provide lower levels of parking than might historically have been recommended. However, it is also relevant that many of the Bridge businesses and residential properties appear reliant on the availability of public parking and a

reduction of spaces available within the Leale's Yard site could impact the surrounding area. Therefore, THS believes that a balance of provision needs to be sought with the development. Further, it has been noted that the Leale's Yard site, the work of the Guernsey Development Agency and proposed development at the former Quayside could all provide catalysts to regeneration which in turn could increase demand for parking. The Better Transport Plan should help to enhance the transport alternatives for the area, but it is worth noting that a report commissioned that underpins this plan suggested that it would be realistic to expect a 10% reduction in motor vehicle movements if the measures designed to improve transport choice are adopted in full. This broadly matches an expectation contained in the ITS about reducing peak hour vehicle movements.

Considering the above, THS is concerned about the apparent reduction in proposed on-site parking provision and the impact this could have on the wider Bridge area, particularly as we are unaware of any justification being provided or information about allocation of spaces across the site. Transport modal shift is planned but some caution is needed about whether that will result in large numbers of people totally relying on alternatives. Even if people embrace change in their transport daily habits, they would still require somewhere to leave a vehicle at the times it is not in use if those alternatives are not deemed sufficient to give-up vehicle ownership. THS would welcome clarity on how the proposed 336 spaces within the site are intended to be used e.g. allocated for specific users or residents, free of charge or at a cost, in order to better assess the impact of such a reduction in provision.

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 covenants

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 principle of the proposed development was established with the previous grant of outline planning permission on 16th November 2022 and the applicable planning policies remain the same as at that time. That previous outline permission expires on 16th November 2024 unless an application for approval of the reserved matters is submitted before that date.

The Draft Local Planning Brief (LPB) for the Harbour Action Areas has recently been published as part of the Planning Inquiry process but has not yet been adopted by the States of Deliberation and nothing within the draft LPB would militate against the development of Leale's Yard as currently proposed.

Mix and type of uses

The mix and type of uses proposed are similar to those previously approved, the main differences being:-

- Two blocks of offices (3 and 4 storey respectively) are specified within the previously approved commercial area;
- The proposed supermarket is reduced in scale (2 storey and smaller footprint);
- There are 24 fewer residential units, due to the omission of the units previously proposed above the Co-op store.

The overall mix and type of uses proposed accords with the terms of the previous consent and with the principles of the Leale's Yard Regeneration Area Development Framework.

Affordable housing

The residential units previously proposed above the Co-op supermarket have been omitted. Since the States' decision to zero-rate IDP Policy GP11, there is no requirement for affordable housing and the current proposal is acceptable.

Design and impacts on character and appearance

The application seeks amendments to the layout and scale/massing of proposed buildings in certain areas.

Blocks 3, 5 and 7 are proposed to be six storeys in height. In the previously approved scheme, Blocks 2, 3 and 7 were six storeys in height. In both cases the proposed blocks are situated in the centre of the site and the change in location will not give rise to significant impacts, subject to conditions requiring further details as previously imposed. A reduction in height of the multi-storey car park would reduce the impact of this element on the townscape.

The green open space and civic square have been combined and at approximately 2,400 sq m fulfil the requirements of the Development Framework. The space is enclosed by buildings with active retail frontages at ground floor level and there is appropriate provision made for people to move into and through the area.

Vehicular access to and through the site is similar to that previously proposed, however access to the commercial area is proposed to be taken to the rear of Block 3 rather than across the previously split areas of open space. This represents an improvement to the site layout, subject to design and landscaping of the access road and adjacent parking and servicing areas to ensure that this space has an appropriately high-quality character and identity. Rear servicing areas elsewhere in the scheme will need similarly careful consideration. These aspects are covered by the proposed conditions which reflect those previously imposed.

Generally, the development should create a network of streets and safe and comfortable external spaces, with clear definition of areas and between public and private spaces. Separation of the supermarket and multi-storey car park buildings creates a convenient pedestrian access route between Bridge Avenue and the public open space; however this will need to be well lit and managed to avoid potential amenity issues. The north-facing wall of the supermarket will need careful attention to ensure that it does not erode the quality of the main access avenue by presenting a blank frontage to the street. The reserved matters will need to demonstrate precisely how these matters will be addressed and these aspects are covered by the proposed conditions which reflect those previously imposed.

All the proposed residential flats will be single-aspect and some will have restricted outlook at lower levels (e.g. west elevation of block 5 and north elevation of block 6 which face towards the offices). However there will be access to balconies or external communal space. Overall, the level of amenity is likely to be similar to that of the previously approved scheme. Conditions will be required as previously imposed to ensure that the units are of adequate quality (e.g. to avoid overheating), and this will be considered in detail at the reserved matters stage.

The current proposals would have no greater effect on the Conservation Area than those previously approved. There would be no negative effect on Protected Buildings or Protected Monuments.

Access and traffic

The access arrangements into the site remain as previously proposed and approved. In this respect, having regard to the representation from the Guernsey Development Agency, the use of Bridge Avenue as service access for the supermarket was previously accepted and there has been no material change in circumstances to justify a different decision. Notwithstanding this, it will be possible to manage the impact of deliveries using this access. This aspect is covered by the proposed conditions which reflect those previously imposed.

Another representation refers to the adequacy of proposed parking provision within the site.

In respect to this representation and having regard to the consultation response from Traffic & Highways Services, the applicant has amended the proposals to include an additional half parking deck providing 32 more car parking spaces than originally proposed. The car park building would remain one storey lower than that previously approved.

As now proposed, there would be 412 car parking spaces on the site compared with 504 under the previously approved proposals. Proposed parking would be allocated to the supermarket (106 spaces) and commercial developments (55 spaces) and as previously 20 spaces would be provided as compensation for existing spaces on The Bridge.

Regarding the residential blocks, the remaining provision of 231 spaces (including 36 for the townhouses) would be within the maximum parking standards which apply in this area, in recognition of the sustainable location of the development near services and facilities and the opportunities to use public transport, walk and cycle.

The reduction in scale of the supermarket (from some 3,790 sqm to 1,800 sqm gross retail floor area) helps to explain the reduction in proposed parking from the previous scheme whilst the applicant has also confirmed that -

- A suitable car share scheme will be proposed as part of the full application to reduce demand across residential units onsite.
- A Travel Plan for the site will be prepared, which will aim to reduce reliance on the private car through the promotion of sustainable modes of travel, resulting in a modal shift.

The confirmation that proposals for a car share scheme and Travel Plan will be included at reserved matters stage is welcomed, as is the increase in car parking within the current scheme which responds positively to the comments of the representor and Traffic & Highways Services. This aspect is covered by the proposed conditions which reflect those previously imposed.

Fire service requirements and compliance with the Building Regulations will be considered in detail at the reserved matters stage and subsequently.

Flood risk

There has been no change in circumstances since the previous decision in November 2022 which would justify a different approach to flood risk. Proposals for an enabling flood defence on the Bridge are being progressed by the States.

Ecology and landscape

There has been no change in circumstances since the previous decision in November 2022 which would justify a different approach.

Neighbour amenity

The proposed changes to the location and mass of buildings within the site alter the relationship of development with adjoining properties.

A condition was imposed on the previous grant of outline permission to manage the relationship of the proposed development with the rear of properties on Lowlands Road. The current scheme addresses this by reducing the height of the west elevation of block 6 to two residential storeys and proposing a blank façade to the west.

The commercial unit and office block to the west of the site are adjacent to a car park serving the adjoining residential property and are therefore unlikely to have significant impacts although fenestration to the west elevations of these buildings should be positioned to avoid unnecessary overlooking. Fenestration to the south elevation of block 6 and parts of blocks 1 and 2 will also need careful consideration at reserved matters stage to ensure that the reasonable amenities of neighbours are respected in the detailed design. Section drawings have been produced of the relationships in these areas. These aspects are covered by the proposed conditions which reflect those previously imposed.

Planning covenants

The requirement for planning covenants to be in place to manage ecology and traffic matters remains as previously and the previous covenants dealing with these matters will need to be entered into again with amendments to refer to a new grant of outline planning permission.

The previous planning covenant regarding affordable housing contribution will no longer be required in connection with the present application.

Planning Conditions

The proposed planning conditions reflect those previously imposed on the extant outline planning consent with some minor amendments and additions which relate specifically to the issues referred to in this report.

Date: 15th November 2024

